United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, JULY 7, 2004 No. 92

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MURPHY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 7, 2004.

I hereby appoint the Honorable TIM MURPHY to act as Speaker pro tempore on this day.

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, Your words to the prophet Ezekiel are spoken today to each Member of Congress: ''Look closely and listen carefully. Mark well all that I show you, for this is why you have been brought here.''

Lord, through Your people's election, You have chosen the Members of this Congress and You hold them accountable. With the gift of Your word and wisdom, they are to read the times. Through their own efforts, they come to know Your people and the priority of Your people's needs. Through their common endeavor, they create a broad sweeping vision that holds Your people together as they decide the means to be used and make the laws of this land.

Guide them in this noble construction as You guided Ezekiel. All will be measured according to Your vision and purpose. Before speaking, the exhortation is ''to look closely and listen carefully.'' Only then will words and actions be truly prophetic. For You are the Lord now and forever. 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 Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON 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.

BUILDING PEACE BETWEEN INDIA AND PAKISTAN

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

Mr. WILSON of South Carolina. Mr. Speaker, as the leaders of India and Pakistan continue their efforts to bring peace to South Asia, a historic visit to Capitol Hill takes place this week by a delegation of parliamentarians from India and Pakistan for a joint political and cultural exchange. These 14 parliamentarians have traveled together as a team to America and represent the future hopes of more than 1 billion people.

While India and Pakistan have lived in enmity for more than 50 years, the people of both nations share similar cultures and ambitions such as respect for family, religious traditions, and the desire to see South Asia prosper financially with peace between these two nations. These parliamentarians represent the symbolic interest of these common interests.

The future of South Asia lies in the hands of its young men and women. I commend the American Council of Young Political Leaders for bringing this delegation of South Asian leaders to America, and I am confident that one day, India and Pakistan will live in peace as neighbors for mutual benefit as we all work together for victory in the global war on terror.

In conclusion, God bless our troops, and we will never forget September 11.

THE MIDDLE-CLASS SQUEEZE

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

Mr. LAMPSON. Mr. Speaker, middle-class families are feeling the pinch. They feel it as they try to afford health care, try to keep their jobs, and try to provide a rewarding education for their children.

When I am in southeast Texas, I talk to folks every day who tell me they cannot afford tuition for their children, health care for their parents, or even to provide for themselves. These folks are getting the middle-class squeeze at literally every level. They work harder and harder every day, work more and more hours every day, and make less and less. The middle class is paying more in taxes, and the tax breaks that the rich get are not there for the folks who really need it.

I hope that my colleagues will use the remainder of our time in session to support these families so that our hardest-working Americans do not get left behind.

TODD BUCHANAN

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

Mr. PENCE. Mr. Speaker, one can scarcely imagine a more horrifying and terrifying experience than what happened yesterday to Todd Buchanan as

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his van coasted with its electrical systems failing on Indiana State Road 67. Todd Buchanan is a 39-year-old quadriplegic. The electrical system in his van not only failed, but the sparks ignited a flame; and he sat helpless, unable to extricate himself from his vehicle with no one in sight.

At that moment with smoke and flames beginning to emit from the hood of the car, Allen Webster passing by pulled his car over and immediately began to reach into the flames and into the smoke to extricate him. Muncie police officer Kyle Temple joined as well as nearly a dozen passersby, and one police officer fought through the flames to their own injury to extricate Todd Buchanan safely.

The Bible says ''No greater love has a man than this, that he should lay down his life for his friends.'' Todd Buchanan is alive this morning and grateful to Allen Webster, Officer Kyle Temple, and many others because they brought this proverb to life and showed no greater love on Highway 67 yesterday, and they are rightly remembered on this floor of this Congress today.

CONGRATULATIONS KERRY-EDWARDS

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

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Senator JOHN KERRY for naming North Carolina's JOHN EDWARDS to the Democratic ticket. As our State's favorite son, Senator JOHN EDWARDS has done North Carolina proud time and again throughout his career as a people's lawyer, in the Senate, and on the Presidential campaign trail. He will do great things for our Nation.

My friend JOHN EDWARDS is in touch with the heartbeat of America because he has lived the American Dream. Growing up in the small rural town of Robbins, North Carolina, JOHN EDWARDS learned the values of hard work, a quality education, and helping lift up those around him who suffered hardship. He is a living example of what we call North Carolina values.

Mr. Speaker, America needs new leadership at the national level to make our country stronger at home and more respected around the world. America needs new leadership that represents the values, dreams, and aspirations of the middle-class families, those families struggling to make it into the middle class and those families struggling to stay in the middle class.

Mr. Speaker, Senator KERRY's choice of JOHN EDWARDS for a running mate is good news for North Carolina and good news for America.

CLINTON DEMOCRATS ARE WRONG ON TAX RELIEF

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

Mr. PITTS. Mr. Speaker, at a recent fundraiser, a group of well heeled Democratic contributors were told: ''Many of you are well enough off that . . . the tax cuts may have helped you. We are saying that for America to get back on track, we are probably going to cut that short and not give it to you. We are going to take things away from you on behalf of the common good.''

If these campaign contributors believe the tax relief affected only a few rich people, they are wrong. If none of this tax relief had become law in 2004, 111 million Americans would pay on an average of over $1,500 more in taxes, 49 million married couples would pay over $2,600 more in taxes, 11 million single women with children would pay over $900 more in taxes, 14 million elderly individuals would pay over $1,800 more in taxes, nearly 5 million individuals and families who currently have no income tax liability would have to pay the income tax.

The fact is middle-class families, small business owners, who have created most of our 1½ million new jobs this year, are not rich as some of our friends would have us believe.

HALLIBURTON AND VICE PRESIDENT CHENEY

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

Mr. STRICKLAND. Mr. Speaker, a recent editorial in the Columbus Ohio Dispatch reads thusly: ''The steady stream of revelations of colossal waste, mismanagement, and possible corruption by Halliburton and other U.S. contractors in Iraq demands an immediate and thorough investigation. At the same time, Vice President DICK CHENEY should be forthcoming with the House Committee on Government Reform.''

Among the accusations, a former logistics specialist said that Halliburton housed employees at $10,000 per day, a five-star hotel in Kuwait. A woman who handled subcontracts said the company paid $100 per bag for laundry service. A former employee said that Halliburton ordered that spare parts be removed from $85,000 trucks; if they got a flat tire, just burn the vehicle. These reports come on top of the fact that when one contract for Halliburton to provide meals was cancelled, the cost of food service decreased by 40 percent.

Halliburton and CHENEY owe the American people answers about how our tax dollars are being spent.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that remarks in debate may not engage in personalities towards the President or the Vice President. Policies may be addressed in critical terms, but personal references of an offensive or accusatory nature are not proper.

ENDING THE VISA LOTTERY

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

Mr. BURNS. Mr. Speaker, we enjoy our current prosperity because of the American work ethic, that hard work, sacrifice, perseverance, and doing the right thing really pay off in the end.

Unfortunately, the visa lottery teaches the exact opposite to those who would immigrate to the United States. It condones crime by allowing illegal immigrants to apply. It promotes fraud by allowing these illegal immigrants to enter the lottery under multiple different names. It lets those who did not work, who did not sacrifice or persevere to step in front of those who did by giving all an equal chance at a visa regardless of skills, education, or even humanitarian needs.

To allow the lottery system to continue to bring 50,000 people a year into our country while completely circumventing our legal and moral code is a crime against every American.

I urge my colleagues to join me and cosponsor the SAFE Act, H.R. 775, and repeal this visa lottery scam.

THREATENED POLLINATORS

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

Mr. BLUMENAUER. Mr. Speaker, on the floor of the House, we are often involved with contentious, hard political choices. Many of the sharpest disagreements deal with the environment. We look forward in the fall to a spirited debate between President Bush and Senator KERRY about their rhetoric and their actions in protecting our environment.

But one critical area that actually brings us together is on exhibit a short 10 minutes away from this House Chamber, down the hill at the National Botanical Gardens. This exhibit deals with the tens of thousands of threatened pollinators who make possible our quality of life, our agricultural bounty, things that range from fresh fruits and chocolate, flowers, even Tequila and other exotic items. These key species, from honey bees, fruit bats, butterflies, are, in fact, at risk. We in Congress, we as the American public, need to be aware of this. This is one of the environmental issues that is not that contentious, it is not that expensive, and, in fact, brings us together. I urge my colleagues to take advantage of the pollinator exhibit at the Botanical Gardens.

HONORING SERGEANT MAJOR ALFORD McMICHAEL

(Mr. BOOZMAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Sergeant Major Alford McMichael who will be inducted in the Arkansas Walk of Fame in his hometown of Hot Springs this Friday.

Alford McMichael became the first African American sergeant major of the United States Marine Corps on July 1, 1999. He left that post last year to become the senior enlisted adviser to NATO, the first person to fill this newly created position.

During his 30-plus years in the Marine Corps, Sergeant Major McMichael has earned numerous personal decorations including the Distinguished Service Medal, Legion of Merit, and the Meritorious Service Medal with gold star.

Mr. Speaker, I had the privilege of meeting Sergeant Major McMichael during a NATO parliamentary assembly trip and can attest to how very worthy he is of this tribute. It is my hope that by being honored on the Arkansas Walk of Fame, future generations will learn the inspirational story of Alford McMichael.

HHS IG REPORT

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

Mr. EMANUEL. Mr. Speaker, Inspector General's report released yesterday determined that the Medicare actuary provided accurate cost information about the Medicare bill to a select group of Members of Congress but not to all Members of Congress. This was because the Medicare administrator at the time threatened the actuary, Richard Foster, with the loss of his job if he disclosed the accurate information to all Members of Congress. These Members, the select group, chose to keep this information to themselves from other Members of Congress and, more importantly, from all the American taxpayers who are footing the bill for the $550 billion Medicare bill.

□ 1015

When we debated the Medicare bill on this floor, leaders in this Congress told us it would cost $400 billion, and we believed that this was true to the best of their knowledge. It is unfortunate that Members of this House were disrespectful to the taxpayers who are now going to pay an additional $150 billion, and with their colleagues, they withheld essential information about the true cost of the prescription drug bill. Even before a single senior citizen has received the benefit, taxpayers will be hit with another $150 billion bill.

This unwelcome surprise could have been avoided if this administration, Members of Congress and the leadership had shared the information they had about this bill.

UNFAIR URBAN AREA SECURITY INITIATIVE ALLOCATIONS

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

Mr. SHAW. Mr. Speaker, I rise in protest once again in regard to the unfair allocation of Urban Area Security Initiative grants from the Department of Homeland Security by the city of Miami. Broward County in my district has not received nearly enough, not nearly enough, for the funding it needs to keep our critical infrastructure safe from terrorist attacks.

On Sunday, a man crashed his SUV into a crowded terminal building at the Ft. Lauderdale-Hollywood International Airport in Broward County. He drove it all the way through two walls to the ticket counter. Airport officials were very quick to say, and correctly so, that the crash was not a terrorist act. But it could have been.

Let us not forget that this area was home to the al Qaeda operatives prior to 9/11. Airport security was tight for the holiday weekend, but there were no security measures in place and no physical structures that could have stopped this man from killing or injuring hundreds of travelers in the terminal. Having metal posts along the sidewalks would have made it impossible for this man to drive his SUV into the terminal. Instead, the crash caused $100,000 worth of damage and threatened the safety of hundreds of holiday travelers.

Mr. Speaker, both Broward and Palm Beach Counties are vulnerable targets. This is just one more reason why my district should be designated as its own urban area so that we can improve security measures that will protect our communities.

DELAYED SECURITY MEASURES

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

Mr. DEFAZIO. Mr. Speaker, today the Transportation Safety Administration finally announced that they are going to plug a huge, gaping loophole in aviation security, 15 months after I first brought this issue to their attention.

While Americans nationwide stand patiently in line and the pilots and flight attendants are standing in line, sometimes unnecessarily long lines because of an arbitrary cap on the number of screeners by the Republican majority, unbeknownst to them, hundreds of thousands of people on a daily basis have been filing around security carrying whatever they wanted, just flashing an ID at a guard. That is, all the vendors who work in the airport, the people who have access to the terminal and to the airplanes.

Finally today, today, after being beat over the head for months, the Transportation Security Administration is going to require that those people also go through security so that they will not be able to carry contraband, weapons, drugs or whatever through, to be smuggled aboard airplanes. This will improve security for Americans. It took an awfully long time to get action from the Bush administration to fill this loophole.

HAPPY BIRTHDAY TO PENNSYLVANIA STATE UNIVERSITY

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to honor the 150th anniversary of my district's largest employer, the Pennsylvania State University, which consists of 11 academic schools, 20 campuses throughout Pennsylvania, the College of Medicine, the Dickinson School of Law, and the Pennsylvania College of Technology.

Penn State was founded in 1855 as America's first land grant college and was the first institution in the Nation to offer a degree in agriculture. One in every eight Pennsylvanians with a college degree, one in every 50 engineers in America, and one in every four meteorologists in America are alumni of Penn State, which has the largest dues-paying alumni association in the Nation.

Penn State consistently ranks in the top three universities to receive SAT scores by high school seniors. Penn State hosts the largest student-run philanthropic event in the world benefiting the Four Diamonds Fund for families with children being treated for cancer.

Penn State has excelled at academic and athletic achievements by doing things honorably and exceptionally, by doing things the Penn State way.

Happy 150th birthday, Penn State. I am proud to represent you in Congress and add my voice to those exclaiming, ''We are Penn State.''

HONORING MARLON BRANDO

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

Mr. MORAN of Virginia. Mr. Speaker, every week we recognize all kinds of people and, though deserving, most of us have never heard of them. Today I would like to give some recognition to the passing of a man we have heard of.

I think the movie ''On The Waterfront'' was one of the finest American movies ever made because of the ability of Marlon Brando to depict that heroic struggle of a working class guy to achieve his own individual integrity. Then there was Stanley Kowalski, Don Corleone, and so many other iconic roles throughout Mr. Brando's career.

He was outstanding, but he always defied convention and challenged authority, and so he was always on the outskirts of proper society, but he deserves recognition.

I will always admire him for giving up the Oscar to recognize the shameful treatment that we have given Native Americans. I suspect that God broke the mold when Marlon Brando passed. We need more Marlon Brandos in our society. He was a man who had the courage of his convictions, and for that alone he deserves recognition in this body.

SERENITY IN WASHINGTON

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

Mr. BURGESS. Mr. Speaker, this morning I just want to draw a sharp criticism against Members of this House who have sent a letter to Kofi Annan of the United Nations asking for United Nations monitors at our elections in November.

Mr. Speaker, I will have to admit there are people in my district, a great many constituents in my district who do not understand what goes on in Washington. We have a candidate for the highest office in the land who talks about some vague references to foreign leaders who would prefer him. We have a judiciary that seems to have its eye on the international courts. And now we have Members of this body asking for U.N. observers at our elections. We have got borders that are so porous as to be a joke.

The people in my district rightly ask, ''Does serenity mean anything in Washington?''

IN THE EYE OF THE BEHOLDER

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

Mr. McDERMOTT. Mr. Speaker, the last speaker wonders why the rest of the world does not want any more of George Bush. If he would travel outside of his district, he would find out they say it everywhere you go.

I was just in India. This administration's economic policy can best be summed up in the word, ''Oops.'' They like to swagger about how tax cuts for the rich have propelled the U.S. economy to staggering new heights. Staggering is the right word to describe the U.S. economy and what this administration has done to it.

Job creation is nowhere near, not even close to what America needs just to make up for the jobs lost during this administration. The administration can pretend all it wants, but people know that long-term unemployment is the highest in 20 years, few new jobs have been created, the few that have been pay less than the ones they replaced. Health care is crushing family budgets and forcing too many Americans to choose between medicine and food.

Americans know a staggering economy is the mark of an administration that has overstayed its welcome and does not deserve a second chance.

November 2 is exactly 118 days away. Please, Mr. Speaker, let the President know so he can prepare to move out.

LET FREEDOM REIGN

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

Mr. GINGREY. Mr. Speaker, last week was an important one for the United States and the world when Iraq once again became a sovereign nation. I found the transition of power to the Iraqi people to be very appropriate, timely and encouraging.

I believe it was very telling when President Bush in his own hand wrote, ''Let freedom reign,'' just moments after receiving the notice of the transfer of power to the new Iraqi Government.

As American citizens, we should be proud that the United States has aided the Iraqi people in their effort to live free of Saddam Hussein's terror. Through democracy, Iraq and the world can achieve peace and prosperity.

When the Iraqi embassy raised their flag in Washington, D.C., for the first time in recent memory, it was a symbolic gesture for all of those in the free world to say, ''Let freedom reign.''

STOP BRUTALITY IN SUDAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. First, Mr. Speaker, I was going to speak about the outrage of the faulty intelligence analysis given to the American people and to this Congress about weapons of mass destruction in Iraq. But I think it is appropriate, to save lives, to condemn the nation of Sudan, recognizing the pillaging, ravaging and brutality of women and children and families; the burning of African villages; the ethnic cleansing; the genocide that is going on in Sudan; the complete murder and collapse of government; the fact that women are terrorized every day, men are killed, and people cannot live in a decent way of life.

It is time for the government in Khartoum to be condemned. It is time to recognize that the United Nations has to stop this terrible ethnic cleansing and genocide, for we will be reminded of Rwanda where a million died. They are dying daily by the thousands in Sudan. It is time now for us in this Congress to join together with people of good will around the world to stop the murder and condemn it and demand of Khartoum, the Government of Sudan, to be able to stand up against Janjaweed and the Muslim killers that are killing African Muslims.

It is a disgrace. It is an outrage. We must stand together against this brutality.

KEEP THE U.N. OUT OF AMERICAN ELECTIONS

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

Mr. SMITH of Michigan. Mr. Speaker, I was going to make some comments about overspending and overpromising and the imposition that puts on our kids and grandkids. But just following up on the U.N., I am very concerned about the U.N. and how much that the U.N., as a tool, can accommodate some of our goals in the United States; and I am particularly concerned when some Members have suggested that the U.N. should come in and monitor our presidential elections.

What comes to mind is the fiasco of the Oil for Food program. The U.N. bureaucrats in Iraq did not file reports and bring irregularities to the attention of the Security Council countries that had a particular vested interest, allowing corruption to take place in the Oil for Food program.

I am very concerned, the people of the United States should be concerned, how it works, and the fact that a lot of the individual ambassadors in the United Nations are looking out for nothing except what is in the best interest of their particular country, not what is good for the humanitarian, economic or security efforts of the whole world.

FREE AMERICAN LIBRARIES

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, today I will be supporting the Sanders Freedom to Read amendment which would curb the FBI's unlimited power to examine library records without providing evidence that one is under reasonable suspicion of terrorism.

The free library is a great American institution. But under the PATRIOT Act, your local library is no longer free. It can cost you your civil liberties, and in America that makes it very expensive.

We should not have to think twice about how our intellectual curiosity might be analyzed by a Federal investigation. This is a chilling thought in the land of the free. We must protect our country against terrorism. Reinstating laws allowing the FBI to conduct searches on library and bookstore records with search warrants and criminal subpoenas would not jeopardize our national security; it would protect our constitutional right to privacy and make our Nation's libraries free again.

GOOD DEAL FOR SENIORS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today because I understand that the minority leader is calling the Medicare prescription drug card ''a bad deal for seniors.''

With passage of the Medicare bill last year, hundreds of thousands of seniors can now take advantage of the voluntary prescription drug discount cards and finally have relief with their prescription drug costs.

Is giving them choice and control over their prescription drug costs a bad deal for seniors? I think not.

A CMS study showed that seniors using the prescription drug discount cards are saving between 46 and 92 percent on commonly used prescription drugs through the use of generic drugs.

□ 1030

Is cutting in half their prescription costs a bad idea for seniors? I think not. Furthermore, in my district, 21,000 of the poorest seniors will receive an additional $600 cash subsidy to help them with prescription costs. Is helping our Nation's deprived seniors with the thing that they need most a bad deal for seniors? I think not.

THE MIDDLE-CLASS SQUEEZE

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, last month's disappointing job creation numbers demonstrate that our colleagues on the other side of the aisle have a lot of work to do to help improve this economy. The economy only created 112,000 jobs last month, less than half of what economists predicted. Over 90 percent of the new jobs that were created were found in the service sector area, and they pay less-than-average hourly wages. Many do not even provide health care benefits. In fact, many people in my own District have to work two and three part-time jobs just to make ends meet to put food on the table.

Wages are now at the lowest point in 2 years, and a typical family is now making $1,500 less than they were last year. Unemployment rates in my district in East Los Angeles and the San Gabriel Valley, I am not proud to say, they are about 10 percent, way above the national average. For Latino youth, youth that I represent, they are experiencing double-digit inflation. Right now, they are also unable to find part-time jobs this summer that they badly need.

Mr. Speaker, I ask that the Republican Party take a second look at our economy. Let us keep those jobs at home, and let us increase the wages of working families.

BUSH'S JUDICIAL APPOINTEES

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

Mr. CONYERS. Mr. Speaker, the President of the United States is in Michigan today complaining of the lack of support he is getting for judicial appointments. I, as the ranking member on the Committee on the Judiciary, rise to point out to our President that the Senate has confirmed 97 percent of the appointees put forward by President Bush and that the vacancy rate on the Federal courts is only 5 percent, the lowest that it has been in 14 years.

The rest of my remarks concern why there is opposition, frequently from Senate Democrats but Democrats in the other body and sometimes Republicans against Ms. Priscilla Owen, Charles Pickering, Miguel Estrada, whose nomination was thankfully withdrawn, Carolyn Kuhl, William Pryor and Janice Rogers Brown.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY). Members are reminded to avoid improper references to the Senate.

JUNE JOBS NUMBERS

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

Mr. PALLONE. Last month, President Bush presided over an economy that created only 112,000 jobs, but we have to create 150,000 jobs just to keep up with population increases.

One would think this disappointing news would concern President Bush. Instead, Bush embraced the news, describing it as ''steady growth.'' The President also had the audacity to say our economy does not need ''boom or bust-type growth.''

When is President Bush going to realize that our economy desperately needs a boom; that the failed policies he has been touting over the last 3 years are not creating enough jobs to put millions of Americans back to work; that today's economy is benefiting the wealthiest Americans to the detriment of the middle class?

The economic record of both President Bush and congressional Republicans is an utter failure, and the President's statements show that he is also clearly out of touch with the economic realities that middle-class Americans presently face. Perhaps President Bush has been spending too much time hanging out with his wealthy friends to realize that middle-class Americans are struggling to make ends meet.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions 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.

Record votes on postponed questions will be taken later today.

HIGH-PERFORMANCE COMPUTING REVITALIZATION ACT OF 2004

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4218) to amend the High-Performance Computing Act of 1991, as amended.

The Clerk read as follows:

H.R. 4218

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''High-Performance Computing Revitalization Act of 2004''.

SEC. 2. DEFINITIONS.

Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) in paragraph (2), by inserting ''and multidisciplinary teams of researchers'' after ''high-performance computing resources'';

(2) in paragraph (3)—

(A) by striking ''scientific workstations,'';

(B) by striking ''(including vector supercomputers and large scale parallel systems)'';

(C) by striking ''and applications'' and inserting ''applications''; and

(D) by inserting '', and the management of large data sets'' after ''systems software'';

(3) in paragraph (4), by striking ''packet switched''; and

(4) by amending paragraphs (5) and (6) to read as follows:

''(5) 'Program' means the High-Performance Computing Research and Development Program described in section 101; and

''(6) 'Program Component Areas' means the major subject areas under which are grouped related individual projects and activities carried out under the Program.''.

SEC. 3. HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended—

(1) in the title heading, by striking ''**AND THE NATIONAL RESEARCH AND EDUCATION NETWORK**'' and inserting ''**RESEARCH AND DEVELOPMENT**'';

(2) in section 101—

(A) the section heading, by striking ''**NATIONAL HIGH-PERFORMANCE COMPUTING**'' and inserting ''**HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT**'';

(B) in subsection (a)—

(i) in the subsection heading, by striking ''NATIONAL HIGH-PERFORMANCE COMPUTING'' and inserting ''HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT'';

(ii) by striking paragraphs (1) and (2) and inserting the following: ''(1) The President shall implement a High-Performance Computing Research and Development Program, which shall—

''(A) provide for long-term basic and applied research on high-performance computing;

''(B) provide for research and development on, and demonstration of, technologies to advance the capacity and capabilities of high-

performance computing and networking systems;

''(C) provide for sustained access by the research community in the United States to high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, including provision for technical support for users of such systems;

''(D) provide for efforts to increase software availability, productivity, capability, security, portability, and reliability;

''(E) provide for high-performance networks, including experimental testbed networks, to enable research and development on, and demonstration of, advanced applications enabled by such networks;

''(F) provide for computational science and engineering research on mathematical modeling and algorithms for applications in all fields of science and engineering;

''(G) provide for the technical support of, and research and development on, high-performance computing systems and software required to address Grand Challenges;

''(H) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, computer and network security, applied mathematics, library and information science, and computational science; and

''(I) provide for improving the security of computing and networking systems, including Federal systems, including research required to establish security standards and practices for these systems.'';

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(iv) in paragraph (2), as so redesignated by clause (iii) of this subparagraph—

(I) by striking subparagraph (B);

(II) by redesignating subparagraphs (A) and (C) as subparagraphs (D) and (F), respectively;

(III) by inserting before subparagraph (D), as so redesignated by subclause (II) of this clause, the following new subparagraphs:

''(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities;

''(B) establish Program Component Areas that implement the goals established under subparagraph (A), and identify the Grand Challenges that the Program should address;

''(C) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program;''; and

(IV) by inserting after subparagraph (D), as so redesignated by subclause (II) of this clause, the following new subparagraph:

''(E) develop and maintain a research, development, and deployment roadmap for the provision of high-performance computing systems under paragraph (1)(C); and''; and

(v) in paragraph (3), as so redesignated by clause (iii) of this subparagraph—

(I) by striking ''paragraph (3)(A)'' and inserting ''paragraph (2)(D)'';

(II) by amending subparagraph (A) to read as follows:

''(A) provide a detailed description of the Program Component Areas, including a description of any changes in the definition of or activities under the Program Component Areas from the preceding report, and the reasons for such changes, and a description of Grand Challenges supported under the Program;'';

(III) in subparagraph (C), by striking ''specific activities'' and all that follows through ''the Network'' and inserting ''each Program Component Area'';

(IV) in subparagraph (D), by inserting ''and for each Program Component Area'' after ''participating in the Program'';

(V) in subparagraph (D), by striking ''applies;'' and inserting ''applies; and'';

(VI) by striking subparagraph (E) and redesignating subparagraph (F) as subparagraph (E); and

(VII) in subparagraph (E), as so redesignated by subclause (VI) of this clause, by inserting ''and the extent to which the Program incorporates the recommendations of the advisory committee established under subsection (b)'' after ''for the Program'';

(C) in subsection (b)—

(i) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(ii) by inserting ''(1)'' after ''Advisory Committee.—'';

(iii) in paragraph (1)(C), as so redesignated by clauses (i) and (ii) of this subparagraph, by inserting '', including funding levels for the Program Component Areas'' after ''of the Program'';

(iv) in paragraph (1)(D), as so redesignated by clauses (i) and (ii) of this subparagraph, by striking ''computing'' and inserting ''high-performance computing and networking''; and

(v) by adding at the end the following new paragraph:

''(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program, and shall report not less frequently than once every two fiscal years to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within one year after the date of enactment of this paragraph.''; and

(D) in subsection (c)(1)(A), by striking ''Program or'' and inserting ''Program Component Areas or''; and

(3) by striking sections 102 and 103.

SEC. 4. AGENCY ACTIVITIES.

Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended—

(1) by amending subsection (a) of section 201 to read as follows:

''(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Science Foundation shall—

''(1) support research and development to generate fundamental scientific and technical knowledge with the potential of advancing high-performance computing and networking systems and their applications;

''(2) provide computing and networking infrastructure support to the research community in the United States, including the provision of high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, and including support for advanced software and applications development, for all science and engineering disciplines; and

''(3) support basic research and education in all aspects of high-performance computing and networking.'';

(2) by amending subsection (a) of section 202 to read as follows:

''(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Aeronautics and Space Administration shall conduct basic and applied research in high-performance computing and networking, with emphasis on—

''(1) computational fluid dynamics, computational thermal dynamics, and computational aerodynamics;

''(2) scientific data dissemination and tools to enable data to be fully analyzed and combined from multiple sources and sensors;

''(3) remote exploration and experimentation; and

''(4) tools for collaboration in system design, analysis, and testing.'';

(3) in section 203—

(A) by striking subsections (a) through (d) and inserting the following:

''(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Secretary of Energy shall—

''(1) conduct and support basic and applied research in high-performance computing and networking to support fundamental research in science and engineering disciplines related to energy applications; and

''(2) provide computing and networking infrastructure support, including the provision of high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, and including support for advanced software and applications development, for science and engineering disciplines related to energy applications.''; and

(B) by redesignating subsection (e) as subsection (b);

(4) by amending subsection (a) of section 204 to read as follows:

''(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I—

''(1) the National Institute of Standards and Technology shall—

''(A) conduct basic and applied metrology research needed to support high-performance computing and networking systems;

''(B) develop benchmark tests and standards for high-performance computing and networking systems and software;

''(C) develop and propose voluntary standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computing systems in networks and for common user interfaces to high-performance computing and networking systems; and

''(D) work with industry and others to develop, and facilitate the implementation of, high-performance computing applications to solve science and engineering problems that are relevant to industry; and

''(2) the National Oceanic and Atmospheric Administration shall conduct basic and applied research on high-performance computing applications, with emphasis on—

''(A) improving weather forecasting and climate prediction;

''(B) collection, analysis, and dissemination of environmental information; and

''(C) development of more accurate models of the ocean-atmosphere system.''; and

(5) by amending subsection (a) of section 205 to read as follows:

''(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Environmental Protection Agency shall conduct basic and applied research directed toward advancement and dissemination of computational techniques and software tools for high-performance computing systems with an emphasis on modeling to—

''(1) develop robust decision support tools;

''(2) predict pollutant transport and the effects of pollutants on humans and on ecosystems; and

''(3) better understand atmospheric dynamics and chemistry.''.

SEC. 5. SOCIETAL IMPLICATIONS OF INFORMATION TECHNOLOGY.

In carrying out its programs on the social, economic, legal, ethical, and cultural implications of information technology, the National Science Foundation shall support research into the implications of computers (including both hardware and software) that

would be capable of mimicking human abilities to learn, reason, and make decisions.

SEC. 6. ASTRONOMY AND ASTROPHYSICS ADVISORY COMMITTEE.

(a) AMENDMENTS.—Section 23 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–9) is amended—

(1) by striking ''and the National Aeronautics and Space Administration'' each place it appears in subsections (a) and (b) and inserting '', the National Aeronautics and Space Administration, and the Department of Energy'';

(2) in subsection (b)(3), by inserting ''the Secretary of Energy,'' after ''the Administrator of the National Aeronautics and Space Administration,'';

(3) in subsection (c)—

(A) by striking ''5'' in each of paragraphs (1) and (2) and inserting ''4'';

(B) by striking ''and'' at the end of paragraph (2);

(C) by redesignating paragraph (3) as paragraph (4), and in that paragraph by striking ''3'' and inserting ''2''; and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) 3 members selected by the Secretary of Energy; and''; and

(4) in subsection (f), by striking ''the advisory bodies of other Federal agencies, such as the Department of Energy, which may engage in related research activities'' and inserting ''other Federal advisory committees that advise Federal agencies which engage in related research activities''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 15, 2005.

SEC. 7. REMOVAL OF SUNSET PROVISION FROM SAVINGS IN CONSTRUCTION ACT OF 1996.

Section 14(e) of the Metric Conversion Act of 1975 (15 U.S.C. 2051(e)) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Tennessee (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4218, as amended, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, when we think of how computers affect our lives, we probably think of the work we do on our office desktop machines or maybe the Internet surfing we do in our spare time. We do not normally think of the enormous contribution that supercomputers, also called high-performance computers, make to the world around us.

These powerful machines are used in the development of pharmaceuticals, in modeling the Earth's climate, and in applications critical to ensuring our national and homeland security. They also help ensure our economic competitiveness. In a recent Subcommittee on Energy hearing, we heard how supercomputers can help companies anticipate how new products will behave in different environments using simulations that are called ''virtual prototyping.'' These approaches help companies increase the speed to market for new products.

High-performance computers also are central to maintaining U.S. leadership in many scientific fields. Computational science complements theory and experimentation in fields such as plasma physics and fusion, astrophysics, nuclear physics, and genomics.

The top computer in the world today, the Earth Simulator, is not in the United States. It is in Japan. Some experts claim that Japan was able to produce the Earth Simulator, a computer far ahead of American machines, because the U.S. had taken an overly cautious and conventional approach to computing R&D.

Beginning in the 1990s, the U.S. focused on a single architecture for high-performance computing and emphasized the use of commercially available components over custom-made components. In hindsight, we see that this approach has meant lost opportunities. Japan's Earth Simulator is an example of a road not taken.

The U.S. is still a leader in supercomputing. In fact, 10 of the top 20 most powerful computers in the world today are in the United States. Even so, the Earth Simulator is nearly three times as fast as the most powerful computer in the United States, the ASCI-Q computer at Los Alamos National Laboratory.

The bill we are considering today on the floor, H.R. 4218, will ensure that America remains a leader in the development and use of supercomputers.

To achieve this aim, the bill does four things.

First, it requires that Federal agencies provide the U.S. research community access to the most advanced high-performance computing systems and technical support for their users.

Second, there is more to supercomputing than building big machines. That is why the bill requires Federal agencies to support all aspects of high-performance computing for scientific and engineering applications.

Third, the bill requires the White House Office of Science and Technology Policy to direct an interagency planning process to develop and maintain a research, development and deployment roadmap for the provision of high-performance computing resources for the U.S. research community.

The original legislation that the bill amends, the High-Performance Computing Act of 1991, gave rise to an interagency planning process that has lost the vitality it once had. This provision will help ensure a robust planning process so that our national high-performance computing effort is not allowed to lag in the future.

Finally, the bill clarifies the missions of each of the Federal agencies that have a role in developing or using high-performance computing.

Mr. Speaker, at a full committee hearing on May 13, Dr. John Marburger of the White House Office of Science and Technology Policy communicated the administration's support for this bill. The bill is consistent with a report written by the High End Computing Revitalization Task Force and released by OSTP on the day of the hearing.

Mr. Marburger and the Bush administration recognize that we cannot imagine the kinds of problems that these supercomputers of tomorrow will be able to resolve, but we can imagine the kind of problems we will have if we fail to provide researchers in the United States with the computing resources they need to remain world class.

This bill will guide Federal agencies and provide a needed support to high-performance computing and its user communities. Our Nation's scientific enterprise, and our economy, will be stronger for it. I urge my colleagues to support this bill.

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

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I would like to encourage my colleagues to vote in favor of H.R. 4218, the High-Performance Computing Revitalization Act of 2004, which the gentlewoman from Illinois (Mrs. BIGGERT) and I have introduced. I also want to thank the gentlewoman from Illinois (Mrs. BIGGERT) for her work in developing this legislation.

H.R. 4218 amends the High-Performance Computing Act of 1991, which established a major Federal research and development program in computing and networking that now involves seven agencies and is funded at about $2 billion per year. This bill seeks to reverse a gradual weakening of the planning mechanisms for the research and development program established by the 1991 act.

High-performance computing and communications technology is key to the Nation's economic competitiveness and security, and it is important to prioritize and effectively coordinate activities among the performing agencies. This bill requires formal biennial reviews of the interagency program by the President's Information Technology Advisory Committee in order to provide outside advice for sharpening program priorities and improving program implementation.

H.R. 4218 also attempts to focus more effort by the interagency program on high-end computing. The key requirement is for the Office of Science and Technology Policy to develop and maintain a roadmap for developing and deploying high-end systems necessary to ensure that the U.S. research community has sustained access to the most capable computing systems. In addition, NSF is explicitly required to provide for access by researchers to such computing systems. These requirements are designed to ensure the research community has access to the

most powerful computing systems in the world.

Mr. Speaker, the interagency research program launched in 1991, as I have said, has largely been a great success. It has helped provide the computing and networking infrastructure required to support leading-edge research and to drive technology information forward for the benefit of all of us and society at large.

H.R. 4218 will serve to strengthen the research program and deserves swift, favorable passage. Again, I ask my colleagues for their support of this bill.

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

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Speaker, I thank the gentlewoman for yielding this time, and I want to rise in strong support of H.R. 4218. I want to particularly thank the gentlewoman from Illinois (Mrs. BIGGERT) for the leadership she has provided and to the gentleman from Tennessee (Mr. DAVIS) in being her partner in this enterprise. This is an important measure, and I proudly rise to give my unqualified support for it.

This measure flows from two simple, unarguable premises: The computing industry has become a fundamental building block of our entire economy, and computing has become an indispensable part of conducting research and development here at home.

That means that it is incumbent on the Federal Government to ensure that it is doing everything possible to strengthen the long-term competitiveness of the computing industry and to ensure that our Nation's researchers have access to the best computers in the world.

The bill is designed to accomplish those two goals by strengthening our existing interagency programs on high-performance computing. Frankly, in recent years, we have taken our eye off the ball a little bit; and as a result, the Japanese now have the fastest computer in the world. Not to worry, we are being challenged. They are breathing down our neck, but we are preparing to respond; and we have to reverse that trend. They have one machine; we have many machines. We are clearly number one in the world, and we are determined to maintain that position.

The administration knows that, and led by Dr. Jack Marburger at the White House Office of Science and Technology Policy, the administration is increasing its focus on this area and issued a new report laying out how it plans to do so.

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This legislation will give additional impetus to those efforts. The bill should ensure that Federal agencies coordinate their efforts both to fund R&D on computing hardware and software and to fund access to the best computers.

I will never forget the testimony I heard some 20 years ago as a junior member of the Committee on Science, that is, before the government began its supercomputing initiative. That testimony came from Nobel Laureate Ken Wilson, who was then at Cornell. He said to us, and this was in the early 1980s, he said to us that he and his students had to go overseas to get the computing resources they needed. We were determined that that would never happen again, and therein was born the supercomputer initiative in America.

In the 1990s, we all know this, in the 1990s we enjoyed unprecedented growth in our economy, for 10 years, quarter-after-quarter, year-after-year growth in the economy, and more jobs being created. The Information Age was upon us. And because of what the government was doing, what we were investing in in supercomputing technology, that was largely made possible.

Mr. Speaker, I urge my colleagues to support this urgently needed, carefully targeted bill that will make sure that the U.S. builds and American scientists can use the best computers in the world. These days, that is a necessary condition for the long-term success of our economy, and we are determined to guarantee the long-term success of our economy.

So to the chairwoman, the gentlewoman from Illinois (Mrs. BIGGERT), and the gentleman from Tennessee (Mr. DAVIS), I commend you both for the outstanding cooperation that was evidenced in developing this measure. I particularly want to thank the gentlewoman from Illinois (Mrs. BIGGERT) for the leadership she has provided. Time after time she has proven that she is there with a solution to the problem. We do not have a problem that we cannot tackle and overcome, and she has proven it once again.

So I urge my colleagues to register their strong support for H.R. 4218.

Mr. DAVIS of Tennessee. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. SMITH), the chairman of the Subcommittee on Research of the House Committee on Science.

Mr. SMITH of Michigan. Mr. Speaker, it should concern everyone who has followed technological developments, especially in recent years, to see the United States is falling behind. It has been said a couple of times that Japan's Earth Simulator Computer is now faster and more efficient than anything in the United States.

I congratulate the gentlewoman from Illinois (Mrs. BIGGERT) for her initiative in sponsoring and moving this legislation through the legislative process. Let it be said that everyone agrees that over the last 30 years invention and innovation have been among the greatest driving forces behind the tremendous technological advances that we have had and the ability of the United States to develop high-quality products and the way to produce those products that can be competitive in a world market.

I think at the forefront of our innovation has been the development of these supercomputers. They have allowed us to make new discoveries, design new technologies, and develop new products more quickly and at much lower cost than we would have thought imaginable even 10 years ago.

As chairman of the Subcommittee on Research for the last several years, I have been proud to support our Nation's efforts in these and other important scientific endeavors, and I have been especially interested and strongly supportive of continuous investment, financial and otherwise, of all stages of our tech advancement, from the initial investigation of new concepts down to technology demonstrations and products.

What has also been made clear in recent years is that government alone cannot and probably should not be the sole contributor to America's scientific endeavors. Continuous investment is needed in all contributing sectors of society, certainly from universities to national laboratories to private sector corporations to vendors. That falls back on a goal that we must also have in this country, and that is capable scientists that are going to make invention and innovation happen.

I would just like to bring to my colleagues' attention what a high-tech supercomputer is. According to an April 2003 report, IBM is now looking to develop, in conjunction with Lawrence Berkeley National Laboratory and the Argonne National Laboratory, a system that will perform at twice the level of the Earth Simulator, hopefully by 2005.

In addition, the Department of Energy has contracted with IBM to develop two systems, the ASCI Purple and Blue Gene program that together, listen to this, will be able to perform 460 trillion calculations per second. The Earth Simulator's peak capacity is 40 trillion operations per second. So we are moving ahead, and this legislation is going to help assure that we move ahead, that the United States stay in control.

This is important legislation that will not only help our Nation remain competitive with countries such as Japan, but will help the United States to maintain its leadership in tech advancement. So, again, I thank our Committee on Science chairman and ranking member, and I thank the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. DAVIS of Tennessee. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), who is a member of the Subcommittee on Energy and Water Development of the Committee

on Appropriations, and has been a great help to the scientific community, the Department of Energy, and all its programs, and especially the Office of Science. So we appreciate all his hard work on behalf of them.

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

Mr. WAMP. Mr. Speaker, I certainly appreciate the gentlewoman's leadership. I do come as an appropriator today to say thanks to the authorization committee, and thanks to the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT); the Chair of the subcommittee, the gentlewoman from Illinois (Mrs. BIGGERT); the ranking members, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Tennessee (Mr. DAVIS).

Mr. Speaker, I am proud that Tennesseeans stand together in a bipartisan way today. Of course, I represent the Oak Ridge National Laboratory in Oak Ridge, Tennessee, and Oak Ridge is a lead laboratory for high-speed computing. So I come with great excitement today because our Subcommittee on Energy and Water Development of the Committee on Appropriations has actually gone beyond what we were authorized to do or what the administration asked for on supercomputing, because our chairman, the gentleman from Ohio (Mr. HOBSON), believes, as we believe, that this is the seed corn for the future; that we must make these investments if we are to have a robust economy and a very high quality of life and experience the growth that this country deserves and, frankly, we should expect. And it comes with scientific investment.

Basic research, for years, through the physical sciences, led to the breakthroughs that we enjoy today. Space had a lot to do with it. And then the life sciences of the last 15 years, as we tried to get our arms around diabetes and Alzheimer's and Parkinson's; and so we invested heavily in life sciences. But there is a whole new field that is part of the physical science arena called high-speed computing, computer simulation and modeling. We are going to be able to do things with computers that we will not even need a laboratory for, because we can simulate with the use of high-speed computing. It is a whole new field.

I will tell my colleagues that as we invest in it, our economy will grow and the budget will come closer to balance because we are making these investments. We are not going to balance the budget in the world we live in today by cutting spending, because there are too many needs. But if we grow the economy with these kinds of investments, we can balance the budget.

This is critical. The authorizers have stepped up. This is real good for America. It is great for our laboratory systems. And I want to give a lot of credit, while I have the floor, to the DOE Office of Science, because this administration is way out in front on these investments.

This is the right thing to do. This is where the Congress comes together in the very best way to make investments not for next year necessarily, but for the next generation. They will reap a high return.

So congratulations to the gentlewoman from Illinois (Mrs. BIGGERT). I thank her for her leadership in all science investment for our country. She is helping us on the Committee on Appropriations expand the fence so we can fund these necessary investments. Without the authorization, without the statutory framework that the gentlewoman is establishing today, and the many other times that she has brought quality legislation to this floor, we cannot fund it. With this, we can fund it and then some.

So I thank all involved very much.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume to applaud the efforts of the chairman, the gentleman from New York (Mr. BOEHLERT); the subcommittee chairman, the gentlewoman from Illinois (Mrs. BIGGERT); certainly the gentleman from Tennessee (Mr. GORDON), the ranking member on the Committee on Science, for their work and effort in being sure this legislation came to the committee and then was presented today.

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

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume and, in closing, I want to recognize the bill's chief lead sponsor along with me, the gentleman from Tennessee (Mr. DAVIS), and thank the other cosponsors of this important legislation, including the distinguished chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), along with the gentleman from Tennessee (Mr. GORDON), the gentleman from Illinois (Mr. JOHNSON), the gentleman from Michigan (Mr. EHLERS), the gentlewoman from California (Ms. WOOLSEY), and the gentleman from Michigan (Mr. SMITH). I would thank them all for their support. And I would also have to thank the Committee on Science staff, the majority and the minority, for their hard work.

I also would like to thank the chairman, the gentleman from New York (Mr. BOEHLERT) for holding a full Committee on Science hearing this past May to consider this legislation. At this very successful hearing, the committee received very positive feedback on the bill from the experts on high-performance computing. That is also the hearing where Dr. Marburger, Director of the White House Office of Science and Technology Policy, communicated the administration's support for the bill.

As I said earlier, we must commit to providing sustained support for high-performance computers at our Federal civilian science agencies. Our Nation's scientific enterprise and our economy will be the stronger for that.

Mr. HOLT. Mr. Speaker, I would like to particularly emphasize the importance of high-performance computing in the area of fusion energy science, an area where I have personal experience from my work at the Princeton Plasma Physics Laboratory. Fusion offers the promise of abundant, safe, environmentally attractive energy for the U.S. and the world. The advances in computing over the last decade have revolutionized fusion science at Princeton and elsewhere. Previously scientists made calculations without computers for simplified situations; now they can take into account the details of real experimental conditions.

Previously scientists could only make crude estimates of how for example turbulence in fusion fuel could cool the plasma lower than the very high temperatures needed for fusion; now they can calculate this process in detail. As a result the agreement between experiment and theory has improved dramatically.

A decade or so ago, theoretical estimates could easily differ from experimental measurements by factors of 10 to 100, giving rise to heated scientific debate. How the debate is just as scientific and just as heated, but the argument is about factors like 1.5 or 2—a dramatic difference.

Furthermore, this scientific understanding has led to techniques to quell the turbulent mixing and allow the fusion fuel to get much hotter, producing more fusion energy High-performance computing together with advanced experimental techniques, has truly revolutionized fusion energy science.

Even with these recent advances, there is still much more to be learned about fusion systems through high-performance computing, and H.R. 4218 will help to make that possible. Fusion scientists need to combine all of the individual calculations of physical effects, which have been combined into an integrated simulation model that handles all of the different aspects of a fusion system—all at the same time. Such a model will allow fusion researchers to predict in detail the behavior of complete fusion systems and will allow them to design the cost-effective power plans that will be need in the future.

This is truly a grand challenge that requires the level of high performance computing envisioned in H.R. 4218. It is also a grand challenge for humanity. Recent events have certainly reminded us that we need the abundant, safe and clean power that fusion can provide. Thus I strongly support H.R. 4218 for the advances it will produce in fusion energy science, as well as elsewhere in American science.

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

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 4218, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF ENERGY HIGH-END COMPUTING REVITALIZATION ACT OF 2004

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4516) to require the Secretary of Energy to carry out a program of research and development to advance high-end computing, as amended.

The Clerk read as follows:

H.R. 4516

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Energy High-End Computing Revitalization Act of 2004''.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) HIGH-END COMPUTING SYSTEM.—The term ''high-end computing system'' means a computing system with performance that substantially exceeds that of systems that are commonly available for advanced scientific and engineering applications.

(2) LEADERSHIP SYSTEM.—The term ''Leadership System'' means a high-end computing system that is among the most advanced in the world in terms of performance in solving scientific and engineering problems.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3. DEPARTMENT OF ENERGY HIGH-END COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a program of research and development (involving software and hardware) to advance high-end computing systems, and shall develop and deploy such systems for advanced scientific and engineering applications.

(b) PROGRAM.—The program shall—

(1) support both individual investigators and multidisciplinary teams of investigators;

(2) conduct research in multiple architectures, which may include vector, reconfigurable logic, streaming, processor-in-memory, and multithreading architectures;

(3) conduct research on software for high-end computing systems, including research on algorithms, programming environments, tools, languages, and operating systems for high-end computing systems, in collaboration with architecture development efforts;

(4) provide for sustained access by the research community in the United States to high-end computing systems and to Leadership Systems, including provision for technical support for users of such systems;

(5) support technology transfer to the private sector and others in accordance with applicable law; and

(6) ensure that the high-end computing activities of the Department of Energy are coordinated with relevant activities in industry and with other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, the National Security Agency, the National Institutes of Health, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the Environmental Protection Agency.

(c) LEADERSHIP SYSTEMS FACILITIES.—

(1) IN GENERAL.—As part of the program carried out under this Act, the Secretary shall establish and operate Leadership Systems facilities to—

(A) conduct advanced scientific and engineering research and development using Leadership Systems; and

(B) develop potential advancements in high-end computing system hardware and software.

(2) ADMINISTRATION.—In carrying out this subsection, the Secretary shall provide access to Leadership Systems on a competitive, merit-reviewed basis to researchers in United States industry, institutions of higher education, national laboratories, and other Federal agencies.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise made available for high-end computing, there are authorized to be appropriated to the Secretary to carry out this Act—

(1) $50,000,000 for fiscal year 2005;

(2) $55,000,000 for fiscal year 2006; and

(3) $60,000,000 for fiscal year 2007.

SEC. 5. SOCIETAL IMPLICATIONS OF INFORMATION TECHNOLOGY.

In carrying out its programs on the social, economic, legal, ethical, and cultural implications of information technology, the National Science Foundation shall support research into the implications of computers (including both hardware and software) that would be capable of mimicking human abilities to learn, reason, and make decisions.

SEC. 6. ASTRONOMY AND ASTROPHYSICS ADVISORY COMMITTEE.

(a) AMENDMENTS.—Section 23 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–9) is amended—

(1) by striking ''and the National Aeronautics and Space Administration'' each place it appears in subsections (a) and (b) and inserting '', the National Aeronautics and Space Administration, and the Department of Energy'';

(2) in subsection (b)(3), by inserting ''the Secretary of Energy,'' after ''the Administrator of the National Aeronautics and Space Administration,'';

(3) in subsection (c)—

(A) by striking ''5'' in each of paragraphs (1) and (2) and inserting ''4'';

(B) by striking ''and'' at the end of paragraph (2);

(C) by redesignating paragraph (3) as paragraph (4), and in that paragraph by striking ''3'' and inserting ''2''; and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) 3 members selected by the Secretary of Energy; and''; and

(4) in subsection (f), by striking ''the advisory bodies of other Federal agencies, such as the Department of Energy, which may engage in related research activities'' and inserting ''other Federal advisory committees that advise Federal agencies which engage in related research activities''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 15, 2005.

SEC. 7. REMOVAL OF SUNSET PROVISION FROM SAVINGS IN CONSTRUCTION ACT OF 1996.

Section 14(e) of the Metric Conversion Act of 1975 (15 U.S.C. 2051(e)) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Tennessee (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4516, as amended, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, in light of the bill just considered by this body, I am sure many of our colleagues are wondering why we are considering another high-performance computing bill and what the difference is between this bill and the one just approved. In a nutshell, the bill we are considering right now, H.R. 4516, the Department of Energy High-End Computing Revitalization Act of 2004, authorizes specific research and development activities that the Department of Energy will need to undertake to meet the mandates laid out in H.R. 4218, the bill just considered by the House.

H.R. 4516 strengthens the interagency planning process for high-performance computing R&D. It also makes clear that the Department of Energy, through its Office of Science and the National Science Foundation, are the two lead agencies within the Federal Government responsible for providing U.S. researchers with access to the most advanced computing facilities in the world.

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The bill under consideration now complements H.R. 4218 by spelling out in detail the R&D that the Department of Energy should be doing to help ensure that America remains a leader in the development and use of super computers.

More specifically, H.R. 4516 does three things. First, it requires the Secretary of Energy to establish and operate high-end computing facilities involving leadership-class machines that are among the most elite in the world.

Second, the bill directs the Secretary to conduct advanced scientific and engineering R&D using these leadership-class systems and to continue to advance the capabilities of high-end computing hardware and software.

Finally, the bill requires that these computing facilities be made available on a competitive, peer-reviewed basis to researchers from U.S. industry, institutions of higher education, national laboratories, and other Federal agencies.

Mr. Speaker, last fall the Department of Energy's Office of Science released its 20-year facility plan, a prioritized list of the most important facilities needed to advance multiple fields of scientific endeavor over the next 2 decades. The second-highest priority identified on the Department's list was ultra-scale computing. Ultra-scale or high-end computing ranks high on the Department of Energy's priority list, because these computers are essential tools for achieving the next

generation of scientific breakthroughs in a variety of fields central to the Department of Energy's mission.

In many cases, dramatic breakthroughs will require increasing computing power by a factor of a hundred or in some cases by a factor of a thousand. While attaining these increases may seem daunting, the history of computer development has taught us that, with a sustained commitment to research, such gains are within our reach. That is why Secretary Abraham recently announced the selection of a team including Argonne National Laboratory, Oak Ridge National Laboratory, IBM, Cray and other partners to develop and build a new high-end computing facility.

When completed, this new user facility will outpace the world's current number one computer, Japan's Earth Stimulator. H.R. 4516 supports this new initiative of the Department of Energy and ensures that the Department can fulfill its responsibility to help lead the Federal Government's supercomputing R&D efforts.

Mr. Speaker, by renewing our commitment to high-end computing research and development at the Department of Energy, the United States can regain its competitive edge in the development and use of supercomputers and recapture the distinction of being home to the world's most powerful computer. Again, our Nation's scientific enterprise and our economy will be the stronger for it.

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

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Illinois (Mrs. BIGGERT) and I are pleased to bring H.R. 4516, the Department of Energy High-End Computing Revitalization Act of 2004, for consideration in the House today.

H.R. 4516 authorizes the Department of Energy to advance high-end computing, and the House Committee on Science has held several hearings that have emphasized its importance to achieve progress in many fields of science and engineering.

The gentlewoman from Illinois (Mrs. BIGGERT) and I also introduced H.R. 4218 that we just considered to strengthen existing interagency planning and budgeting mechanisms for high-end computing.

In response to the needs for greater resource and focus, we have introduced this bill, H.R. 4516. This legislation focuses on activities at the Department of Energy, which has been a major player in the development of supercomputing since its earliest days.

Tennessee's Oak Ridge National Lab will lead a partnership supported by DOE to build the world's most powerful supercomputer by 2007. I am thrilled that the Center for Computational Science at Oak Ridge will soon be the new home of the word's largest and fastest computer.

H.R. 4516 authorizes research and development activities needed to develop future supercomputing systems and, equally important, provides for the sustained development and deployment of the most capable computing system for use by U.S. researchers for academia, industry, and Federal labs.

These computing systems will truly be national resources that will address important problems related to national security, economic competitiveness, health care, and environmental protection.

H.R. 4516 responds to an identified national need for Federal support of supercomputing. I commend this bill to my colleagues and ask for their support.

Mr. Speaker, I commend the gentlewoman from Illinois (Mrs. BIGGERT) and the Committee on Science for their work on developing and bringing this bill to the floor for the consideration of the members of the subcommittees of the House of Representatives.

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

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

Mr. Speaker, in closing, I would like to thank my colleague, the gentleman from Tennessee (Mr. DAVIS), once more for his work as a lead sponsor of this legislation, and I would also like to thank the minority and the majority staff of the Committee on Science for their time and effort and ideas. With the passage of this legislation, the Department of Energy will continue to revolutionize the use of supercomputers, ensuring the competitiveness of American science and industry. I would urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 4516, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL WINDSTORM IMPACT REDUCTION ACT OF 2004

Mr. NEUGEBAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3980) to establish a National Windstorm Impact Reduction Program, as amended.

The Clerk read as follows:

H.R. 3980

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Windstorm Impact Reduction Act of 2004''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Hurricanes, tropical storms, tornadoes, and thunderstorms can cause significant loss of life, injury, destruction of property, and economic and social disruption. All States and regions are vulnerable to these hazards.

(2) The United States currently sustains several billion dollars in economic damages each year due to these windstorms. In recent decades, rapid development and population growth in high-risk areas has greatly increased overall vulnerability to windstorms.

(3) Improved windstorm impact reduction measures have the potential to reduce these losses through—

(A) cost-effective and affordable design and construction methods and practices;

(B) effective mitigation programs at the local, State, and national level;

(C) improved data collection and analysis and impact prediction methodologies;

(D) engineering research on improving new structures and retrofitting existing ones to better withstand windstorms, atmospheric-related research to better understand the behavior and impact of windstorms on the built environment, and subsequent application of those research results; and

(E) public education and outreach.

(4) There is an appropriate role for the Federal Government in supporting windstorm impact reduction. An effective Federal program in windstorm impact reduction will require interagency coordination, and input from individuals, academia, the private sector, and other interested non-Federal entities.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term ''Director'' means the Director of the Office of Science and Technology Policy.

(2) The term ''State'' means each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(3) The term ''windstorm'' means any storm with a damaging or destructive wind component, such as a hurricane, tropical storm, tornado, or thunderstorm.

SEC. 4. NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.

(a) ESTABLISHMENT.—There is established the National Windstorm Impact Reduction Program (in this Act referred to as the ''Program'').

(b) OBJECTIVE.—The objective of the Program is the achievement of major measurable reductions in losses of life and property from windstorms. The objective is to be achieved through a coordinated Federal effort, in cooperation with other levels of government, academia, and the private sector, aimed at improving the understanding of windstorms and their impacts and developing and encouraging implementation of cost-effective mitigation measures to reduce those impacts.

(c) INTERAGENCY WORKING GROUP.—Not later than 90 days after the date of enactment of this Act, the Director shall establish an Interagency Working Group consisting of representatives of the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, the Federal Emergency Management Agency, and other Federal agencies as appropriate. The Director shall designate an agency to serve as Chair of the Working Group and be responsible for the planning, management, and coordination of the Program, including budget coordination. Specific agency roles and responsibilities under the Program shall

be defined in the implementation plan required under subsection (e). General agency responsibilities shall include the following:

(1) The National Institute of Standards and Technology shall support research and development to improve building codes and standards and practices for design and construction of buildings, structures, and lifelines.

(2) The National Science Foundation shall support research in engineering and the atmospheric sciences to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.

(3) The National Oceanic and Atmospheric Administration shall support atmospheric sciences research to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.

(4) The Federal Emergency Management Agency shall support the development of risk assessment tools and effective mitigation techniques, windstorm-related data collection and analysis, public outreach, information dissemination, and implementation of mitigation measures consistent with the Agency's all-hazards approach.

(d) PROGRAM COMPONENTS.—

(1) IN GENERAL.—The Program shall consist of three primary mitigation components: improved understanding of windstorms, windstorm impact assessment, and windstorm impact reduction. The components shall be implemented through activities such as data collection and analysis, risk assessment, outreach, technology transfer, and research and development. To the extent practicable, research activities authorized under this Act shall be peer-reviewed, and the components shall be designed to be complementary to, and avoid duplication of, other public and private hazard reduction efforts.

(2) UNDERSTANDING OF WINDSTORMS.—Activities to enhance the understanding of windstorms shall include research to improve knowledge of and data collection on the impact of severe wind on buildings, structures, and infrastructure.

(3) WINDSTORM IMPACT ASSESSMENT.—Activities to improve windstorm impact assessment shall include—

(A) development of mechanisms for collecting and inventorying information on the performance of buildings, structures, and infrastructure in windstorms and improved collection of pertinent information from sources, including the design and construction industry, insurance companies, and building officials;

(B) research, development, and technology transfer to improve loss estimation and risk assessment systems; and

(C) research, development, and technology transfer to improve simulation and computational modeling of windstorm impacts.

(4) WINDSTORM IMPACT REDUCTION.—Activities to reduce windstorm impacts shall include—

(A) development of improved outreach and implementation mechanisms to translate existing information and research findings into cost-effective and affordable practices for design and construction professionals, and State and local officials;

(B) development of cost-effective and affordable windstorm-resistant systems, structures, and materials for use in new construction and retrofit of existing construction; and

(C) outreach and information dissemination related to cost-effective and affordable construction techniques, loss estimation and risk assessment methodologies, and other pertinent information regarding windstorm phenomena to Federal, State, and local officials, the construction industry, and the general public.

(e) IMPLEMENTATION PLAN.—Not later than 1 year after date of enactment of this Act, the Interagency Working Group shall develop and transmit to the Congress an implementation plan for achieving the objectives of the Program. The plan shall include—

(1) an assessment of past and current public and private efforts to reduce windstorm impacts, including a comprehensive review and analysis of windstorm mitigation activities supported by the Federal Government;

(2) a description of plans for technology transfer and coordination with natural hazard mitigation activities supported by the Federal Government;

(3) a statement of strategic goals and priorities for each Program component area;

(4) a description of how the Program will achieve such goals, including detailed responsibilities for each agency; and

(5) a description of plans for cooperation and coordination with interested public and private sector entities in each program component area.

(f) BIENNIAL REPORT.—The Interagency Working Group shall, on a biennial basis, and not later than 180 days after the end of the preceding 2 fiscal years, transmit a report to the Congress describing the status of the windstorm impact reduction program, including progress achieved during the preceding two fiscal years. Each such report shall include any recommendations for legislative and other action the Interagency Working Group considers necessary and appropriate. In developing the biennial report, the Interagency Working Group shall consider the recommendations of the Advisory Committee established under section 5.

SEC. 5. NATIONAL ADVISORY COMMITTEE ON WINDSTORM IMPACT REDUCTION.

(a) ESTABLISHMENT.—The Director shall establish a National Advisory Committee on Windstorm Impact Reduction, consisting of not less than 11 and not more than 15 non-Federal members representing a broad cross section of interests such as the research, technology transfer, design and construction, and financial communities; materials and systems suppliers; State, county, and local governments; the insurance industry; and other representatives as designated by the Director.

(b) ASSESSMENT.—The Advisory Committee shall assess—

(1) trends and developments in the science and engineering of windstorm impact reduction;

(2) the effectiveness of the Program in carrying out the activities under section 4(d);

(3) the need to revise the Program; and

(4) the management, coordination, implementation, and activities of the Program.

(c) BIENNIAL REPORT.—At least once every two years, the Advisory Committee shall report to Congress and the Interagency Working Group on the assessment carried out under subsection (b).

(d) SUNSET EXEMPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee established under this section.

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act supersedes any provision of the National Manufactured Housing Construction and Safety Standards Act of 1974. No design, construction method, practice, technology, material, mitigation methodology, or hazard reduction measure of any kind developed under this Act shall be required for a home certified under section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5415), pursuant to standards issued under such Act, without being subject to the consensus development process and rulemaking procedures of that Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this Act—

(1) $8,700,000 for fiscal year 2006; and

(2) $9,400,000 for fiscal year 2007.

(b) NATIONAL SCIENCE FOUNDATION.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Science Foundation for carrying out this Act—

(1) $8,700,000 for fiscal year 2006; and

(2) $9,400,000 for fiscal year 2007.

(c) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act—

(1) $3,000,000 for fiscal year 2006; and

(2) $4,000,000 for fiscal year 2007.

(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Oceanic and Atmospheric Administration for carrying out this Act—

(1) $2,100,000 for fiscal year 2006; and

(2) $2,200,000 for fiscal year 2007.

SEC. 8. BIENNIAL REPORT.

Section 37(a) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d(a)) is amended by striking ''By January 30, 1982, and biennially thereafter'' and inserting ''By January 30 of each odd-numbered year''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Kansas (Mr. MOORE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. NEUGEBAUER).

GENERAL LEAVE

Mr. NEUGEBAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3980, as amended, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I would like to thank the gentleman from New York (Mr. BOEHLERT) and his staff for their leadership and support for allowing me to bring this important piece of legislation before the Committee on Science. I would also like to thank the gentleman from Kansas (Mr. MOORE), who introduced this bill with me, and all of the cosponsors of H.R. 3980 for their support.

Windstorms in the United States, such as hurricanes, tornadoes, continue to cause high levels of injuries, deaths, business interruption, and property damage. Unfortunately, the level of losses due to the windstorms increase each year and will continue to escalate unless technology generation, education, and public policies are improved.

On May 11, 1970, tragedy struck my hometown of Lubbock, Texas. An F5

tornado ripped through downtown Lubbock. Six people were killed, and 500 were injured. The tornado had winds estimated in excess of 200 miles an hour and damaged or destroyed a large portion of our city.

In a few moments between 9:35 p.m. and the time the funnel lifted into the cloud, the tornado devastated a community along an 8½ mile-wide path. It wrought havoc along a track that was 1½ miles wide in downtown Lubbock to one-fourth mile wide as it passed over the National Weather Bureau's office located at the airport. The twister was responsible for $125 million in damage, and an estimated 15 square miles of the city was damaged or destroyed.

The National Weather Service estimates that between 1995 and 2002, hurricanes, tornadoes, and thunderstorm winds caused an average of $4.5 billion in damage every year. Texas alone averages 124 tornadoes every year, which is more than double the average of any other State.

Over this past Memorial Day weekend, for example, 175 tornadoes were reported across the country, bringing the preliminary total for May to 544. The storms were responsible for 8 deaths and millions of dollars in damages in 12 States.

June 1 was the official start of hurricane season, and forecasters are predicting an above-normal Atlantic season. Officials anticipate 12 to 15 tropical storms for the season, with six to eight systems becoming hurricanes, with two to four of those becoming major hurricanes.

Last year, Hurricane Isabel, one of the storms to affect the United States, caused 17 deaths and more than $3 billion in damages. Technological advancements in the second half of the century have contributed to better, more accurate severe weather watches and warnings from the National Weather Service, ultimately saving countless lives. Advancements in computer technology also led to progress in numerical weather prediction, allowing meteorologists to apply physics in replicating motions of the atmosphere.

But even as we build on our current weather prediction successes and create new resources to predict windstorms at a greater rate, the United States continues to sustain billions of dollars each year in property damage and economic losses due to wind storms, and the human costs are all too painful.

Over the last 5 years, Texas Tech University Wind Engineering Research Center has received funding under a cooperative agreement with the National Institute For Standards and Technology to research the detrimental effects of windstorms on buildings and to reduce the loss of life from windstorm events. Their work has led to many accomplishments on the national scope. This year alone, they will receive $900,000 to carry on research to improve the economy of shelters and wind-resistant construction.

A variety of cost-effective windstorm hazard mitigation measures exist, and many more are undergoing important research and development at universities like Texas Tech University across this Nation. However, these efforts are not being coordinated at the Federal level to improve the general public's understanding of windstorm impacts, and we are not doing a good job of encouraging implementation of cost-effective mitigation measures for our citizens.

Improving the wind resistance of buildings can only be achieved when there is a demand for wind-resistant construction by homeowners. Hurricane Isabel, the tornado in Lubbock that was so destructive more than 30 years ago, and the 544 tornadoes in the month of May alone are serious reminders of how vulnerable we are and how serious we should be about severe weather safety and preparedness.

Here is what we can do about it. The objective of the National Windstorm Impact Reduction Program is to achieve measurable reduction in loss of life and property from windstorms. In a coordinated effort between academia, the private sector and the Federal Government, this legislation will improve distribution of current research findings, develop cost-effective and affordable windstorm-resistant systems, and develop outreach techniques for the general public.

The aim of this act is also to enable the marketplace to form incentives. Improving our understanding of how wind impacts buildings, enhancing the scope and detail of damage data collection, and measuring the degree to which varying mitigation techniques can lessen that impact will make it possible to quantify the value of mitigation. This information will give policymakers, private industry, and individual homeowners the tools to make decisions that take windstorm vulnerability into consideration.

An investment in windstorm impact reduction will pay significant dividends and will save lives, decrease property damage, and reduce the cost of Federal disaster relief in the future. Therefore, I urge Members to vote ''yes'' on H.R. 3980.

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

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

I would like to thank the gentleman from New York (Mr. BOEHLERT) for following through on his promise to mark up legislation on windstorms in the 108th Congress. I would also like to thank the gentleman from Texas (Mr. NEUGEBAUER) for sponsoring with me this important legislation. I would also like to thank the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from North Carolina (Mr. JONES), who have worked with me over the past three Congresses. And finally, staff member Jim Turner of the Committee on Science staff and Brian Pallasch of the American Society of Civil Engineers, and my staff person, Jana Denning, have worked tirelessly over the past 5 years on this legislation, and they all deserve thanks.

Almost 6 years ago, my hometown of Wichita, Kansas, was hit by an F4 tornado which plowed through the suburb of Haysville, killing six, injuring 150, and causing over $140 million in damage. The devastation of this attack motivated me to try to do something.

I put together a bill modeled after NEHRP, the successful earthquake research program begun over 30 years ago. My goal is to mitigate loss of life and damage to property due to wind and related hazards. We can do this through early warning of tornadoes, better emergency response, and better design and construction of buildings. I reviewed comments from the American Society of Civil Engineers, the National Association of Home Builders, the insurance industry, meteorologists, emergency managers, academia, industry, and the manufactured housing associations to try to fine-tune this legislation.

On May 4, just last year, almost 4 years to the day after the deadly 1999 Kansas and Oklahoma tornadoes, tornadoes touched down again in metropolitan Kansas City and the surrounding suburbs, as well as in many of my congressional colleagues' districts, destroying property, killing people and injuring our constituents.

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These tornadoes, Mr. Speaker, did not check to find out if they were hitting a Republican or Democratic district. Tornadoes are truly an equal-opportunity destroyer. This is not a Republican bill. It is not a Democratic issue. It is a human issue, and it is a human tragedy. And we need to deal with this, and we are dealing with this. And I am grateful to my colleagues across the aisle for dealing with this on a bipartisan basis. These windstorms destroy lives. I have seen it in my own district, and I know that many of my colleagues have as well.

I thank, again, the gentleman from Texas (Mr. NEUGEBAUER) for his work on this legislation with me.

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

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

Mr. Speaker, I wanted to just summarize a little bit about this bill and to also let folks know that this bill has a lot of endorsements from people that are very active in this type of engineering: the American Society of Civil Engineers, the National Association of Mutual Insurance Companies, the Manufacturing Housing Institute, the National Association of Wind Engineering, Applied Technology Council, and the International Code Council. These are the organizations that are actively involved in this kind of research, and

they wholeheartedly support and endorse this bill.

One of the things that this bill does is it creates a national windstorm impact reduction program, and it improves our understanding of windstorm issues. And it also brings about a collaboration of the private sector and the public sector so that we can begin to commercialize a lot of the important research that is going on. It really does not do us any good to do a lot of good research in this country if we do not get it into the hands of the people that can actually use that, and those are the homeowners and the building owners around this country.

It also brings some oversight to the process and creates a National Advisory Committee who will oversee the various research. They will be reported back to and given an opportunity to give progress reports to the Congress to make sure that we are providing adequate oversight for the important research dollars that we are providing for this type of research.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, first let me thank the gentleman from Texas, and I also want to thank the gentleman from Kansas (Mr. MOORE), who has also worked awfully hard on this legislation.

But I have to admit, Mr. Speaker, that I am a bit in awe of the work that the gentleman from Texas has done to get this bill this far. As has been said, many lives and billions of dollars are lost during hurricanes and tornadoes due to really poor mitigation techniques, from the structure of buildings to the planning of evacuation corridors. Hurricane Andrew, for example, in 1992 resulted in $26.5 billion in losses and 61 fatalities. Southern Dade County, by the way, Miami/Dade County, is still recovering from the effects of Hurricane Andrew. Hurricane Hugo in 1989 resulted in $7 billion in losses and 86 fatalities.

I am fortunate to help represent the International Hurricane Research Center, a research center in Florida International University, which is directed by Dr. Leatherman. It was established after Hurricane Andrew. It serves as Florida's center for hurricane research, education, and outreach. Of course, their work really serves the entire Nation. The center has led research on everything from appropriate housing techniques to beach erosion and coastal vulnerability. Like many other wind-related institutions, the International Hurricane Research Center supports this legislation. The sponsor of this legislation was mentioning a number that did. This is one more, which I know the gentleman is aware of, and, again, it will make significant steps in mitigating the effects of wind-related hazards throughout the United States.

This legislation, is a, I think, very important piece of legislation, and the gentleman from Texas has done an incredible job shepherding it through the process; and, again, I am in awe of the job that he has done. This legislation creates a National Windstorm Impact Reduction Program in order to improve understanding of windstorm impacts and develops implementation of cost-effective mitigation measures. This will use the vital research already done to implement a uniform policy that will ultimately lead to better-built office buildings, homes, structures, in order to lessen the impact of hurricanes and tornadoes and other windborne tragedies.

It establishes a National Advisory Committee on Windstorm Impact Reduction. Again, this group will routinely assess the effectiveness of the program and make recommendations if any changes are needed down the road. The sponsor has been very key on making sure that there is strong oversight, and I want to thank the sponsor for his leadership there and not only on this issue but particularly on this issue, on this bill.

And, again, I want to thank the sponsor, the gentleman from Texas, and the gentleman from Kansas (Mr. MOORE), who also, I repeat, has done a lot of work. I am in awe of the work that has been done on this bill, and it is a privilege to support this bill here on the floor today.

Mr. MOORE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 3980 and applaud the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Kansas (Mr. MOORE) for introducing it and getting it to the floor for passage today.

Mr. Speaker, H.R. 3980 would establish the National Windstorm Impact Reduction Program to achieve major measurable reductions in losses of life and property from windstorms. This is critically important to Members like me whose districts are prone to catastrophic windstorms such as hurricanes.

Mr. Speaker, I am proud to represent one of the most beautiful places under the American Flag, the U.S. Virgin Islands. While we live in an area that sees its share of hurricanes every year, prior to 1989 we were spared for over 60 years of being hit by one of these storms. Since September, 1989, however, when Hurricane Hugo hit with sustained winds in excess of 200 miles per hour, our islands were changed forever. The devastation wrought by this storm was astronomical. However, just as we were beginning to recover from the legacy of Hurricane Hugo, we were hit with a second devastating storm in September of 1995, Hurricane Marilyn. Since then we were hit by at least four other major storms, the last one being Hurricane Lenny in 1999.

Mr. Speaker, if having to deal with recovering from a major natural disaster was not enough, Hurricanes Hugo and Marilyn left the Virgin Islands with an even more ominous legacy. It almost wiped out the availability of affordable windstorm insurance in the territory.

The lack of available affordable homeowners insurance in the Virgin Islands remains a serious problem for many of my constituents today. With the huge payouts associated with the September 11 attacks and natural disasters of 2 years ago, insurance companies' costs have skyrocketed. To keep from falling into the red, many are passing their costs on to homeowners in the form of higher premiums. For the Virgin Islands, added risk of hurricanes, increased seismic activity, and the lack of competition among insurers make it more difficult for my constituents to find relief from these skyrocketing premiums.

While H.R. 3980 does not directly address the problem of the availability of affordable disaster insurance, it has the very real potential of lowering these costs in the long run if it is successful in lowering or reducing the losses to life and property from hurricanes and other windstorm disasters.

Mr. Speaker, windstorms and the damage and destruction they bring result in higher and higher costs to our Nation every year. Any effort which will result in the reduction of these costs will yield untold benefits for all of us. For this reason I urge my colleagues to support H.R. 3980. And I once again want to thank the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Kansas (Mr. MOORE) for introducing it and bringing it to the floor today.

Mr. NEUGEBAUER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

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

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this bill, and I want to congratulate the gentleman from Texas (Mr. NEUGEBAUER) for bringing this bill forward. Bills in this area have been proposed for many years; but through the gentleman from Texas's (Mr. NEUGEBAUER) efforts, we now have a bipartisan measure that the House can pass.

The gentleman from Texas (Mr. NEUGEBAUER) is what I refer to as an impact player. Some people come to this House, the people's House, and take a few years, understandably, to get sort of settled in and to begin to have an impact. He just took a couple of months, and he has had an impact. And this bill is a direct tribute to his tenacity and determination to get something done, and I want to thank him for that on behalf of the entire committee on a bipartisan basis.

Windstorms cause damage and deaths every year throughout the country. Far too much damage, far too many

deaths. One is unacceptable. We may not be able to do anything about the weather, but we can do more than talk about it. We can build and retrofit structures so they are better able to survive windstorms. But we can do that successfully and affordably only if we conduct the research and development needed to learn more about storms and about structures. That is exactly what this bill will enable us to do.

This is not a vain hope. Congress created the same kind of program for earthquakes in the late 1970s. And as a result, we are able to do much more today than we were 30 years ago to make structures earthquake resistant. We hope this similar program will yield a similar result for windstorms.

So in this bill we are following a proven formula. So again let me congratulate once again the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Kansas (Mr. MOORE) for this bill. They worked together in a bipartisan basis to fashion something that earns our support.

Let me thank also the Committee on Transportation and Infrastructure, and I am privileged to serve on that committee also, for working with us on the FEMA portions of this bill. And let me thank the American Society of Civil Engineers and the other groups that have guided us in drafting the bill. We did not just get in some closet someplace and say this is a problem, how do we deal with it. We reached out under the gentleman from Texas's (Mr. NEUGEBAUER) leadership and the gentleman from Kansas (Mr. MOORE), and we invited opinion, we invited input; and as a result of all that, we were able to fashion something that is pretty darn good, and I am proud of it. And I want to commend it to the attention of my colleagues and urge its overwhelming adoption.

Mr. MOORE. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Texas (Mr. STENHOLM), who helped get an initial ''big wind earmark'' that brought $3.8 million to Texas Tech's Wind Disaster Research Program in 1998 and helped lay some of the foundation for the bill that is now going to come to the floor for a vote.

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

Mr. Speaker, I rise in strong support of H.R. 3980. With the rain, wind, hail, and tornadoes that passed through West Texas last month and again today, this legislation could not be more timely.

This bill will give us the tools to research the effects of these storms, and it will provide us with a foundation from which we can learn how to minimize the damages associated with them. A working group comprised of officials from many Federal agencies will be formed to assess ways to reduce losses of life and property caused by these storms. As a farmer from West Texas, I know how damaging tornadoes and windstorms can be, and I understand the importance of this legislation. In the past I have strongly supported the efforts of research entities like the Texas Tech Wind Science Center to study ways to mitigate the damages caused by large windstorms. The Wind Science Center at Texas Tech has done yeomen's work identifying the best ways to reduce structural damage to properties caused by high winds associated with tornadoes and hurricanes. As a member of the Wind Hazard Reduction Caucus, I have supported efforts to make available the resources needed to study and minimize the damaging effects of these windstorms.

As has already been pointed out, in 1997 I worked on a bipartisan, bicameral basis with Senator KAY BAILEY HUTCHISON to ensure the Texas Tech Wind Science Center got its first Federal earmark of $3.8 million, which was included in the fiscal year 1998 appropriations bill. As is quite often the case, when some folks do not understand, quite frankly, what wind is all about, some suggested this was pork. We contacted the then-Chief of Staff for the White House, Erskine Bowles, and requested that the funding be supported by President Clinton and be kept off the line item veto list. These efforts paid off. The center has since received anywhere from $1.1 million to $2.4 million each year since then.

I want to close by thanking the gentleman from Kansas (Mr. MOORE) for his work on this issue and the gentleman from Texas. The gentleman from Kansas (Mr. MOORE) first introduced this legislation in 1999, and he has been a champion of wind hazard reduction efforts since he has come to Congress. I know that he is happy to have this bill on the floor, as I am here today happy to support these measures again and encourage my colleagues to support this legislation.

□ 1130

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

Mr. MOORE. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH), the newest Member of the House of Representatives.

Ms. HERSETH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 3980, the National Windstorm Impact Reduction Act of 2004. In an average year, more than 1,000 tornadoes are reported in the United States. With winds that can reach in excess of 200 miles per hour, these storms cause an average of more than 80 deaths and over 1,500 injuries per year.

In South Dakota, we have our fair share of severe weather. In the summer months, this takes the form of violent thunderstorms that often contain powerful winds. In fact, barely 1 year ago, South Dakota experienced the worst tornado outbreak in its recorded history. June 24, 2003, will be forever known in South Dakota as ''Tornado Tuesday.'' In one 24-hour period, we had a confirmed 67 tornadoes touch down in the State.

This ''superstorm'' produced over 350 weather warnings, and at least one tornado reached F–4 status, meaning it had winds reaching over 260 miles per hour. Miraculously, no one lost his or her life on this day, but at other times we have not been so lucky.

On May 30, 1998, a category F–4 tornado pummeled the small community of Spencer, South Dakota. The town of 400 residents was almost totally destroyed and six people lost their lives.

We have also experienced loss on my State's Indian lands. On June 4, 1999, a deadly tornado swept across the Pine Ridge Indian Reservation. One person was killed and the property damage was widespread. More than 1,000 people were left temporarily homeless.

Because the people of South Dakota have seen firsthand the devastation that tornadoes and strong straight-line winds can bring, I am proud to support this legislation. It would create incentives for Federal agencies to work together to address the threats caused by wind damage. It would also improve our understanding of windstorms and how they create such intense devastation.

I believe that we need a proactive approach that will mitigate the damage caused by these remarkable natural events. This bill will save lives, result in decreased property damage and reduce the overall cost of Federal disaster relief.

I appreciate the bipartisan efforts of my colleagues, the gentleman from Kansas (Mr. MOORE) and the gentleman from Texas (Mr. NEUGEBAUER) in moving this important legislation forward, and I urge all Members of this House to support the bill.

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

Mr. MOORE. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise today in support of this National Windstorm Impact Reduction Act. This legislation will help us take great strides in reducing the loss of life and property from windstorms.

We in North Carolina know all too well how devastating tropical storms and hurricanes can be. While flooding from hurricanes is often the culprit for the majority of the deaths, the winds generated from these storms range from 74 to 155 miles an hour or more, indiscriminately wreaking havoc to lives and property wherever they strike.

The National Windstorm Impact Reduction Act will develop windstorm impact reduction projects that could lead to new designs and construction practices that could mitigate, if not withstand, the force and damage generated by these high windstorms. This is an important piece of legislation, which I encourage all Members to support.

I want to congratulate the gentleman from Kansas (Mr. MOORE) for his work and leadership on this issue. Kansas does not have the hurricane problems that my State has, but I know its position in the middle of Tornado Alley makes it a life-and-death issue for the State of Kansas. So I thank the gentleman.

As a Member of the House Committee on Science, the gentleman from Kansas (Mr. MOORE) has been fighting to improve research in wind-related hazards for years. I have been proud to cosponsor and support very similar legislation that he introduced both in this Congress and during the 107th Congress.

Very simply, this legislation will save lives in North Carolina, in Kansas and throughout this country. I congratulate my friend and colleague on his success in this effort, and urge my colleagues to vote for H.R. 3980.

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

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

Mr. Speaker, I just want to close by saying that this bill consolidates and coordinates windstorm research that has been going on throughout multiple agencies and brings oversight to that process, and I think that is very important. I think the American people expect us to oversee the moneys that we are appropriating and authorizing; but it also is a public and private partnership, and the whole goal of this bill is to make sure that we get the important research out of the laboratories and into practical solutions that are going to be saving lives and reducing property damage.

So I encourage my colleagues to vote yes on H.R. 3980, the National Windstorm Impact Reduction Act of 2004.

Mrs. BIGGERT. Mr. Speaker, I rise today to support H.R. 3890, the Steel and Aluminum Energy Conservation and Technology Competitiveness Act. I'd like to commend my colleague from Pennsylvania, MELISSA HART, for introducing this important legislation.

During a very busy week in May, I chaired two Energy Subcommittee hearings on the issues of energy efficiency R and D. The first hearing took a broad look at research and development in the area of energy efficiency.

The second hearing focused on the legislation under consideration today, H.R. 3890. This bill authorizes a research and development program at the Department of Energy aimed at improving the energy efficiency of the metals industry.

Some may have wondered why we didn't simply combine the two hearings, on similar topics, into a single hearing. But there were two main reasons why it was important to give the metals industry initiative a dedicated place on the Subcommittee's calendar, and why the Department of Energy has an initiative focused on this one industry to begin with.

First of all, the metals industry is highly energy-intensive. Taken together, the steel, aluminum, and copper industries account for more than 10 percent of industrial energy usage in the United States. President Bush's National Energy Plan recognized that improving energy efficiency in our most energy-intensive industries could yield large improvements in productivity, product quality, safety, and pollution prevention.

Second, we have a strategic national interest in helping our metals industry remain competitive. For any industry, energy efficiency means increased production without increased energy consumption or costs. Improving energy efficiency helps improve the bottom line, making American metal products more competitive on the global market. That means more jobs here at home.

But energy efficiency is more than that. Reducing energy use reduces our emissions of pollutants and greenhouse gases, and it increases our energy security. In this way, energy efficiency just makes sense—dollars and cents—for the nation. Again, I commend Ms. HART for all her hard work on this legislation, and I urge my colleagues to support the bill.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Texas (Mr. NEUGEBAUER) that the House suspend the rules and pass the bill, H.R. 3980, as amended.

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. NEUGEBAUER. 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.

STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS ACT OF 1988 REAUTHORIZATION

Ms. HART. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3890) to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988, as amended.

The Clerk read as follows:

H.R. 3890

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

SECTION 1. AMENDMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5108) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary to carry out this Act for fiscal year 2005, an amount equal to the amount appropriated for the same purposes for fiscal year 2004, and $20,000,000 for each of the fiscal years 2006 through 2009.''.

(b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5103(c)(1)) is amended—

(1) in subparagraph (H), by striking ''coatings for sheet steels'' and inserting ''sheet and bar steels''; and

(2) by adding at the end the following new subparagraph:

''(K) The development of technologies which reduce greenhouse gas emissions.''.

(c) CONFORMING AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is further amended—

(1) by striking section 7 (15 U.S.C. 5106); and

(2) in section 4(b)—

(A) in the subsection heading, by inserting ''AND REPORT'' after ''MANAGEMENT PLAN'';

(B) by striking ''Within 6 months after the date of enactment of this Act'' and inserting ''Not later than 6 months after the date of enactment of the Act enacting this sentence'';

(C) by striking ''to expand the steel research and development initiative to include aluminum and''; and

(D) by inserting '', and shall transmit such plan to Congress'' after ''carry out the purposes of this Act''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Kansas (Mr. MOORE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania (Ms. HART).

GENERAL LEAVE

Ms. HART. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3890, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

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

Mr. Speaker, I would first like to thank the gentlewoman from Illinois (Chairman Biggert) and the ranking member, the gentleman from Connecticut (Mr. LARSON) of the Subcommittee on Energy of the Committee on Science, and also the gentleman from New York (Chairman BOEHLERT) and the ranking member, the gentleman from Tennessee (Mr. GORDON) of the full Committee on Science, for working with me on H.R. 3890, a bill which will reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

The legislation reauthorizes the Steel and Aluminum Competitiveness Act of 1988, which established a public-private research initiative, with cost sharing from industry, focused on improving industrial energy efficiency in the steel and aluminum smelting and fabrication industries.

The bill would result in improved energy efficiency in the domestic metals industries, thereby improving our international competitiveness in those industries. Improved industrial energy efficiency also offers environmental benefits through reduced emissions per unit of steel or aluminum produced. It can also help reduce the future demand for energy in the industrial sector, which is extremely important as we see rising fuel prices.

The bill authorizes $13.3 million for this program in fiscal year 2005, the same level that was appropriated for fiscal year 2004. For the outyears, that

is, fiscal years 2006 through 2009, the bill authorizes $20 million per year, for a total $93.3 million over the 5-year cycle of the legislation.

This bill is right for industry, Mr. Speaker; it is good for our energy security, and it is good for the environment.

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

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

Mr. Speaker, I want to commend the gentlewoman from Pennsylvania (Ms. HART) for her work on H.R. 3890, a bill to reauthorize the steel and aluminum research and development program at the Department of Energy. This energy conservation program is part of the Industries of the Future program in DOE's Office of Industrial Technologies. It is carried out through cost-shared partnerships with industry.

Past research under this program has made such steel mills and aluminum production facilities less polluting, more efficient and more productive.

The budgets for such programs have been cut significantly during the past 3 years, Mr. Speaker. This sends the wrong message to American workers, who are relying on these industries to remain competitive in a global market.

By reauthorizing the metals R&D program at H.R. 3890's authorization funding levels, we can give appropriate support for this research program. Restoring this funding will benefit the domestic steel and aluminum industries, the manufacturers who use American steel and aluminum in their products, and, ultimately, the American consumer.

Mr. Speaker, I recommend support for the bill by my colleagues.

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

Ms. HART. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I thank my colleague, the gentlewoman from Pennsylvania, for her work on this bill.

Mr. Speaker, I rise to support the reauthorization of this very worthy program. As we all know, the last few years have been difficult for America's steel industry and continuing the Metals Initiative will go a long way towards easing those burdens.

This Nation's steel industry is second to none, and it is this Congress' responsibility to do everything in its power to enable American-produced steel to compete in a global economy.

The Metals Initiative lends private industry the resources it needs to develop energy-saving technologies that increase productivity and cut pollution. These innovations are a vital component to a strong American steel industry.

I can think of few other programs that offer so much with a prudent investment. Not only does this program create jobs by making the steel industry more competitive and reduce environmental impacts caused by steel production, but any costs incurred are recouped. A portion of all royalties realized by these new technologies are repaid until the full Federal investment has been recovered.

At a recent hearing held by the Subcommittee on Energy of the Committee on Science, U.S. Steel cited just one example of how the company has utilized these moneys. Several projects have been funded through the Metals Initiative to research and develop Advanced High Strength Steels.

This steel allows for the creation of lightweight cars that maintain the same standards of safety currently available to today's drivers. By using Metals Initiative funds, Advanced High Strength Steels production requires 171 million fewer gallons of gasoline, 4 million fewer barrels of oil, and emits 2.1 million fewer tons of carbon dioxide per year.

Such innovation reduces our dependency on both foreign steel and foreign oil, while further contributing to a safer road system and a healthier environment for us all.

This Nation would not be what it is today were it not for the contributions of the American Steel Industry and American steelworkers. Congress should recognize the significant strides the industry has taken to remain competitive despite many obstacles.

I strongly urge my colleagues to support H.R. 3890.

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

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

Mr. Speaker, this initiative is one that is not as common for government, I think, as the American people would like to see. It is designed to help industry to become more efficient in its processes, but also more efficient in its use of energy. So, in the long run, it helps preserve American jobs.

That is why we are here today, Mr. Speaker. We are working on efficiency in technology and efficiency in energy use and, obviously, better emissions.

□ 1145

It is important to our industries to be competitive worldwide as we move this legislation forward.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. HART) that the House suspend the rules and pass the bill, H.R. 3890, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AMENDMENTS ACT OF 2004

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1856) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1856

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004''.

SEC. 2. RETENTION OF TASK FORCE.

Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note) is amended by striking subsection (e).

SEC. 3. SCIENTIFIC ASSESSMENTS AND RESEARCH, DEMONSTRATION, AND TECHNOLOGY TRANSFER PLANS.

Such section 603 is further amended—

(1) in subsection (a) by adding at the end the following:

''In developing the assessments and plans described in subsections (b), (c), (d), (e), and (f), the Task Force shall work with appropriate State, Indian tribe, and local governments to ensure that the assessments and plans fulfill the requirements of subsections (b)(2), (c)(2), (d)(2), (e)(2), and (f)(2). Additionally, the Task Force shall consult with appropriate industry (including agriculture and fertilizer industry), academic institutions, and nongovernmental organizations throughout the development of the assessments and plans.''; and

(2) by striking subsections (b) and (c) and inserting the following:

''(b) SCIENTIFIC ASSESSMENTS OF HARMFUL ALGAL BLOOMS.—(1) Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of harmful algal blooms in United States coastal waters. The first such assessment shall be completed not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004 and should consider only marine harmful algal blooms. All subsequent assessments shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries.

''(2) The assessments under this subsection shall—

''(A) examine the causes and ecological consequences, and economic costs, of harmful algal blooms;

''(B) describe the potential ecological and economic costs and benefits of possible actions for preventing, controlling, and mitigating harmful algal blooms;

''(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of harmful algal blooms; and

''(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms.

''(c) SCIENTIFIC ASSESSMENT OF FRESHWATER HARMFUL ALGAL BLOOMS.—(1) Not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004 the Task Force shall complete and submit to Congress a scientific assessment of current knowledge about harmful algal blooms in freshwater locations such as the Great Lakes and upper reaches of estuaries, including a research plan for coordinating Federal efforts to better understand freshwater harmful algal blooms.

''(2) The freshwater harmful algal bloom scientific assessment shall—

''(A) examine the causes and ecological consequences, and the economic costs, of harmful algal blooms with significant effects on freshwater locations, including estimations of the frequency and occurrence of significant events;

''(B) establish priorities and guidelines for a competitive, peer-reviewed, merit-based interagency research program, as part of the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, to better understand the causes, characteristics, and impacts of harmful algal blooms in freshwater locations; and

''(C) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms in freshwater locations.

''(d) NATIONAL SCIENTIFIC RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TECHNOLOGY TRANSFER PLAN INTO REDUCING IMPACTS FROM HARMFUL ALGAL BLOOMS.—(1) Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004, the Task Force shall develop and submit to Congress a plan providing for a comprehensive and coordinated national research program to develop and demonstrate prevention, control, and mitigation methods to reduce the impacts of harmful algal blooms on coastal ecosystems (including the Great Lakes), public health, and the economy.

''(2) The plan shall—

''(A) establish priorities and guidelines for a competitive, peer-reviewed, merit-based interagency research, development, demonstration, and technology transfer program on methods for the prevention, control, and mitigation of harmful algal blooms;

''(B) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to the actions described in paragraph (1); and

''(C) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, and other underrepresented populations.

''(3) The Secretary of Commerce, in conjunction with other appropriate Federal agencies, shall establish a research, development, demonstration, and technology transfer program that meets the priorities and guidelines established under paragraph (2)(A). The Secretary shall ensure, through consultation with Sea Grant Programs, that the results and findings of the program are communicated to State, Indian tribe, and local governments, and to the general public.

''(e) SCIENTIFIC ASSESSMENTS OF HYPOXIA.—(1) Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of hypoxia in United States coastal waters including the Great Lakes. The first such assessment shall be completed not less than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004.

''(2) The assessments under this subsection shall—

''(A) examine the causes and ecological consequences, and the economic costs, of hypoxia;

''(B) describe the potential ecological and economic costs and benefits of possible actions for preventing, controlling, and mitigating hypoxia;

''(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of hypoxia, including recommendations of how to eliminate significant gaps in hypoxia modeling and monitoring data; and

''(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on hypoxia.

''(f) LOCAL AND REGIONAL SCIENTIFIC ASSESSMENTS.—(1) The Secretary of Commerce, in coordination with the Task Force and appropriate State, Indian tribe, and local governments, shall provide for local and regional scientific assessments of hypoxia or harmful algal blooms, as requested by State, Indian tribe, or local governments, or for affected areas as identified by the Secretary. If the Secretary receives multiple requests, the Secretary shall ensure, to the extent practicable, that assessments under this subsection cover geographically and ecologically diverse locations with significant ecological and economic impacts from hypoxia or harmful algal blooms. The Secretary shall establish a procedure for reviewing requests for local and regional assessments. The Secretary shall ensure, through consultation with Sea Grant Programs, that the findings of the assessments are communicated to the appropriate State, Indian tribe, and local governments, and to the general public.

''(2) The scientific assessments under this subsection shall examine—

''(A) the causes and ecological consequences, and the economic costs, of hypoxia or harmful algal blooms in that area;

''(B) potential methods to prevent, control, and mitigate hypoxia or harmful algal blooms in that area and the potential ecological and economic costs and benefits of such methods; and

''(C) other topics the Task Force considers appropriate.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended to read as follows:

''SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary of Commerce for research, education, monitoring, demonstration, and technology transfer activities related to the prevention, reduction, and control of harmful algal blooms and hypoxia, $19,000,000 for each of fiscal years 2005, 2006, and 2007, to remain available until expended. The Secretary shall consult with the States on a regular basis regarding the development and implementation of the activities authorized under this title. Of such amounts for each fiscal year—

''(1) $1,500,000 for each of fiscal years 2005, 2006, and 2007 shall be used to enable the National Oceanic and Atmospheric Administration to carry out research and assessment activities, including procurement of necessary research equipment, at research laboratories of the National Ocean Service and the National Marine Fisheries Service;

''(2) $3,000,000 for each of fiscal years 2005, 2006, and 2007 shall be used to carry out the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, with $1,000,000 of such amount used to carry out research on freshwater harmful algal blooms;

''(3) $4,000,000 for each of fiscal years 2005, 2006, and 2007 shall be used to carry out the research program described in section 603(d)(3);

''(4) $7,000,000 for each of fiscal years 2005, 2006, and 2007 shall be used to carry out the Monitoring and Event Response for Harmful Algal Blooms (MERHAB) project;

''(5) $2,000,000 for each of fiscal years 2005, 2006, and 2007 shall be used for activities related to research and monitoring on hypoxia; and

''(6) $1,500,000 for each of fiscal years 2005, 2006, and 2007 shall be used to carry out the activities described in section 603(f).

Amounts authorized under paragraphs (2), (3), (4), and (5) shall only be used to support competitive, peer-reviewed research programs. ''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1856, as amended, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, it is timely that we are considering this bill about harmful algal blooms and hypoxia. Just last week, beaches in the Chesapeake Bay were closed due to a harmful algal bloom.

I introduced H.R. 1856 more than a year ago after learning about the nationwide problems caused by harmful algal blooms, also known as HABs, and also, the harmful effects from hypoxia. Harmful algal blooms are dense mats of toxic algae that can harm marine animals and humans. Hypoxia occurs when an algal bloom depletes oxygen in the water and leaves behind conditions that essentially choke all of the marine life in the affected area.

Harmful algal blooms and hypoxia occur nationwide in areas including the Chesapeake Bay, California, the Pacific Northwest, the Great Lakes, and the Gulf of Mexico. In 1998, Congress passed a 3-year bill authorizing harmful algal bloom and hypoxia research programs with a focus on the dead zone in the Gulf of Mexico and Pfiesteria in the Chesapeake Bay. Since the authorization of these important research programs expired, I decided to reexamine the issue at a hearing in the Committee on Science last year.

At that hearing we learned that successful research supported by the 1998 authorization enabled scientists to move closer to being able to predict HAB outbreaks; and in some regions, they have learned enough about the phenomena to start developing mitigation and control methods. We also learned that the occurrence of harmful algal blooms and hypoxia is increasing in fresh-water locations such as the Great Lakes, and there is sometimes a disconnect between the research being performed and the local resource managers who should benefit from the science. In response, I developed H.R. 1856 to amend and update the 1998 act. Today, I offer a manager's amendment that reflects discussions with the Committee on Resources and the Committee on Transportation and Infrastructure who are also interested in this bill. I especially want to thank the

gentleman from Tennessee (Mr. DUNCAN) from the Committee on Transportation and Infrastructure, the chair of the Subcommittee on Water Resources, as well as the gentleman from Maryland (Mr. GILCHREST) from the Committee on Resources, chair of the Fisheries Subcommittee, for their help in guiding this bill through the process. Also I thank my colleagues on the Committee on Science, including the gentleman from New York (Chairman BOEHLERT) and my friend, the gentleman from Washington (Mr. BAIRD), who have provided useful input. I appreciate all of their help in improving the bill.

The manager's amendment maintains the current level of authorization for harmful algal blooms and hypoxia programs at the National Oceanic and Atmospheric Administration, better known as NOAA, and maintains that current level of authorization at $19 million annually over the next 3 fiscal years. It adds fresh-water regions such as the Great Lakes as an important focus area for harmful algal bloom and hypoxia research.

The bill also increases participation of local resource managers to ensure that the research is prioritized to address the questions facing people managing these problems. Also, the bill requires that NOAA administer all research funding through a competitive, merit-based, peer-reviewed process.

Finally, the bill reauthorizes funding for effective programs that evolved out of the 1998 act. For example, the MERHAB program, which stands for Monitoring and Event Response For Harmful Algal Blooms, partners State and local research managers with university researchers. Research from this program has resulted in innovations such as rapid test kits that beach managers can use directly in the field to test for harmful algal blooms. These kits eliminated the need to take samples back to a lab and wait days for confirmation of the presence of toxins, providing an early warning for the public about harmful algal blooms.

H.R. 1856 does not mandate any specific regulatory actions. It is purely a research, development, and demonstration bill, with a goal of improving our understanding of these phenomena so that we can predict their occurrence and develop tools for improved detection and mitigation of these problems.

Mr. Speaker, I urge my colleagues to support the manager's amendment and the underlying bill.

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

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

Mr. Speaker, I am pleased to offer my support for H.R. 1856, the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2004, authored by my colleague and friend, the gentleman from Michigan (Mr. EHLERS). I thank my colleague on the Committee on Science and my colleague on the Committee on Transportation and Infrastructure, the gentleman from Tennessee (Mr. DUNCAN), for working with me to develop language that will move the research results of this program from the laboratory and the field closer to their application. I would also like to thank the members of the Committee on Science for their support and help in this effort.

Since the inception of this program in 1998, we have developed a better understanding and appreciation for the dimensions and complexity of harmful algal blooms and hypoxic zones. We have made progress in identifying harmful species and in providing timely information to fisheries and recreational managers to prevent human health problems. However, we have not been very successful in developing and implementing management strategies or technologies to reduce the frequency or the intensity of the blooms.

Harmful algal blooms are not just an unpleasant nuisance. They are hazardous to human health, damaging to fish and wildlife, and they are economically devastating to the coastal communities that depend on coastal resources for their livelihoods. The razor clam fisheries, for example, along the coast of Washington have experienced three extended closures in the past 10 years. Each one of these represents the loss of over $10 million to coastal communities in my home State. I can tell my colleagues that local restaurants, hotels, and the tourism industry depend on the annual influx of clam diggers; and when the beaches are closed, they lose millions of dollars in important revenue and jobs.

Also, Washington State's Hood Canal region of the Puget Sound has experienced harmful algal blooms that threaten to create an ecological dead zone. Due to the proliferation of harmful blooms, levels of dissolved oxygen in Hood Canal have declined during the past several years to such an extent that many fish, shellfish, and invertebrate species are threatened. Indeed, last fall, two dozen species of fish washed up on Hood Canal's beaches, unable to survive in the oxygen-depleted waters. In an effort to protect Hood Canal's increasingly threatened ecosystem, the Washington Department of Fish and Wildlife has been forced to close much of the canal to fishing, costing rural Washington communities valuable jobs. Oxygen levels drop during the summer, and State officials expect significant losses as this summer continues.

Our States need funding to implement plans to identify and eradicate the causes and to prevent such blooms. We must act now to clean our coastal waters and restore the ecological and economic health of our fisheries. I urge all of my colleagues to support H.R. 1856. And again, I commend the gentleman from Michigan (Chairman EHLERS) for his leadership on this issue.

Mr. Speaker, we have no other speakers, and I yield back the balance of my time.

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

Mr. Speaker, I would like to say a few words for the Members who may not understand what harmful algal blooms are, and I also want to emphasize that this bill does not increase authorization or funding above the previous bill; it maintains the same level at $19 million per year, and we believe that will be sufficient to continue the project.

Harmful algal blooms are sometimes referred to as a ''red tide.'' These are algae that for some reason proliferate very rapidly under certain conditions, and the net effect of that is that they consume so much oxygen and produce toxins that they basically create a dead zone. In the Gulf of Mexico, it is not unusual to have a dead zone equal in size to the State of New Jersey. Obviously, this is not only harmful to the Gulf of Mexico, but also harmful to the fishing industries who like to use that area because of the large number of fish that are killed by the lack of oxygen and the toxins.

What is of special concern is that the harmful algal blooms now are appearing in fresh-water areas, particularly the Great Lakes, one of the greatest sources of fresh water not only in this Nation, but in the world.

We want to head that off very early, and try to find out precisely what is happening in the Great Lakes that would allow these harmful algal blooms to develop there and create the same difficulties that we have observed in the Gulf of Mexico, as well as in the State of Washington in the bay area around Seattle and Puget Sound.

Mr. Speaker, I think it is absolutely essential for us to address this. We reached the conclusion after our hearing that a great deal of good research has been done, that the emphasis now can switch from research, although not entirely; we must continue some research, but we also have to convert that into action now. The gentleman from Washington (Mr. BAIRD) in particular has a problem in the Puget Sound area that has to be addressed immediately. We hope that, as a result of this bill, we will see greater action through demonstration projects, and more than demonstration projects as time goes on, so that we can deal with this problem, actually solve it, and get rid of the harmful algal blooms and the hypoxia which occurs and which kills other organisms.

So, Mr. Speaker, I am pleased that this bill has reached this point. I want to thank the gentleman from Washington. He is one of the most helpful committee members on the Committee on Science, but particularly on this bill because of his expertise and the situation they have in the State of Washington. He has been most helpful in our discussions; and I hope that, as a result of this action, we will be able to address the problems in the State of Washington as well as other areas of the Nation.

Mr. Speaker, I want to also express my thanks to the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Maryland (Mr. GILCHREST) for their work on moving this bill through the Committee on Transportation and Infrastructure, as well as the Committee on Resources. Finally, I thank the gentleman from New York (Chairman BOEHLERT) for his hard work bringing this bill to the floor today.

Mr. Speaker, H.R. 1856 will provide a timely update for these important programs that help our coastal communities deal with harmful algal blooms and hypoxia. I urge all of our colleagues to support H.R. 1856.

Mr. EMANUEL. Mr. Speaker, as someone concerned with the health of the Great Lakes, I rise in support of H.R. 1856, the Harmful Algal Bloom and Hypoxia Research Amendments Act.

I would also like to thank my distinguished colleague from Michigan for offering this bill as well as for his leadership on this and other issues of importance to the Great Lakes.

As has been noted, harmful algal blooms are dense patches of toxic algae, which can poison marine life.

Harmful algal blooms can also become airborne and cause respiratory problems in humans.

Worse still, when the toxic algae decays, it can cause hypoxia, or a condition where all the oxygen in the water surrounding the algal bloom is consumed, resulting in a ''dead zone'' where no living thing can survive.

These algal blooms plague the Gulf of Mexico, the Chesapeake Bay and many of the Great Lakes, notably Lake Erie.

In fact, a recent report estimates that more than half of the Nation's estuaries experience hypoxic conditions at some time each year.

Economic impact of harmful algal blooms in United States average annually $50 million, but individual outbreaks can cause economic damage that far exceed the annual average.

Total public health impacts due to shellfish poisoning from harmful algal blooms averaged $22 million between 1987–1992.

H.R. 1856 will help us to better understand harmful algal blooms by increasing and updating research programs at NOAA.

But, importantly, H.R. 1856 will begin new research into Great Lakes algal blooms, which present different challenges and concerns than their ocean relatives.

Indeed, this bill will do a lot to help us better understand just one of the many problems facing the Great Lakes, and ultimately help us to begin to restore the health of one of our greatest national treasures.

This bill is a good first step, and I hope it will renew this body's interest in providing resources to conserve our nation's lakes and oceans, including the Great Lakes.

For this reason I support H.R. 1856, and urge my colleagues to do so as well.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the bill, H.R. 1856, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF THE WORLD YEAR OF PHYSICS

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 301) supporting the goals and ideals of the World Year of Physics.

The Clerk read as follows:

H. CON. RES. 301

Whereas throughout history physics has contributed to knowledge, civilization, and culture around the world;

Whereas physics research has been and continues to be a driving force for scientific, technological, and economic development;

Whereas many emerging fields in science and technology, such as nanoscience, information technology, and biotechnology, are substantially based on and derive many of their tools from fundamental discoveries in physics and applications thereof;

Whereas physics will continue to play a vital role in addressing many 21st-century challenges related to sustainable development, including environmental conservation, clean sources of energy, public health, and security;

Whereas Albert Einstein is a widely recognized scientific figure who contributed enormously to the development of physics, beginning in 1905 with his groundbreaking papers on the photoelectric effect, the size of molecules, Brownian motion, and the theory of relativity that led to his most famous equation, $E = mc^2$;

Whereas 2005 will be the 100th anniversary of those important scientific achievements; and

Whereas the General Assembly of the International Union of Pure and Applied Physics unanimously approved the proposition designating 2005 as the World Year of Physics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of the World Year of Physics, as designated by the General Assembly of the International Union of Pure and Applied Physics;

(2) encourages the American people to observe the World Year of Physics as a special occasion for giving impetus to education and research in physics as well as to the public's understanding of physics;

(3) encourages all science-related government agencies and nongovernmental organizations, the private sector, and the media to highlight and give enhanced recognition to the role of physics in social, cultural, and economic development as well as its positive impact and contributions to society; and

(4) encourages all those involved in physics education and research to take additional steps, including strengthening existing and emerging fields of physics research and promoting the public's understanding of physics, to ensure that support for physics continues and that physics studies at all levels continue to attract an adequate number of students.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. 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. Con. Res. 301, the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, I am pleased that we are considering this resolution recognizing the importance of physics to our everyday lives. This resolution supports the goals and ideals of the World Year of Physics and at the same time celebrates the 100th anniversary of Einstein's development of the theory of relativity. I am certain we are all familiar with the equation E=mc2 which, for the first time, recognized that mass is a form of energy and in fact could be converted into energy. This was a key factor in discovering nuclear fission and nuclear fusion.

The resolution recognizes the important contributions of physicists to technological progress and the health of many industries. I could go on and on listing all the various benefits that we have developed in today's world resulting from the work of physicists. Many people do not realize, for example, that some of the most important developments in health care come directly from the world of physics. As an example, x-rays were discovered by a physicist. The CAT scan was developed based on work that physicists had done. And MRI imaging, which is very useful for health diagnosis and research, was developed by physicists resulting from work done on nuclear magnetic resonance, which was discovered while I was still a graduate student.

In addition, what has developed with lasers is a very important aspect of what was at first a small, unknown field of research, very related to the field of research in which I received my doctorate. Discovery of lasers was the first proof of something that had been developed years ago theoretically, that photons passing through a material in an excited state would result in the emission of additional photons precisely in phase and at the same frequency as the photon that initiated the emission. That was the heart of developing the laser.

The ramifications and uses of the laser are so numerous that I can scarcely begin to mention them. They are used in surgery. They are used in factories to cut steel and to cut out patterns for clothes. In many, many other areas lasers play an extremely important role.

As I said, I could go on and on talking about the contributions that physicists have made to technological

progress in many industries, but this resolution, in addition to recognizing that, encourages the people of the United States to observe next year as the World Year of Physics in conjunction with the United Nations declaration of 2005 as the International World Year of Physics.

As a physicist, I recognize the physics principles that are part of our everyday lives. From mechanics and gravity to optical technologies that enable our CD players, physics is all around us. Through physics we can explore the depths of the universe and black holes, as well as the tiniest parts of the atom. And what has always fascinated me about my study of the atomic nucleus and also my readings in cosmology is that we humans are basically at the center of that scale. We are about as far removed from the size of an atomic nucleus, as we are from the size of the universe. I think it is just absolutely marvelous that we can explore our world in both the smaller and larger directions and have not reached limits at this point.

This resolution encourages the American public to take note of the physics used every day and encourages them to learn more about it. I hope that the American people will observe the World Year of Physics by supporting physics education and research. I encourage physicists and educators to engage the public, especially the children, in physics to inspire the next generation of scientists and engineers.

I commend the American Physical Society for promoting the World Year of Physics. This is a perfect opportunity to recognize and celebrate the importance of physics in our lives, promote public understanding of physics, and express our support for physics research and education.

I urge my colleagues to support H. Con. Res. 301, supporting the goals and ideals of the World Year of Physics.

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

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

Mr. Speaker, I rise in support of H. Con. Res. 301 which recognizes the goals and ideals of the World Year of Physics. I want to congratulate the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. HOLT) for bringing this resolution forward. I also personally want to say how much I enjoy serving with the gentlemen on the Committee on Science and what a rewarding experience it is to have two physicists on the Committee on Science itself. Some of the more esoteric details we often turn to these gentlemen to help us understand.

Physics, of course, is the discipline that underpins all of science in some way, and so much of our technology deals with the most fundamental understanding of the properties of matter. Emerging fields such as nanotechnology, information technology and biotechnology are substantially based on the results of fundamental discoveries in physics.

The General Assembly of the International Union of Pure and Applied Physics unanimously approved the proposition designating 2005 as the World Year of Physics. This will be the 100th anniversary of Albert Einstein's remarkable series of scientific papers on the photoelectric effect, the size of molecules, Brownian motion, and, of course, the theory of relativity itself.

This makes 2005 an appropriate year to recognize the importance of physics to the advance of civilization and the important role physics plays in social, cultural and economic development in our society and throughout the world.

Mr. Speaker, I commend this resolution to my colleagues and ask for their support for its passage by the House.

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

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

Mr. Speaker, I want to thank my colleague from Washington (Mr. BAIRD) and the gentleman from New Jersey (Mr. HOLT) for their work in bringing this resolution to the floor today.

As I mentioned before, the gentleman from Washington (Mr. BAIRD) has been most helpful in the Committee on Science. The gentleman from New Jersey (Mr. HOLT) and I, as the two physicists in the Congress, have worked together closely on many issues, including this one. So I want to recognize both of them for their work and for their long history in recognizing the importance of not only physics but science in general.

I urge all of my colleagues to vote for H. Con. Res. 301.

Mr. HOLT. Mr. Speaker, physics is all around us. Physics has been highly successful in explaining many of the phenomena governing our natural world; it was a basis for the Renaissance and the enlightenment of western civilization. Through physics we can explore the diverse phenomena from the existence of black hole and to the composition of the atom and nucleus. Understanding mechanics, gravity and propulsion allowed us to develop machinery, bridges and rockets while knowledge about electricity and magnetism and matter led to lasers, light bulbs, telescopes, fiber optics, the internet and the huge market of consumer electronics.

Physics research creates technological innovations, which drives the world's economic growth and markets. It has changed human life for the better. It has made major contributions to cutting-edge technologies such as Nanotechnology, Biotechnology and Information Technology. Physics research will help us to solve major new challenges in homeland security and find new energy sources.

In 2005, we celebrate the 100th anniversary of Einstein's theory of relativity. This resolution is the perfect opportunity to recognize and celebrate the importance of physics to our lives.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 301.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 701 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 701

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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, 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: section 108; beginning with ''Provided'' on page 48, line 13, through the colon on line 19; beginning with ''and'' on page 57, line 24, through page 58, line 2; section 603; beginning with ''or (6)'' on page 97, line 21, through the semicolon on line 23; and section 607. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. 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. 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 Massachusetts (Mr. McGOVERN), 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, H. Res. 701 is a traditional open rule providing for consideration of H.R. 4754, the Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Act of 2005.

The rule does not restrict the normal open amending process in any way, and any amendments that comply with the standing Rules of the House may be offered for consideration.

H. Res. 701 provides 1 hour of debate in the House on the bill, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. H. Res. 701 waives points of order against provisions in the bill for failure to comply with clause 2 of Rule XXI, prohibiting unauthorized appropriations or legislative provisions in an appropriations bill, except as specified in the resolution.

In order to facilitate the consideration of amendments on the floor, the rule gives the Chair the ability to provide priority in recognition to those Members who have preprinted amendments in the CONGRESSIONAL RECORD. Finally, H. Res. 701 provides for one motion to recommit with or without instructions.

Mr. Speaker, I want to begin by noting the work of the subcommittee in bringing this legislation forward to the House floor. The gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) testified together before the Committee on Rules yesterday in bipartisan support of their work product, and they have done a good job in setting the funding priorities of these departments and agencies within the budgetary limitations we currently confront.

Mr. Speaker, debate time on the rule should primarily focus on the fairness of this rule and the wide open amendment process that it outlines for House debate and consideration. However, I do want to note that this appropriations bill maintains the continuing pledge of the House to meet the challenge of international terrorism and to ensure that law enforcement across the Nation has the resources necessary to combat crime in America.

Funding for the Department of Justice, in particular, is indicative of the Committee on Appropriations' obligation to provide the necessary funds to address terrorism, increase our Nation's intelligence capabilities and maintain a focus on law enforcement threats such as illegal drugs, cybercrime and espionage.

Mr. Speaker, this rule provides for an open amendment process for consideration of the Commerce, Justice, State and the Judiciary appropriations bill. I urge my colleagues to support the bill.

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

Mr. MCGOVERN. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. LINDER) for yielding me the customary 30 minutes.

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

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

Mr. Speaker, I wanted to commend the chairman and the ranking member of the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriations, my good friends, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for their hard work and cooperation in drafting the Commerce, Justice, State appropriations bill for fiscal year 2005.

The gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) took an absurdly low Presidential budget request, worked with the gentleman from Florida (Mr. YOUNG) to produce a decent allocation and made the best of a bad situation.

For example, I am pleased that the bill restores funding for the Manufacturing Extension Partnership. The Fiscal Year 2004 Omnibus Appropriations Conference Report cut the program by 60 percent to just $39.6 million, and the President's fiscal year 2005 budget requested $39.2 million for the program. The M-E-P program serves small businesses, and these small businesses would be severely hurt if last year's cuts were extended.

I have firsthand knowledge of the value and importance of the M-E-P program, because the Massachusetts M-E-P is headquartered in my congressional district. Earlier this year, I joined 157 of my colleagues in a letter to the Committee on Appropriations requesting $106 million for the M-E-P program. The restoration of this funding in this bill will help ensure the sustainability of our domestic small manufacturing industry and its high-quality jobs, and I want to again thank the gentleman from Virginia (Mr. WOLF) and the ranking member, the gentleman from New York (Mr. SERRANO) for working to support this important program.

But even though the entire fiscal year 2005 CJS appropriations bill provides $240 million above President Bush's overall request, still some serious deficiencies remain.

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For instance, I am deeply concerned about the lack of funding for the Economic Development Administration. EDA is an agency that is chiefly responsible for providing assistance to urban areas for revitalization. Any cuts to this program, especially in these difficult economic times, will seriously jeopardize the revitalization efforts that are currently under way in urban areas, like Attleboro, Massachusetts, in my congressional district, as it continues to move through the legislative process and into conference negotiations.

I am also disappointed that this bill zeroes out funding for the Small Business Administration's 7(a) subsidy program and the SBA's Microloan Technical Assistance program. The microloan program helps low-income and unemployed individuals become self-sufficient. There is strong data showing that the household income for low-income recipients increased by 72 percent over 5 years and that more than half of these entrepreneurs moved beyond the poverty line during that time. The microloan program should be maintained, not sacrificed.

Additionally, Congress created the 7(a) program to help small businesses with the high costs associated with starting a new business. It is the largest SBA financing program and is a real lifeline for small businesses. The gentleman from New York (Ranking Member SERRANO) offered an amendment in the Committee on Appropriations that would have restored funding for this important program. Unfortunately, it was defeated by a party-line vote. Later this afternoon, a bipartisan amendment will be offered to restore funding for this important small business program, and I urge all of my colleagues to support this effort on behalf of our small businesses and entrepreneurs.

Finally, Mr. Speaker, I am extremely disappointed that this bill reduces funding for the COPS program and for State and local law enforcement grants. Although the fiscal year 2005 CJS appropriations bill provides $3 billion for these programs, it is $103 million less than last year's funding level. While this is an improvement, a vast improvement, over the President's request, which zeroed out many of these programs, I think we can still do better.

These grants are vital for the safety and the protection of our cities and towns all across this country. More than 118,000 officers around the country have been funded through this program. Community policing and neighborhood activism make a real difference in the battle for public safety. During these difficult economic times, our State and local budgets are very, very tight. It is critical that the Federal Government act as a partner in the area of public safety.

In my congressional district, for instance, the COPS program recently provided $3.75 million for 50 new police officers in Worcester, $225,000 for three new police officers in Attleboro, and $75,000 for an additional police officer in Seekonk. Homeland security starts with hometown security, and we should be doing more for the COPS program, not less.

Mr. Speaker, this is not a perfect bill, but it is a good one. The funding deficiencies in this bill I hope can be worked out in the conference, and I am confident that the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Ranking Member SERRANO), two Members who I have extremely high regard for, will work

with the other body to provide the necessary funding for these important programs.

I want, once again, to commend the committee for its hard work, and I urge my colleagues to join me in supporting this bill.

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

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

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from Georgia for yielding time to me.

I would just like to take my time here to discuss an amendment which I am afraid I cannot write so it would be germane to the legislation that will be before us for which this rule has been written, but it does pertain to Commerce-Justice-State, and it pertains to something that is happening in this country.

On September 13, the automatic assault weapon ban is going to expire. If I looked at my calendar correctly, that is 17 legislative days from now. This is a ban which has been in effect for a period of 10 years now in this country. It is supported by the President of the United States, that is, the extension of it. It is supported by both Presidential campaigns; and in my judgment, it is very, very important that we bring this, however we possibly can.

We are talking about semiautomatic weapons. In this case, we are talking about the AK–47, Uzis. We are talking about high levels of ammunition, depletion of guns in rapid time, various aspects that have frankly caused every law enforcement entity that I know of in the United States of America to support this ban.

We also know that there has been a reduction in crime with the use of these weapons since the ban has been in effect. In fact, that reduction has been more than 65 percent since the ban went into effect in 1995. So we now have a situation in which we have proven, I believe, that the assault weapon ban is something that actually makes sense as far as the safety of Americans is concerned.

As far as the right to bear arms and the rights that are prevalent, I believe in those. I believe they should be continued, but I do believe that the assault weapon ban needs to be continued as well.

It also shows that most Americans believe this. If one looks at polls, they virtually in every category, or 75 percent or more of Americans believe that we should continue this assault weapon ban.

I have legislation introduced, and that legislation would do that for 10 years. It does not change another word. It just extends it for 10 years because I believe it has worked well.

My concern is are we going to be able to bring it to the floor in a reasonable period of time that will allow a debate, that will allow a vote on this so we can consider it before the House of Representatives, a piece of legislation which seems to be so supported by so many individuals living in America today. I would encourage the leadership to consider this.

I do not frankly think it should be an amendment to an appropriation bill, or an amendment to anything. It should have its own set of committee hearings, its own time on the floor of the House of Representatives and the opportunity to vote for it. So I will not introduce an amendment.

I do appreciate a great deal the time yielded to me by the gentleman from Georgia to discuss this. I would encourage the leadership of the House and the Senate to take a good look at this legislation and make absolutely sure that that date does not come and go without us doing anything about it.

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

We have no other requests for speakers, but let me just close by again saying that while I wish the overall funding level for this bill were higher and I wish there was more money available for the COPS programs and for a number of other small business programs, I nonetheless want to again commend the gentleman from Virginia (Mr. WOLF), the chairman, and the gentleman from New York (Mr. SERRANO), the ranking member, for really an excellent job. They have worked together in a bipartisan way, and the entire subcommittee deserves credit for the final product that is before us, a bill which I will support.

Let me also conclude, Mr. Speaker, by saying something that I rarely get an opportunity to say, but I gladly say it today, and that is, I support this rule.

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

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

I also want to commend the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Ranking Member SERRANO) for a very fine job done under strained circumstances. I urge my colleagues to support this rule and support the underlying legislation.

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.

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 the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, and that I may include tabular and other extraneous material.

The SPEAKER pro tempore (Mr. LINDER). 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, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 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. 4754.

□ 1225

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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

The Chair designates the gentleman from Washington (Mr. HASTINGS) as chairman of the Committee of the Whole, and requests the gentleman from Florida (Mr. MILLER) to assume the chair temporarily.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. 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 myself such time as I may consume.

Mr. Chairman, I am pleased to bring the fiscal year 2005 Commerce, Justice, and State, the Judiciary and related agencies appropriations bill before the House. In this bill, we have taken an austere allocation and done our best to arrive at a bill that funds important national priorities, including counterterrorism, State and local crime-fighting and embassy security. The result is a solid bill, and I encourage the Members to support the bill today; and my understanding is that we will finish the bill today.

I want to thank the gentleman from Florida (Chairman YOUNG) for supporting us. I also want to thank the gentleman from New York (Ranking Member SERRANO) for his help in crafting the bill. I very much appreciate the close and cooperative relationship we have established, and I want to thank the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee, for his assistance.

The recommendation we bring before the House today includes $39.8 billion in discretionary spending. Program increases are focused on most critical areas including counterterrorism, State and local law enforcement, assistance to American manufacturers,

and protection of the Judiciary, and the security of our personnel overseas.

As my colleagues know, Mr. Chairman, we are operating under a very restrictive budget resolution, which is $1.6 billion below the President's request overall for nondefense discretionary spending. Our subcommittee allocation is .6 percent above the President's request for our agencies.

The bill continues the major progress we have made in the fights against terrorism and crime, and builds on the important gains of the past few years on embassy security. At the same time, it also reflects our commitment to responsible stewardship of public funds.

For the Department of Justice, the recommendation includes $20.6 billion, $900 million above the request. We have restored needed funds for State and local crime-fighting to keep our streets and schools safe. The bill also includes significant increases for Federal law enforcement for both terrorism prevention and traditional law enforcement. A $38 million anti-gang initiative will provide both enforcement and prevention funding, including $20 million for State and local grants and $18 million for additional Federal law enforcement efforts.

For the FBI, the bill provides $5.2 billion, $100 million above the request, to provide 1,100 additional agents, analysts and support staff for intelligence and counterterrorism activities. We have also established a new intelligence directorate in the FBI and given the Bureau additional retention, recruitment and retirement authorities with the concurrence of the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform. I thank him for that help and cooperation, and the country will be better for it.

We maintain the commitment to fighting illegal drug activities with $1.7 billion for the DEA, the full amount requested. With this increase, we will now have restored the total number of Federal agents working on drug cases to a number above the pre-9/11 levels.

The bill includes $3 billion for proven State and local law enforcement crime-fighting programs, restoring $886 million to the highest priority programs, including Juvenile Justice and the SCAAP, most of which the administration proposed to eliminate or drastically reduce.

For the Department of Commerce and related trade agencies, the recommendation includes $5.76 billion, a decrease of $186 million below 2004, which is largely a result of the reduction of lower priority spending in NOAA and elimination of the ATP program.

Full funding is included to empower our trade agencies to negotiate, verify, and enforce trade agreements that are more free and fair, and to ensure an even playing field for American businesses.

The bill includes vital assistance to the ongoing recovery of our manufacturing sector. Members on both sides have spoken to us about this. So $106 million is included for the Manufacturing Extension Partnership program. It is an increase of $67 million above the current request and the current year, and this is important for creating jobs throughout the entire country. The bill also includes $4 million for the Bureau of Economic Analysis, including funding for a study on the economic impacts of offshoring on the U.S. economy.

The bill continues funding for critical core programs of NOAA. The National Weather Service and NOAA's satellite programs are funded at the full requested level; and funding is continued, as requested, for many established ocean and fisheries programs.

The bill preserves the vitality and innovation of our economy with a historic funding increase for the Patent and Trademark Office to reduce the growing backlog in patent processing. The bill provides for $1.52 billion in spending, the same amount that the PTO expects to collect this year in fees.

□ 1230

And finally, under Commerce we are fulfilling the Department's constitutional responsibility to conduct the census. We provide an increase of $149 million to support the ramp-up of the 2010 decennial census, including funding for the American Community Survey.

For the Judiciary, the recommendation provides $5.2 billion, an increase of $391 million above 2004, to enable the courts and probation offices to process record caseloads.

For the State Department and the Broadcasting Board of Governors, the recommendation includes $8.9 billion, an increase of $299 million over 2004, and $80 million below the request.

Within this total, we are providing $1.57 billion, the full request for worldwide security improvements and replacement of vulnerable facilities and funding to support over 100 new positions aimed at improving security and strengthening the visa process.

The bill also includes $1.84 billion, the full amount requested for international organizations and peacekeeping.

We strongly support public diplomacy and international broadcasting to continue television broadcasting to Iraq, which was initiated last year and is very critical for the effort now taking place in Iraq. As sovereignty is transferred to an Iraqi government, we need to maintain the lines of communication with the Iraqi people and assure that they are receiving accurate and balanced news and information. This bill will also ensure that the broadcasting to Iraq continues without disruption.

For Related Agencies, the recommendation provides inflationary increases to most agencies, again fully funds the FTC's Do-Not-Call program, and includes a $102 million increase for the SEC to protect American investors.

For the SBA, the recommendation provides a 6 percent increase for operations and additional funds above the request for the Small Business Development Centers. The bill adopts the President's request for the 7(a) business loan program, which provides for up to $12.5 billion in general business loans, an unprecedented level, without requiring an appropriation.

The bill provides $335 million for the Legal Services Corporation, $6 million above the request. The committee has worked over the past few years to successfully bring Legal Services away from controversy. The bill again continues our commitment to provide civil legal aid to those who cannot afford counsel and are seeking justice.

In closing, Mr. Chairman, this is a summary of the recommendations before you today. It will strengthen the operations of Federal, State and local law enforcement agencies. It provides needed assistance to ensure that our economy and our manufacturing sector continue to grow. It provides for a secure and effective diplomatic operations overseas. It enables the judicial branch to successfully manage its growing workload. It represents our best take on matching needs with resources.

With that, Mr. Chairman, I would also want to close by thanking the staff. The staff has worked very, very hard, and in fact, not many people realize how hard these staff members work. And I want to thank the members of the subcommittee staff who are putting in very long hours on the 2005 CJS bill. All members and staff of the subcommittees have worked hard, and put in long hours that I believe will be helpful to the country.

I want to particularly thank Mike Ringler, the clerk of the subcommittee who has led this through the House appropriations process. I also want to thank Christine Kojac, John Martens, and Anne-Marie Goldsmith for their tireless efforts. Their work is much appreciated.

I also want to thank our detailee, Jonathan Mattiello, who has lent his support to the bill. In my personal office, Dan Scandling, Janet Shaffron, J.T. Griffin, Samantha Stockman and Neil Siefring for their efforts and work with the subcommittee. And from the minority staff, because we have had a good working relationship which I think can be a model, I want to thank David Pomerantz, Lucy Hand, whom I have known a long while, all the way back to the days where she worked for Mr. Lehman on the Committee on Appropriations, Subcommittee on Transportation, Treasury and Independent Agencies; Linda Pagelsen, Nadine Berg and Rob Nabors, who have worked with our staff in a bipartisan manner to produce this bill.

I want to thank them, and I want the American public to know and Members of the House to know who they are.

Mr. Chairman, I yield to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I appreciate the fact you are attempting to close general debate here. I did want to come over and compliment you and the gentleman from New York (Mr. SERRANO) on the excellent legislation here. I particularly appreciate the kind of support we Nebraskans have received from the subcommittee in the past in dealing with the very real methamphetamine problem, we have, but secondly, I also wanted to compliment the subcommittee on providing funding above the administration's request for the Judiciary.

I know the Nebraska Federal District Court was concerned that the so-called ''hard freeze'' initially proposed would cause layoffs and furloughs, and the Federal court has already taken a big hit in Nebraska with the loss of a temporary judgeship in May of 2004, when one of the judges took senior status.

So it is my opportunity today not only to compliment you but to send a message to the two authorizing judiciary committees that this judgeship and the failure to fill it is creating real hardships for the people of Nebraska, for the judges, for the law enforcement personnel and, I think, for justice. There is a saying that ''justice delayed is justice denied,'' and I am afraid that is just about to be the case in Nebraska.

So you have done your job as an Appropriations subcommittee, and I thank you for the things that I have mentioned and for the other things that relate to the State, Commerce, and Justice departments.

Mr. Chairman, I thank the distinguished gentleman from Virginia (Mr. WOLF) for yielding me this time.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

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

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. SERRANO. Mr. Chairman, I rise in support of the bill providing appropriations for the Commerce, Justice, State, Judiciary and related agencies for fiscal year 2005.

From the outset, I must say the 302(b) allocation given to the subcommittee, in our opinion, was too low. I am grateful to the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), however, for providing $226 million above the request; and I am impressed with how much the chairman of our subcommittee, the gentleman from Virginia (Mr. WOLF), was able to accomplish within the allocation he was given. On the whole, I think the distribution of funds is quite fair and sensible and reflects priorities I believe most of us would share.

I would be remiss if I did not say how much of a pleasure it is to work with Chairman WOLF on this bill. Our working relationship and our friendship are major factors in producing it. I must also say that I am very grateful for the openness and fairness with which the chairman's staff has treated mine. Much is said, Mr. Chairman, about the poisonous atmosphere in the House these days, but that is not the case on this subcommittee, and I credit the gentleman from Virginia (Mr. WOLF) for that. His attentiveness and that of his staff to the needs of our side have been terrific, even if they could not always do everything we would like.

Mr. Chairman, I thank Chairman WOLF and the staff, Mike and Christine, John, Anne-Marie, and Jonathan have served the committee well, as have on our side David, Linda, and Laura, and on my personal staff Lucy, Nadine, Diaraf, Sean and Jennifer. I wonder at times, Mr. Chairman, if the American people have a full understanding of the fact that behind the work that is seen on the House floor and in press conferences there is always such a large number of young, dedicated people who put together so much of the work that goes on in this House, and I think it is something we should always remember.

Again, Chairman WOLF was able to accomplish much. To list just a few highlights, the bill includes full funding or better for the FBI, the DEA, international organizations, worldwide embassy security, and most of the related agencies. Also, much more than requested for MEP and SCAAP. Funding levels on which we can build for NOAA. Continuing support for the Office of Privacy and Civil Liberties Protection in Justice.

I am also gratified that the bill and report direct the EEOC not to proceed with its workforce repositioning without complying with the committee's reprogramming procedures, which will give us essential oversight of potentially very disruptive changes proposed by that agency.

I do worry that first responder funding shortfalls between the Homeland Security bill and this one, despite the efforts of Chairman WOLF and our previous chairman, the gentleman from Kentucky (Mr. ROGERS), to improve on deeply flawed request levels, represent a one-two punch at our public safety agencies.

I regret the inability to give the SBA the resources it needs, although there will be amendments today to restore funding for the 7(a) business loans program and microloans, or to fund programs such as TOP and PTFP, where real needs will go unmet.

I also would have liked to address a serious problem that the restrictions on the use of non-Federal funds pose for the Legal Services Corporation grantees, which face administrative and financial burdens probably unmatched by any other class of Federal grantees, but that is a discussion for another day.

One other issue I would like to mention is the census. Halfway between decennials, few Members pay much attention to the Census Bureau. But accurate statistics about the Nation's population and activities collected, analyzed, and published by the Bureau are crucial to both government and the economy. Not only is membership in this House apportioned according to census data, indeed the Constitution requires 10-year censuses for that purpose, but many important decisions and many Federal grant programs are based on accurate census information, both from the decennial and from other periodic censuses. Business, too, relies on census data for final decisions on marketing, locating facilities, and the like. The census is of extraordinary importance to minority communities because it is the basis for their ability to establish their identity and secure their rights.

As the chairman knows, the Census Bureau is a bureau that I always feel plays a special role in the South Bronx and, indeed, throughout our society. Whenever anyone gets up and speaks about we have such a number of this and a number of that, and this happened and that is happening, those figures are always taken from the work of the Census Bureau, and so we not only tip our hats to them but show them our support.

Again, Chairman WOLF has shown exceptional sensitivity to what the Census Bureau needs to continue its activities and prepare for the 2010 short-form-only decennial, and I thank him for that.

Again, Mr. Chairman, I believe that this bill is a good one, and I will support it as it continues to move through the process. Once again, I thank Chairman WOLF for his support, for his kindness, for his friendship, and above all, for being a man of great conviction who sticks with issues that other people dare not bring up, as we will see during this debate.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

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

Mr. TERRY. Mr. Chairman, today the House is considering the spending levels for the U.S. Federal Court system contained in H.R. 4754. Unfortunately for the State of Nebraska, it is not the level of funding for the Judiciary that is at issue, it is the failure of this Congress to address the problem of the loss of a Federal judgeship in Nebraska.

Since 1999, the judges of the Nebraska Federal District Court have requested Congress to either convert a temporary judgeship to a permanent one or at least extend the temporary judgeship. However, on November 22, 2003, even that last option was lost when the authority for the temporary position expired.

My colleagues in the Nebraska delegation have introduced legislation in this House and in the Senate to restore

this single judgeship. The Senate Bill, S. 878, passed in the Senate in 2003, but this House has yet to take action.

This situation has created a major hardship for our Federal judiciary in Nebraska. The Nebraska district has the third highest per judge criminal caseload in the country. It exceeds the caseloads of the districts like Los Angeles, New York City, Chicago, and Miami. According to Nebraska Chief Judge Richard Kopf, ''The criminal caseload has exploded over the last 5 years. From 1998 to 2003, it has risen 97 percent.''

□ 1245

The chief judge has indicated that criminal cases take priority over all civil cases because of the United States Constitution, which requires that defendants have a speedy trial. This need to deal with the criminal docket has a major impact on lawyers and their clients with civil matters before the Federal courts.

Nebraska State Bar President John Grant has noted, ''Without the four judgeships, very few noncriminal cases will be handled. Cases concerning Social Security benefits, health insurance coverage, civil rights and personal injury are not going to be heard on a timely basis.''

This is an important issue to the State of Nebraska.

Mr. SERRANO. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. FARR).

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

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding me this time.

I am rising today to discuss this bill because it cuts the NOAA funding by 15 percent and ignores essentially the two in-depth ocean reports released to Congress this past year. I thank the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), the ranking member, for a commitment that they made during the full committee markup to work to increase the funding levels for the ''National Ocean Service'' and for the National Marine Fishery Service during conference. I appreciate their acknowledgment that the levels need to be increased.

I also want to thank our ranking member, the gentleman from Wisconsin (Mr. OBEY), for stating his concern on the NOAA funding cuts. I am deeply concerned about NOAA. With the commitments in mind, I want to highlight the funding levels for some of the NOAA programs. The hardest hit, and I would reference a bipartisan letter that was sent to the Committee on Appropriations by 59 Members of the House, the Coastal Zone Management Grants and the Coastal Nonpoint Pollution Grants, both of which States heavily rely on. Florida, for example, loses $345,000; Virginia has a net loss of $620,000; California also has a net loss of $620,000. This may not seem like much when we are usually dealing in millions and billions, but to the States who rely on these funds for ongoing coastal zone management and nonpoint source grants, it is a great deal of money.

The Cooperative Fisheries Research Programs were cut also by $20 million. These programs bring the fishing community together with scientists to better understand fishery resources. This is a big issue that both of the ocean reports talked about, the fact that the right hand on science does not necessarily work well with the left hand on fisheries, and we need to make sure these two groups come together, and the fishermen understand the science, and the scientists better understand the economics of fishing so we can better meld these two groups together. We cannot do this if we are cutting the programs that bring people together.

Another area, the Marine Mammal Protection area, will be severely hampered under the House mark which, once separate lines are combined, equals roughly $4 million. The National Marine Fisheries Service will not be able to fund top-priority studies as identified by the multi-stakeholder take reduction teams. The National Marine Fisheries will not be able to design or implement fishery management plans that protect marine mammals. The agency will not be able to conduct research on population trends, health and demographics of marine mammals, and the National Marine Fisheries will not be able to carry out the education and enforcement programs.

The other program that was affected by this was the Marine Mammal Health and Stranding Response Program which was cut last year and that has not yet been resolved. The program funds our investigations of die-offs of large numbers of marine mammals, including the recent bottlenose dolphin die-off in Florida, which involved more than 100 animals.

If we combine the cuts in the State Coastal Zone Management Grants and the Coastal Nonpoint Pollution Grants, both of which are, as I said, relied on heavily by the States, you get these additional losses. So without these funds, we lose the opportunity to study and to work with the States in implementing good programs.

In my constituency, I have 24 national organizations which have signed a letter to every Member of the House, which describes deep concerns with the NOAA funding. They have fundamental problems with the cuts that NOAA received.

I believe the commitment made by the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) to increase funding levels is sincere and they will work on that in conference. The NOAA programs such as the ones I have highlighted will ensure that our future in the oceans will remain vital and components of our economy and our communities and our lives will be sustained.

Lastly, because of the good work done by both the Pew Commission and the National Oceans Commission, we will be able to implement with these fundings some of the strong recommendations they made for healthy oceans.

Mr. Chairman, I submit the following letters for the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 8, 2004.

Hon. FRANK WOLF,
Chairman, Commerce, Justice, State and the Judiciary Subcommittee, Appropriations Committee, House of Representatives, Washington, DC.

Hon. JOSÉ SERRANO,
Ranking Member, Commerce, Justice, State and the Judiciary Subcommittee, Appropriations Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN WOLF AND RANKING MEMBER SERRANO: As Members concerned with our nation's diverse and productive coastal areas, we are requesting your support for funding the National Oceanic and Atmospheric Administration (NOAA). Our oceans and coasts support more than 2.8 million jobs, generate more than $54 billion in goods and services per year, and are the most popular destinations for recreation and tourism in the U.S.

Established by Congress in 2000, the Conservation Trust Fund dedicates $560 million in FY05 for critical coastal conservation programs within NOAA. We greatly appreciate the Subcommittee's full use of this funding over the last four years to provide vital support for high priority coastal conservation initiatives and urge the Subcommittee to again make full use of this fund in FY05.

On the eve of the release of the U.S. Commission on Ocean Policy draft report, we ask for your assistance in meeting the significant challenges and threats now confronting our oceans. We recognize the Committee has extraordinarily difficult choices to make this year; however, the continued health and prosperity of our coastal communities depend on our willingness to invest today to preserve our nation's coastal legacy for future generations. We respectfully request the Subcommittee seriously consider the funding levels for the following programs.

COASTAL ZONE MANAGEMENT

State Coastal Zone Management Grants—$80 million. These funds, which are matched dollar for dollar, are critical to support the efforts of 34 states and territories to reduce the impacts of coastal development, expand public access, reduce the damages from coastal hazards, restore and protect critical habitats and support the nation's important and diverse coastal communities.

Coastal Nonpoint and Community Resource Improvement Grants—$10 million. We urge the Subcommittee to reject the Administration's proposed termination of this program. This funding is only a fraction of what is needed by states to address polluted runoff, the most significant source of pollution of coastal waters.

National Estuarine Research Reserve System (NERRS)—$20 million grants, $15 million acquisition and construction. This funding will enable NERRS to support the addition of a new Reserve to the current system of 26 and fund the ongoing coastal stewardship training, research and education programs and construction needs.

Coastal and Estuarine Land Conservation Program—$60 million. Nowhere in the nation is the threat of ecosystem fragmentation, sprawl and habitat loss more prevalent than

in our nation's coastal zone. In the first three years of this program, CELCP funds have leveraged non-federal funds and protected thousands of acres of coastal lands in 25 states.

MARINE CONSERVATION AND OCEAN EXPLORATION

National Marine Sanctuaries—$40 million operations, $10 million construction. The National Marine Sanctuary Program protects our nation's most unique and nationally significant marine ecosystems and resources. Level funding for operations in FY05 is critical to reducing staffing shortages, supporting conservation, community outreach, research, and education programs, and updating sanctuary management plans as required by law. We support no less than the fully authorized level for operation of sanctuaries and encourage the committee to recognize the pressing need for higher levels. In addition, we support $10 million for construction, as the backlog in facilities maintenance remains a significant operations liability at many sanctuaries.

Coral Reef Construction—$28.25 million. Coral reef ecosystems are among the most diverse, biologically productive, economically valuable, and threatened marine habitats in the world. Increased resources are urgently needed to reduce land-based pollution and address overfishing, diseases, and other threats to coral reefs. Funding for local action strategies will support on-the-ground solutions, such as critical monitoring, mapping, restoration, outreach and protection activities that reduce threats to coral reefs.

Ocean Exploration—$13.9 million. Less than 5% of the ocean has been explored or characterized to the same degree of resolution as we have characterized Mars and Venus. Ocean exploration is the vital first step in a new approach to ocean resource management, improved marine science and education, and a new vision for ocean stewardship. We urge the Subcommittee to support last year's funding level to demonstrate U.S. leadership in this important global issue.

SUSTAINABLE FISHERIES, MARINE MAMMALS AND INVASIVE SPECIES

Fisheries, Research and Observer Programs—$75 million. Recent scientific reports conclude that too many of our nation's fisheries are on the brink of collapse. Reducing the backlog in research days-at-sea and increasing fishery observer coverage and cooperative research efforts will give managers baseline information critical to better managing our fisheries. We commend the Subcommittee's efforts for increase funding in these areas in FY04 and urge $25 million for expanding stock assessments, $20 million for cooperative research, including data collection and analysis, and $30 million for regional and national fishery observer programs in FY05.

Vessel Monitoring System (VMS)—President's request of $9.3 million. VMS is a satellite-based fishery enforcement system that provides real-time catch data from participating vessels in a range of fisheries. The President's request would allow for the establishment and implementation of VMS systems and placement of transponders onboard many of the estimated 10,000 boats in the U.S. commercial fishing fleet. VMS programs augment existing enforcement efforts at approximately 1% of the cost, enhance data collection, and benefit fishermen by improving safety at sea and allowing fishing right up until a quota is reached.

Marine Mammal Protection—$9.1 million. This funding will help NMFS more fully assess and take measures to recover depleted and strategic marine mammal species, such as common dolphins, pilot whales and bottlenose dolphins, through take reduction team activities as well as other research, conservation and recovery efforts.

Endangered Species Act, Cooperative Agreements with States—$4 million. This cooperative program makes funding available on a competitive, matching basis to carry out conservation activities at the state and local level. Providing $4 million to the states in FY05 would support local researchers, non-governmental organizations, and volunteers to accomplish monitoring, restoration, science and conservation of species at risk of extinction.

Invasive Species Initiative—$5.5 million. This funding will be used by NOAA's Invasive Species reducing the potential for invasive species to be introduced in US ports and coastal waters, and to promote increased collaboration among the many groups working to understand invasive species, including NOAA, other agencies, and the scientific community.

Our oceans are a public trust whose stewardship is critical to our economy, our environment, and our future. We greatly appreciate your past support for these programs and your consideration of our requests.

Sincerely,

James Greenwood, Wayne T. Gilchrest, Curt Weldon, E. Clay Shaw, Jan Schakowsky, Madeleine Z. Bordallo, Frank Pallone, Jr., Sam Farr, Tom Allen, Dennis Cardoza, Michael H. Michaud, Jo Bonner, Jeb Bradley, Timothy V. Johnson, John Conyers, Jr.

Sheila Jackson-Lee, Chris Smith, Gene Green, John M. McHugh, Bart Stupak, Susan A. Davis, Loretta Sanchez, Anthony D. Weiner, Peter Deutsch, Jerrold Nadler, Carolyn B. Maloney, Gary L. Ackerman, Eliot L. Engel, Dale E. Kildee, Ed Markey.

Robert Wexler, Tom Petri, Eni Faleomavaega, Betty McCollum, Kendrick B. Meek, George Miller, Ileana Ros-Lehtinen, Raúl M. Grijalva, Earl Blumenauer, Tom Lantos, Tammy Baldwin, Alcee L. Hastings, Jim McDermott, Jay Inslee, Adam B. Schiff.

Mike McIntyre, Mike Thompson, James Langevin, Lois Capps, ———, Neil Abercrombie, Jim Saxton, Frank A. Lobiondo, Anna Eshoo, Aníbal Acevedo-Vilá, Edward Case, Barbara Lee, Bob Etheridge, ———.

JULY 7, 2004.

FUNDING FOR AMERICA'S OCEANS AND COASTS SLASHED NEARLY HALF A BILLION DOLLARS IN THE FY05 CJS BILL

DEAR REPRESENTATIVE: The Fiscal Year 2005 (FY05) Commerce, Justice, State Appropriations bill that you will consider today guts funding for critically needed ocean and coastal protection activities and abrupt climate change research. The bill slashes $446 million for the National Oceanic and Atmospheric Administration (NOAA) from FY04 enacted levels, disregarding mounting scientific evidence and recommendations for greater investments. We oppose these deep cuts to NOAA and ask that they be rectified in the final bill.

The U.S. Commission on Ocean Policy, appointed by President Bush, recently released its preliminary report and confirmed the health of America's oceans is in severe decline. The Commission noted that our nation's current investments in ocean science, management and conservation are inadequate to address the major threats facing ocean ecosystems and coastal communities. This bill flatly ignores the Commission's warning about the state of our ocean and coastal resources, taking a step backwards at a time we should be making bold new efforts to protect the waters that give us life.

In addition, a bi-partisan letter signed by 61 Members of Congress in April called for providing adequate funding levels in key programs, such as coastal zone management; fisheries research, management, and enforcement; national marine sanctuaries; coral reel conservation; and marine mammal protection. Unfortunately, the bill not only fails to accept many of the increases the Congressional letter sought, but makes further cuts to the already inadequate Administration request for many of these programs.

Conservation Trust Fund. We are very disappointed to note that the bill fails to live up to Congress' groundbreaking commitment in 2000 to fully fund NOAA's part of the Conservation Trust Fund. The dedicated level for FY05 should be $560 million. Abandoning the historic Conservation Trust Fund is a significant retreat from a bi-partisan agreement to restore and sustain America's environmental legacy.

National Marine Fisheries Service. The status of roughly two-thirds of our commercially caught ocean fish populations is unknown due in large part to lack of resources for basic research and regular stock assessments. In addition, bycatch reduction and essential fish habitat protection are critical conservation priorities that do not receive appropriation attention. Finally, inadequate resources hamper the agency's ability to keep pace with the need for proper enforcement coverage. While we appreciate the Subcommittee providing additional funds for expanding fisheries stock assessments, the following programs are below FY04 appropriation levels: fishery observer programs, cooperative research, essential fish habitat protection, and protected resources (marine mammals, sea turtles).

National Ocean Service. Activities that support managing coastal zones and national marine sanctuaries, restoring coral reefs, protecting sensitive coastal and estuarine lands areas, and reducing coastal pollution merit increased funding. However, the bill's devastating 31 percent cut—$160 million—to the National Ocean Service's budget will jeopardize efforts to maintain and improve the quality of our coasts and will abolish entire portions of programs such as national marine sanctuaries, coral reef conservation, coastal state nonpoint pollution grants, and other vital conservation initiatives of the National Ocean Service.

Pacific Salmon Recovery. Pacific Northwest salmon are a vital part of that region's economic, cultural, and environmental well-being and an important part of our nation's history and commitment to the native peoples of this land. Unfortunately, many salmon runs in the Pacific Northwest continue to decline, and federal funding is currently insufficient to meet federal salmon recovery goals up and down the West Coast. The bill cuts $20 million from the Administration's request for conservation and habitat restoration and recovery grants for Pacific salmon populations.

Abrupt Climate Change Research. Funding for Abrupt Climate Change Research ($2 million) and Paleoclimate research ($1.3 million) has been zeroed-out, and the overall NOAA budget for climate and global change research has been reduced by an additional $6 million. These NOAA research programs are vital to improving our understanding of the impacts of climate change. Already, scientific and anecdotal evidence shows that increased temperatures from climate change are impacting ecosystems around the world. The National Academy of Sciences (NAS) recent report stated there is increased evidence that the climate does not respond to change gradually but rather in sudden, abrupt changes. The NAS called for additional

research on sudden climate change, which is why these NOAA programs are so important.

While we appreciate the Committee's ongoing work to limit the number of anti-environmental riders attached to this bill, we oppose the woefully inadequate funding levels for NOAA and urge that they be rectified in the final bill. We thank you for considering our request.

American Cetacean Society, American Rivers, Animal Protection Institute, Coast Alliance, Conserve Our Ocean Legacy, Defenders of Wildlife, Endangered Species Coalition, Hawaii Wildlife fund, International Fund for Animal Welfare, International Wildlife Coalition, League of Conservation Voters, National Audubon Society, National Environmental Trust, Natural Resources Defense Council, Oceana, Sierra Club, The American Society for the Prevention of Cruelty to Animals, The Fund for Animals, The Humane Society of the United States, The Marine Mammal Center, The Ocean Conservancy, The Whale and Dolphin Conservation Society, The Wilderness Society, U.S. Public Interest Research Group.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I rise in support of H.R. 4754, the CJS Appropriations Act for Fiscal Year 2005. I commend the chairman, the gentleman from Virginia (Mr. WOLF), for producing what I believe to be an excellent bill, and the ranking member, the gentleman from New York (Mr. SERRANO) as well; and I urge my colleagues to join in supporting this legislation.

There are many reasons to support this bill. I want to note one program in particular, the Manufacturing Extension Partnership. I thank the gentleman from Virginia (Mr. WOLF) for recognizing the importance of the MEP program to our Nation's manufacturers by funding it at $106 million. At that level, all MEP centers will continue to provide their valuable service to this country's manufacturers.

The MEP program, as has been discussed, is a Federal-State private network of over 60 centers with 400 locations in all 50 States. In fiscal year 2002 alone, MEP served approximately 18,000 small- and medium-sized manufacturers nationwide. These manufacturers reported an additional $2.8 billion in sales, $681 million more in cost savings, and 35,000 more jobs simply as a result of their projects in these MEP centers.

In my district alone, which has over 1,500 manufacturing companies, 92 percent of which are under 100 employees, Tru-Val Tubing Company in Waterford, Michigan, has seen dramatic improvements in productivity from the training provided by the MEP. The MEP center in Michigan, called the Michigan Manufacturing Technology Center, taught Tru-Val how to streamline the processes and reduce their inventory.

By embracing the concept of ''lean thinking,'' Tru-Val can now produce more products in less space. The result is higher productivity and huge savings for the company. In fact, because of these improvements, Tru-Val has been able to increase its employees from 85 to 120. It is truly a success story. And for these reasons, I strongly support the MEP program, and I urge my colleagues to support this bill.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I would like to follow up on the statements made by the gentleman from California (Mr. FARR) with regard to the coastal and ocean levels of funding in the bill.

First of all, let me say that the gentleman from Virginia (Mr. WOLF) and our ranking member, the gentleman from New York (Mr. SERRANO), have over the years made major commitments to our oceans and coasts. And so when we say today we would like to see more funding placed in conference for things like NOAA, marine mammals, coastal zone management, it in no way takes away from what these two gentlemen and the subcommittee have accomplished over the years.

I think the reason that we feel very strongly right now that there needs to be more of a funding commitment in these ocean- and coastal-related activities is because of the reports that came out by the National Ocean Commission and Pew Ocean Commission, which both stress the need for a lot more funding in these programs. They basically pointed to the decline of the ocean environment and increasing stress on the ocean and coastal areas over the years; and also because of the lack of scientific understanding, that more money was needed for basic science so we understand what the problems are in oceans.

I do not want to repeat everything that the gentleman from California (Mr. FARR) said, but as was mentioned, there is a 15 percent cut in funding for NOAA. There is about $160 million less than the fiscal year 2004 enactment for the National Ocean Service and other programs like fisheries, marine mammals and coastal zone management which could use more funding.

We are hoping during the conference these needs will be addressed. Knowing both the chairman and the ranking member, I am sure they will make every effort to try to accomplish that when we go to conference in having to deal with the other body. I thank the gentlemen for their support over the years, and I hope we can see increased funding for these vital programs given the recent reports from the National Ocean Commission and the Pew Ocean Commission.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I rise to compliment the work of the gentleman from Virginia (Mr. WOLF) and what the subcommittee has done on this bill, which tends to be controversial on occasion. The markup in subcommittee and full committee, led by the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO) went extremely well, which was a little unusual because the bill does tend to attract some interesting debate on occasion. The gentlemen worked in partnership to bring a good bill.

As the gentleman from Virginia (Mr. WOLF) stated earlier, the 302(b) allocation was a little lean, but all of the 302(b) allocations were a little lean this year. They did a good job and produced a good bill with a lean 302(b) allocation.

And I want to take a minute to give a status report. As of today, the Committee on Appropriations has marked up 10 of the 13 bills in subcommittee, 7 of the 13 bills in the full committee. This will be the fifth bill passed through the floor, and the legislative branch will be passed on tomorrow. That means that we are moving very quickly considering we got off to a very late start since we did not get the deeming budget resolution until May 19.

The committee has worked very effectively and worked pretty much on a bipartisan basis, and all of the members have been contributors to the work effort. We are moving the bills with pretty good votes on the floor. Again, I just wanted to give this brief status report and again say to the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) what great leaders they are and what great leadership they have provided the subcommittee and the full committee as they brought this bill to this point where we will pass this bill and send it to the other body today.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I want to congratulate the gentleman from New York (Mr. SERRANO) and the gentleman from Virginia (Mr. WOLF) for their excellent efforts on this important legislation.

Mr. Chairman, I want to say a few words about a limitation amendment that I will be offering at the end of this bill. That amendment is modeled after H.R. 1157, the Freedom to Read Protection Act, which I have offered and which has 145 bipartisan cosponsors. This legislation is supported by a wide range of groups across the ideological spectrum, from those who are very conservative to those who are very progressive.

The amendment I will be offering later is cosponsored by the gentleman from Idaho (Mr. OTTER), the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. PAUL) and the gentleman from New York (Mr. NADLER). This amendment addresses section 215 of the USA PATRIOT Act, and it is a section which has engendered a great deal of controversy.

Mr. Chairman, there is no disagreement in this body or in the United States of America that our country has got to do everything that it can to prevent another 9/11, to prevent acts of

terrorism against the American people. But I think there is also widespread belief in this body and throughout this country that we can and must fight terrorism without undermining the basic constitutional rights that have made this a free country.

All over this country, in hundreds of cities which have passed resolutions, in four States which have passed resolutions, among hundreds of different organizations, there is a concern that within the USA PATRIOT Act in section 215 it gives the right of the government, with virtually no probable cause, to go into our libraries, to go into our bookstores and to ascertain the reading habits of the American people. That is not, I believe, what this country is about or what this body believes in.

So we are going to be offering an amendment that would disallow the government from gaining the reading records of people who buy books at bookstores or take books out of the library or use Internet service in the library.

I am delighted we have so much support for this legislation.

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Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding me this time.

I come to the floor today to thank the gentleman from Virginia (Mr. WOLF), chairman of the subcommittee, and, of course, the gentleman from New York (Mr. SERRANO), ranking member. But the gentleman from Virginia (Mr. WOLF) just got back from the Sudan. He has a passion for human beings, all human beings, and he works to protect their life. And I just thank him for that work. In human rights there is really not a Member of this House that cares more, that does more, that goes into more dangerous places than the gentleman from Virginia (Mr. WOLF). I thank him and I thank him for this bill.

In the foothills of Appalachia, where I live, in east Tennessee, methamphetamine production has been overtaking us. But I want to thank the leadership of this subcommittee, going back to when the gentleman from Kentucky (Mr. ROGERS) was the chairman of this subcommittee, this subcommittee began to resource what is now the East Tennessee Methamphetamine Task Force. It is 42 counties. We have seized over 3,500 meth labs in the last 5 years in east Tennessee, 3,500, with the support of this subcommittee at $1 million a year. It sounds like a lot of money. In the scheme of things in this bill, it is not; but 3,500 labs have been seized.

I want to hail Sandy Mattice, our U.S. Attorney; Russ Dedrick, our assistant U.S. Attorney; and the entire task force, who are sheriffs, local government, the DEA, the FBI. It is a true local-State-Federal partnership. It is state of the art, and we are winning the battle on methamphetamine; but it is destroying families. In these pockets of pain in rural America, methamphetamine production is catastrophic; but this is very helpful, the money that this subcommittee is targeting, putting in to help organizations like the East Tennessee Meth Task Force. It needs to be done at the local level.

This is really a grassroots effort, not a Federal program. But the Federal Government is assisting local government, fighting this problem. And we cannot clean the labs up without the Federal money. We do not have the resources at the local level, and the coordination needs to happen at the local and regional levels. It is happening in east Tennessee. And I thank the committee and the people that are in the field fighting methamphetamine production to save our children.

Mr. SERRANO. Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I rise in strong support of this bill. It makes great strides in protecting our Nation. First off, it fully funds the FBI, $5.2 billion, which is a significant increase over current year, some $687 million more than this year. And especially important to me is the language in the bill that encourages the FBI to work closely with the Department of Homeland Security to complete an interoperable system as soon as possible, to help us check people coming across our borders against the FBI's criminal watch list.

That is terribly important because we have had some unfortunate experiences on the border of murderers making it across the border after having been stopped; but the inability to check against the criminal records of the FBI needs to be remedied forthwith, and this bill has language encouraging that.

And then, as the gentleman from Tennessee just said, this bill fully funds the President's Prescription Drug Abuse Program. And for those of us in the parts of the country where prescription drug abuse, like the overuse and abuse of Oxycontin, it is terribly important that we tackle this problem head on, and that is what this bill does. In my district, we have started an organization called UNITE, which stands for Unlawful Narcotics Investigations, Treatment and Education. There are literally thousands of people now involved with the support of this subcommittee in a three-pronged attack against methamphetamine and prescription drug abuse: investigations and the law enforcement part of getting rid of the pushers; treatment for those who are addicted and need treatment; and, of course, education to try to encourage young people, especially, to stay away from the abuse of these drugs. And this bill supports that program, and I thank the chairman for that especially.

The bill fully funds the DEA, $70 million above the current level. It has $10 million for the Prescription Drug Monitoring Program, which allows States to receive grants to establish a program to prevent people from double-filling prescription drugs and using the excess for sale as pushers. It includes $50 million for drug courts, which I believe in very strongly. We are seeing that work in my district, among others, where the power of the law is used for the good of people who are arrested and have no other crime except the use of drugs. And the drug courts work, and they rehabilitate people back into society in a good way. And then there is $60 million in the bill for methamphetamine hot spots, a problem that is particularly important in the rural parts of America.

And then the bill reinforces the presence of the U.S. abroad. There is $1.5 billion for Embassy Security, Construction and Maintenance, which is $148 million over current levels. And, most importantly, I think, it continues the efforts to right-size the staffing at the embassies, saving us money and improving efficiency at all the places where Americans serve abroad in our embassies and consulates. Those are some of the more important features of the bill as far as I am concerned.

I want to compliment the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), ranking member. I had the pleasure of working as chairman of this subcommittee for 6 years, working with the gentleman from New York (Mr. SERRANO), who was ranking at the time; and I found him to be especially helpful in constructing a good bill. And certainly the gentleman from Virginia (Chairman WOLF) has just done a great job, in my judgment, a very challenging bill this year because of lack of funds. So I compliment the chairman and the ranking member for bringing to us a very worthy bill, and I urge 100 percent support of it.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to take this opportunity to thank and congratulate the gentleman from Kentucky (Mr. ROGERS), the gentleman from Virginia (Chairman WOLF), and the gentleman from Tennessee (Mr. WAMP) for bringing this issue to our attention.

Too often in this country when we speak about drug abuse and drug addiction and the problems related to drugs, the image that the American people get is that of youngsters in the inner cities. Yet one of America's so misunderstood secrets is the fact that drug addiction and drug abuse is a problem that plagues the whole society. And I really think that before the gentleman from Virginia (Chairman WOLF), the

gentleman from Kentucky (Mr. ROGERS), and the gentleman from Tennessee (Mr. WAMP) started to speak about this issue, this House was not fully aware of that. They put it on the map. They put provisions in this bill to deal with it. We have worked on allocating dollars to deal with the issue. And I think the country will benefit and attention will be focused, Mr. Chairman, on the fact that this is a national problem.

We can speak about the issues that can really hurt the society in the long run, and certainly right up there, in my opinion, with the everlasting, unfortunate, lingering racial problems in this country is the fact that so many members of our society abuse drugs and are caught up in the horrible use of drugs. Again, in the inner city it is easier to see. We see it on street corners. We see it in front of buildings. We see it in school yards where there are thousands of students attending one school. In some of the rural and suburban communities, it is not seen the same way. It does not have the same face. But it does have the same suffering; it does have the same pain; and it threatens the society we live in in the same way.

So I want to thank the three gentlemen for that, having brought this to the House's attention.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman is absolutely correct. In my rural district in Kentucky, it is an epidemic of the abuse of Oxycontin, particularly, but methamphetamines as well. And we have had dozens of young people die from the overabuse of these very addictive drugs, and it truly is an epidemic, and it strikes rich and poor, urban and rural. It does not matter. Wonderful families are broken up by this. People dying, families ruined, no place to go for treatment, no hope involved.

And I want to compliment the gentleman for further drawing attention to this real epidemic that is sweeping the whole country, not just the cities, but I think probably especially now the rural areas. And I compliment him for bringing this up again, but also the chairman and him for including funds to help us fight it.

Mr. SERRANO. Mr. Chairman, reclaiming my time, another additional comment is the fact that the gentleman from Virginia (Chairman WOLF) has done a lot of work especially in this bill on the issue of gang violence, again, one of those issues that a lot of people relate to certain parts of the country and certain types of communities. Yet we find out that gang violence is spreading throughout the country. And this bill begins to address it in a proper and strenuous way.

Interestingly enough, those of us who have lived in the inner city know that there is a relationship between gang violence and drug abuse and drug addiction because those who do not use drugs but who become millionaires by providing the drugs make sure that people who are in gang-related activities and other activities in the community become addicted. Their line of business is to get people addicted, and this is the way they do it.

So it is interesting that we are speaking today on a bill that addresses both issues. But the main point here is for the American people to fully understand that this is not a disease, this is not a condition, this is not a crime that is only related to certain parts of our community. It is related to the whole Nation; and it threatens us, in my opinion, as much as anything else. Years from now if we do not deal with this issue, if we let the full Nation go the way that some communities have gone, we will regret the fact that we missed an opportunity.

So I am proud to be part of this effort today, and I congratulate again the gentleman from Tennessee (Mr. WAMP), the gentleman from Kentucky (Chairman ROGERS), and the gentleman from Virginia (Chairman WOLF).

Mr. FARR. Mr. Chairman, I rise today in support of the Sanders-Otter-Conyers-Paul-Nadler Freedom to Read amendment. This amendment curtails one of the most invasive provisions of the Patriot Law by prohibiting law enforcement from making sweeping searches and seizures of library and bookstore patron records.

We can all recall October 2001 when the PATRIOT Act was hastily passed by this body. Many of us, myself included, didn't have the chance to read this lengthy and complicated legislation in the few hours we had before the vote. I voted against the unseen legislation because I was concerned that its passage would amount to the blind abandonment of our civil liberties. As the details of the PATRIOT law came to light, it became all too clear that this law contained numerous infringements on our long-held civil liberties.

Today, we all know what is in the PATRIOT law, and our constituents know too. In my district, the local governments of Pacific Grove, Salinas, Santa Cruz, and Watsonville, CA, have all passed resolutions expressing their concerns with the anti-privacy and antiliberty portions of the PATRIOT Act. Supporting this amendment is an opportunity to respond to those concerns and rollback one of the most invasive provisions of the PATRIOT law.

Passing the Freedom to Read amendment would ensure that library or book store records relating to an American who is not the subject of an investigation will not end up in the government's hands without the benefit of the protections of the courts. I would urge my colleagues to stand up for the civil liberties that our country has always stood for and pass the Freedom to Read amendment.

Mr. WOLF. Mr. Chairman, I submit the following statement of comparative budget authority.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	105,564	186,551	103,045	-2,519	-83,506
Intelligence policy and review	---	---	21,861	+21,861	+21,861
Joint automated booking system	18,974	20,309	20,000	+1,026	-309
Automated Biometric Identification System-Integrated Identification system integration	5,046	5,054	5,054	+8	---
Legal activities office automation	26,749	---	50,000	+23,251	+50,000
Narrowband communications	102,085	101,971	100,000	-2,085	-1,971
Counterterrorism fund	989	---	---	-989	---
Administrative review and appeals	191,494	202,518	202,518	+11,024	---
Detention trustee	805,530	938,810	938,810	+133,280	---
Office of Inspector General	60,200	63,813	63,813	+3,613	---
Total, General administration	1,316,631	1,519,026	1,505,101	+188,470	-13,925
United States Parole Commission					
Salaries and expenses	10,498	10,650	10,650	+152	---
Legal Activities					
General legal activities:					
Direct appropriation	612,029	657,135	639,314	+27,285	-17,821
Radiation exposure compensation act	1,975	---	---	-1,975	---
Emergency appropriations (P.L. 108-106)	15,000	---	---	-15,000	---
Subtotal	629,004	657,135	639,314	+10,310	-17,821
Vaccine injury compensation trust fund (permanent)	3,985	6,333	6,333	+2,348	---
Legal activities office automation	---	80,510	---	---	-80,510
Antitrust Division	132,911	136,463	135,463	+2,552	-1,000
Offsetting fee collections - current year	-112,000	-101,000	-101,000	+11,000	---
Direct appropriation	20,911	35,463	34,463	+13,552	-1,000
United States Attorneys	1,510,193	1,547,519	1,535,000	+24,807	-12,519
United States Trustee System Fund	166,157	174,355	172,850	+6,693	-1,505
Offsetting fee collections	-158,157	-169,355	-167,850	-9,693	+1,505
Interest on U.S. securities	-8,000	-5,000	-5,000	+3,000	---
Direct appropriation	---	---	---	---	---
Foreign Claims Settlement Commission	1,193	1,220	1,220	+27	---
United States Marshals Service:					
Salaries and expenses (non-CSE)	712,203	742,070	752,070	+39,867	+10,000
Construction	13,918	1,371	1,371	-12,547	---
Total, United States Marshals Service	726,121	743,441	753,441	+27,320	+10,000
Fees and expenses of witnesses	156,145	177,585	177,585	+21,440	---
Community Relations Service	9,426	9,833	9,833	+407	---
Assets forfeiture fund	21,530	21,759	21,759	+229	---
Payment to radiation exposure compensation trust fund	---	72,000	72,000	+72,000	---
Total, Legal activities	3,078,508	3,352,798	3,250,948	+172,440	-101,850
Interagency Law Enforcement					
Interagency crime and drug enforcement	---	580,632	561,033	+561,033	-19,599

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Bureau of Investigation					
Salaries and expenses	4,033,796	4,563,921	4,289,028	+255,232	-274,893
Counterintelligence and national security	484,947	495,000	916,000	+431,053	+421,000
Direct appropriation	4,518,743	5,058,921	5,205,028	+686,285	+146,107
Foreign terrorist tracking task force	60,949	56,349	---	-60,949	-56,349
Construction	11,056	---	10,242	-814	+10,242
Total, Federal Bureau of Investigation	4,590,748	5,115,270	5,215,270	+624,522	+100,000
Drug Enforcement Administration					
Salaries and expenses	1,703,038	1,815,719	1,815,719	+112,681	---
Diversion control fund	-118,561	-154,216	-154,216	-35,655	---
Subtotal	1,584,477	1,661,503	1,661,503	+77,026	---
Interagency drug enforcement	550,609	---	---	-550,609	---
Total, Drug Enforcement Administration	2,135,086	1,661,503	1,661,503	-473,583	---
Bureau of Alcohol, Tobacco and Firearms	827,289	870,357	870,357	+43,068	---
Rescission	---	-1,500	---	---	+1,500
Total, Bureau of Alcohol, Tobacco and Firearms	827,289	868,857	870,357	+43,068	+1,500
Federal Prison System					
Salaries and expenses	4,414,313	4,706,232	4,567,232	+152,919	-139,000
Buildings and facilities	393,515	---	189,000	-204,515	+189,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,393	3,429	3,429	+36	---
Total, Federal Prison System	4,811,221	4,709,661	4,759,661	-51,560	+50,000
Office of Justice Programs					
Justice assistance	188,124	1,710,664	217,000	+28,876	-1,493,664
(By transfer)	(6,632)	---	---	(-6,632)	---
Rescission	---	-53,471	---	---	+53,471
Total, Office of Justice Programs	188,124	1,657,193	217,000	+28,876	-1,440,193
State and local law enforcement assistance:					
Local law enforcement block grant	222,633	---	---	-222,633	---
Boys and Girls clubs (earmark)	(79,628)	---	---	(-79,628)	---
National Institute of Justice (earmark)	(9,953)	---	---	(-9,953)	---
USA FREEDOM corps (earmark)	(2,967)	---	---	(-2,967)	---
Justice assistance grants	---	---	634,000	+634,000	+634,000
Boys and Girls clubs (earmark)	---	---	(80,000)	(+80,000)	(+80,000)
National Institute of Justice (earmark)	---	---	(15,000)	(+15,000)	(+15,000)
USA FREEDOM corps (earmark)	---	---	(5,000)	(+5,000)	(+5,000)
Indian assistance	14,842	---	15,000	+158	+15,000
Tribal prison construction	(1,991)	---	(2,000)	(+9)	(+2,000)
Indian tribal courts program	(7,963)	---	(8,000)	(+37)	(+8,000)
Indian grants	(4,977)	---	(5,000)	(+23)	(+5,000)
State criminal alien assistance program	296,843	---	325,000	+28,157	+325,000
Cooperative agreement program	1,979	---	---	-1,979	---
Byrne grants (formula)	494,739	---	---	-494,739	---
Byrne grants (discretionary)	157,443	---	110,000	-47,443	+110,000
Miscellaneous appropriations (P.L. 108-199)	49,705	---	---	-49,705	---
Drug courts	38,095	---	50,000	+11,905	+50,000
Other crime control programs	3,851	---	3,862	+11	+3,862
Assistance for victims of trafficking	9,894	---	10,000	+106	+10,000
Prescription drug monitoring	6,926	---	10,000	+3,074	+10,000
Prison rape prevention	36,784	---	52,175	+15,391	+52,175
State prison drug treatment	---	---	35,000	+35,000	+35,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Intelligence sharing	---	---	10,000	+10,000	+10,000
Miscellaneous appropriations (P.L. 108-199)	2,237	---	---	-2,237	---
Total, State and local law enforcement	1,335,971	---	1,255,037	-80,934	+1,255,037
Weed and seed program fund	57,926	---	51,169	-6,757	+51,169
Community oriented policing services:					
COPS enhancement grants	---	---	113,000	+113,000	+113,000
Hiring	118,737	---	---	-118,737	---
Training and technical assistance	---	17,625	---	---	-17,625
Bullet proof vests	24,737	---	25,000	+263	+25,000
Tribal law enforcement	24,737	20,000	---	-24,737	-20,000
Meth hot spots	53,482	20,000	60,000	+6,518	+40,000
Police corps	14,842	---	20,000	+5,158	+20,000
COPS technology	156,740	---	130,000	-26,740	+130,000
Interoperable communications	84,106	1,550	---	-84,106	-1,550
Criminal records upgrade	29,684	---	50,000	+20,316	+50,000
DNA backlog/crime lab	98,948	---	175,788	+76,840	+175,788
Paul Coverdell forensics science	9,894	---	---	-9,894	---
Crime identification technology	23,971	---	---	-23,971	---
Gun violence reduction	29,684	---	30,000	+316	+30,000
Southwest border prosecutors	29,684	---	40,000	+10,316	+40,000
Offender reentry	4,948	---	15,000	+10,052	+15,000
Safe schools initiative	4,552	---	---	-4,552	---
Police integrity grants	9,894	10,000	---	-9,894	-10,000
Management and administration	29,684	27,914	27,914	-1,770	---
Rescission	---	-53,471	---	---	+53,471
Total, Community oriented policing services	748,324	43,618	686,702	-61,622	+643,084
Violence against women office	383,551	362,477	383,551	---	+21,074
Juvenile justice programs	348,989	---	349,000	+11	+349,000
(Transfer out)	(-6,632)	---	---	(+6,632)	---
Public safety officers benefits:					
Death benefits	49,054	63,054	63,054	+14,000	---
Disability and education benefits	2,968	---	6,410	+3,442	+6,410
Total, Public safety officers benefits program	52,022	63,054	69,464	+17,442	+6,410
Total, Office of Justice Programs	3,114,907	2,126,342	3,011,923	-102,984	+885,581
United States Attorneys (sec. 111)	14,842	---	---	-14,842	---
Local law enforcement block grant (sec. 113)	544	---	---	-544	---
Rescission (sec. 114)	-100,000	---	---	+100,000	---
Total, title I, Department of Justice	19,800,274	19,944,739	20,846,446	+1,046,172	+901,707
Appropriations	(19,885,274)	(20,053,181)	(20,846,446)	(+961,172)	(+793,265)
Emergency appropriations	(15,000)	---	---	(-15,000)	---
Rescission	(-100,000)	(-108,442)	---	(+100,000)	(+108,442)
(Transfer out)	(-6,632)	---	---	(+6,632)	---
(By transfer)	(6,632)	---	---	(-6,632)	---
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
RELATED AGENCIES					
Office of the United States Trade Representative					
Salaries and expenses	41,552	39,552	41,552	---	+2,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
International Trade Commission					
Salaries and expenses	57,682	61,700	61,700	+4,018	---
Total, Related agencies	99,234	101,252	103,252	+4,018	+2,000
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	391,102	401,513	401,513	+10,411	---
Offsetting fee collections	-13,000	-8,000	-8,000	+5,000	---
Direct appropriation	378,102	393,513	393,513	+15,411	---
Bureau of Industry and Security					
Operations and administration	60,358	76,516	61,265	+907	-15,251
CWC enforcement	7,128	---	7,128	---	+7,128
Total, Bureau of Industry and Security	67,486	76,516	68,393	+907	-8,123
Economic Development Administration					
Economic development assistance programs	285,083	289,762	289,762	+4,679	---
Salaries and expenses	30,244	30,565	30,565	+321	---
Total, Economic Development Administration	315,327	320,327	320,327	+5,000	---
Minority Business Development Agency					
Minority business development	28,556	34,461	28,899	+343	-5,562
Total, Trade and Infrastructure Development	888,705	926,069	914,384	+25,679	-11,685
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	74,211	88,400	78,211	+4,000	-10,189
Bureau of the Census					
Salaries and expenses	192,761	220,425	202,765	+10,004	-17,660
Periodic censuses and programs	431,464	608,171	571,116	+139,652	-37,055
Total, Bureau of the Census	624,225	828,596	773,881	+149,656	-54,715
National Telecommunications and Information Administration					
Salaries and expenses	14,450	22,101	15,282	+832	-6,819
Public telecommunications facilities, planning and construction	21,769	2,538	2,538	-19,231	---
Information infrastructure grants	14,842	---	---	-14,842	---
Total, National Telecommunications and Information Administration	51,061	24,639	17,820	-33,241	-6,819

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Patent and Trademark Office					
Current year fee funding	1,222,460	1,314,653	1,314,653	+92,193	---
Spending from new fees (proposed legislation)	---	208,754	208,754	+208,754	---
Total, Patent and Trademark Office	1,222,460	1,523,407	1,523,407	+300,947	---
Offsetting fee collections	-1,222,460	-1,314,653	-1,314,653	-92,193	---
Total, Economic and Information Infrastructure	749,497	1,150,389	1,078,666	+329,169	-71,723
SCIENCE AND TECHNOLOGY					
Technology Administration					
Office of Technology Policy					
Salaries and expenses	6,343	8,294	6,547	+204	-1,747
National Institute of Standards and Technology					
Scientific and technical research and services	340,743	413,886	366,856	+26,113	-47,030
Industrial technology services	216,480	39,190	106,000	-110,480	+66,810
Construction of research facilities	64,271	59,411	43,132	-21,139	-16,279
Working capital fund	---	8,982	8,982	+8,982	---
Total, National Institute of Standards and Technology	621,494	521,469	524,970	-96,524	+3,501
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	2,658,251	2,377,841	2,245,000	-413,251	-132,841
(By transfer from Promote and Develop Fund)	(62,000)	(79,000)	(79,000)	(+17,000)	---
By transfer from Coastal zone management	---	3,000	---	---	-3,000
Deobligations returned	-15,000	---	---	+15,000	---
Total, Operations, research, and facilities	2,643,251	2,380,841	2,245,000	-398,251	-135,841
Procurement, acquisition and construction	979,708	898,510	840,000	-139,708	-58,510
Pacific coastal salmon recovery	89,052	100,000	80,000	-9,052	-20,000
Coastal zone management fund	-3,000	-3,000	-3,000	---	---
Fishermen's contingency fund	---	956	---	---	-956
Foreign fishing observer fund	---	191	---	---	-191
Fisheries finance program account	-8,000	-4,000	-4,000	+4,000	---
Total, National Oceanic and Atmospheric Administration	3,701,011	3,373,498	3,158,000	-543,011	-215,498
Total, Science and Technology	4,328,848	3,903,261	3,689,517	-639,331	-213,744
Departmental Management					
Salaries and expenses	46,791	56,021	52,109	+5,318	-3,912
Office of Inspector General	20,894	22,249	22,249	+1,355	---
Total, Departmental management	67,685	78,270	74,358	+6,673	-3,912
EDA conveyance (sec. 209)	989	---	---	-989	---
Procurement, acquisition and construction (sec. 212)	6,065	---	---	-6,065	---
Lobster (sec. 213)	495	---	---	-495	---
Non-pollock west coast groundfish (sec. 214)	495	---	---	-495	---
Total, Department of Commerce	5,943,545	5,956,737	5,653,673	-289,872	-303,064

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rescission (sec. 215)	-100,000	---	---	+100,000	---
Total, title II, Department of Commerce and related agencies	5,942,779	6,057,989	5,756,925	-185,854	-301,064
Appropriations	(6,042,779)	(6,057,989)	(5,756,925)	(-285,854)	(-301,064)
Rescission	(-100,000)	---	---	(+100,000)	---
(By transfer)	(62,000)	(79,000)	(79,000)	(+17,000)	---
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,896	1,985	1,985	+89	---
Other salaries and expenses	52,901	56,137	56,137	+3,236	---
Total, Salaries and expenses	54,797	58,122	58,122	+3,325	---
Care of the building and grounds	10,480	10,579	9,979	-501	-600
Miscellaneous appropriations (P.L. 108-199)	15,906	---	---	-15,906	---
Total, Supreme Court of the United States	81,183	68,701	68,101	-13,082	-600
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	2,237	2,257	2,257	+20	---
Other salaries and expenses	18,231	22,750	20,679	+2,448	-2,071
Total, Salaries and expenses	20,468	25,007	22,936	+2,468	-2,071
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,721	1,757	1,757	+36	---
Other salaries and expenses	12,217	13,316	13,131	+914	-185
Total, Salaries and expenses	13,938	15,073	14,888	+950	-185
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	274,504	289,877	289,877	+15,373	---
Other salaries and expenses	3,680,532	4,030,367	3,887,367	+206,835	-143,000
Direct appropriation	3,955,036	4,320,244	4,177,244	+222,208	-143,000
Vaccine Injury Compensation Trust Fund	3,159	3,471	3,471	+312	---
Defender services	598,116	681,612	676,469	+78,353	-5,143
Fees of jurors and commissioners	57,213	62,800	62,800	+5,587	---
Court security	274,580	383,282	379,580	+105,000	-3,702
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,888,104	5,451,409	5,299,564	+411,460	-151,845
Administrative Office of the United States Courts					
Salaries and expenses	65,305	72,154	68,635	+3,330	-3,519
Federal Judicial Center					
Salaries and expenses	21,214	22,126	21,737	+523	-389
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	29,000	36,700	36,700	+7,700	---

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Sentencing Commission					
Salaries and expenses	12,224	13,456	13,304	+1,080	-152
Total, title III, the Judiciary	5,131,436	5,704,626	5,545,865	+414,429	-158,761
TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	3,384,013	3,626,343	3,580,000	+195,987	-46,343
(Transfer out)	(-4,000)	(-4,000)	(-4,000)	---	---
Worldwide security upgrades	639,896	658,701	658,701	+18,805	---
Worldwide IT infrastructure	39,579	---	40,000	+421	+40,000
Emergency appropriations (P.L. 108-106)	120,500	---	---	-120,500	---
Total, Diplomatic and consular programs	4,183,988	4,285,044	4,278,701	+94,713	-6,343
Capital investment fund	79,158	155,100	100,000	+20,842	-55,100
Office of Inspector General	31,370	30,435	30,435	-935	---
Educational and cultural exchange programs	316,633	345,346	345,346	+28,713	---
Representation allowances	8,905	8,640	8,640	-265	---
Protection of foreign missions and officials	9,894	9,600	9,894	---	+294
Embassy security, construction, and maintenance	524,423	626,680	611,680	+87,257	-15,000
Worldwide security upgrades	852,335	912,320	912,320	+59,985	---
Emergency appropriations (P.L. 108-106)	43,900	---	---	-43,900	---
Emergencies in the diplomatic and consular service	989	7,000	7,000	+6,011	---
(By transfer)	(4,000)	(4,000)	(4,000)	---	---
(Transfer out)	(-1,000)	(-1,000)	(-1,000)	---	---
Emergency appropriations (P.L. 108-106)	115,500	---	---	-115,500	---
Repatriation Loans Program Account:					
Direct loans subsidy	605	612	612	+7	---
Administrative expenses	600	607	607	+7	---
(By transfer)	(1,000)	(1,000)	(1,000)	---	---
Total, Repatriation loans program account	1,205	1,219	1,219	+14	---
Payment to the American Institute in Taiwan	18,585	19,482	19,482	+897	---
Payment to the Foreign Service Retirement and Disability Fund	134,979	132,600	132,600	-2,379	---
Total, Administration of Foreign Affairs	6,321,864	6,533,466	6,457,317	+135,453	-76,149
International Organizations					
Contributions to international organizations, current year assessment	999,830	1,194,210	1,194,210	+194,380	---
Contributions for international peacekeeping activities, current year	450,056	650,000	650,000	+199,944	---
Emergency appropriations (P.L. 108-106)	245,000	---	---	-245,000	---
Total, International Organizations and Conferences	1,694,886	1,844,210	1,844,210	+149,324	---
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	25,726	30,300	26,800	+1,074	-3,500
Construction	3,513	8,545	4,475	+962	-4,070
American sections, international commissions	8,849	10,756	9,356	+507	-1,400
International fisheries commissions	19,097	20,800	19,097	---	-1,703
Total, International commissions	57,185	70,401	59,728	+2,543	-10,673

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(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Other					
Payment to the Asia Foundation	12,864	8,880	13,000	+136	+4,120
International Center for Middle Eastern-Western dialogue	6,926	---	---	-6,926	---
Eisenhower Exchange Fellowship program	495	500	500	+5	---
Israeli Arab scholarship program	371	375	375	+4	---
East-West Center	17,692	13,709	5,000	-12,692	-8,709
National Endowment for Democracy	39,579	80,000	51,000	+11,421	-29,000
Total, Department of State	8,151,862	8,551,541	8,431,130	+279,268	-120,411
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations	540,292	533,111	601,740	+61,448	+68,629
Emergency appropriations (P.L. 108-106)	40,000	---	---	-40,000	---
Broadcasting to Cuba	---	27,629	---	---	-27,629
Broadcasting capital improvements	11,275	8,560	8,560	-2,715	---
Total, Broadcasting Board of Governors	591,567	569,300	610,300	+18,733	+41,000
Total, title IV, Department of State and Related Agency	8,743,429	9,120,841	9,041,430	+298,001	-79,411
Appropriations	(8,178,529)	(9,120,841)	(9,041,430)	(+862,901)	(-79,411)
Emergency appropriations	(564,900)	---	---	(-564,900)	---
(Transfer out)	(-5,000)	(-5,000)	(-5,000)	---	---
(By transfer)	(5,000)	(5,000)	(5,000)	---	---
TITLE V - RELATED AGENCIES					
Antitrust Modernization Commission					
Salaries and expenses	1,187	1,200	1,200	+13	---
Commission on the Abraham Lincoln Study Abroad Fellowship Program					
Salaries and expenses (P.L. 108-199)	497	---	---	-497	---
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	491	499	499	+8	---
Commission on Civil Rights					
Salaries and expenses	9,001	9,096	9,096	+95	---
Commission on International Religious Freedom					
Salaries and expenses	2,968	3,000	3,000	+32	---
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,598	1,831	1,831	+233	---
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	1,781	1,900	1,900	+119	---
Equal Employment Opportunity Commission					
Salaries and expenses	324,944	350,754	334,944	+10,000	-15,810

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(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Communications Commission					
Salaries and expenses	273,947	292,958	279,851	+5,904	-13,107
Offsetting fee collections - current year	-272,958	-272,958	-272,958	---	---
Direct appropriation	989	20,000	6,893	+5,904	-13,107
Federal Trade Commission					
Salaries and expenses	185,505	205,430	203,430	+17,925	-2,000
Offsetting fee collections - current year	-112,000	-101,000	-101,000	+11,000	---
Offsetting fee collections, telephone database	-23,100	-20,000	-21,901	+1,199	-1,901
Direct appropriation	50,405	84,430	80,529	+30,124	-3,901
HELP Commission					
Salaries and expenses	2,968	---	1,000	-1,968	+1,000
Legal Services Corporation					
Payment to the Legal Services Corporation	335,282	329,300	335,282	---	+5,982
Marine Mammal Commission					
Salaries and expenses	1,836	1,890	1,890	+54	---
National Veterans Business Development Corporation					
National Veterans Business Development Corporation	1,979	2,000	2,000	+21	---
Securities and Exchange Commission					
Salaries and expenses	811,500	913,000	913,000	+101,500	---
Prior year unobligated balances	-120,000	-20,000	-20,000	+100,000	---
Direct appropriation	691,500	893,000	893,000	+201,500	---
Small Business Administration					
Salaries and expenses	322,322	326,259	322,322	---	-3,937
Miscellaneous appropriations (P.L. 108-199)	497	---	---	-497	---
Office of Inspector General	12,864	14,500	14,500	+1,636	---
Surety bond guarantees revolving fund	---	11,400	11,400	+11,400	---
Business Loans Program Account:					
Direct loans subsidy	1,890	---	---	-1,890	---
Guaranteed loans subsidy	78,299	---	---	-78,299	---
Administrative expenses	126,653	129,000	128,000	+1,347	-1,000
Total, Business loans program account	206,842	129,000	128,000	-78,842	-1,000
Disaster Loans Program Account:					
Direct loans subsidy	55,597	78,887	78,887	+23,290	---
Administrative expenses	113,159	118,354	117,000	+3,841	-1,354
Gainsharing	---	---	---	---	---
Total, Disaster loans program account	168,756	197,241	195,887	+27,131	-1,354
Total, Small Business Administration	711,281	678,400	672,109	-39,172	-6,291
State Justice Institute					
Salaries and expenses	2,227	---	2,227	---	+2,227

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AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4754)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States - China Economic and Security Review Commission					
Salaries and expenses	1,979	2,000	3,000	+1,021	+1,000
United States Institute of Peace					
Operating expenses	17,099	22,099	23,000	+5,901	+901
Emergency supplemental appropriations (P.L. 108-106)	10,000	---	---	-10,000	---
Total, United States Institute of Peace	27,099	22,099	23,000	-4,099	+901
Total, title V, Related agencies	2,170,012	2,401,399	2,373,400	+203,388	-27,999
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working Capital fund (rescission)	-67,326	---	---	+67,326	---
Counterterrorism fund (rescission)	-40,000	---	---	+40,000	---
Legal Activities					
Assets forfeiture fund (rescission)	-61,608	---	---	+61,608	---
Federal Prison System					
Buildings and facilities (rescission)	-51,895	---	---	+51,895	---
Office of Justice Programs					
State & local law enforcement assistance (rescission)	-21,600	---	-20,000	+1,600	-20,000
Community oriented policing services (rescission)	-6,378	---	-61,000	-54,622	-61,000
Juvenile justice programs (rescission)	-15,900	---	---	+15,900	---
DEPARTMENT OF COMMERCE					
National Oceanic and Atmostpheric Administration					
NERRS construction (rescission)	-2,500	---	---	+2,500	---
Departmental Management					
Emergency steel guaranteed loan program account (rescission)	---	-13,000	---	---	+13,000
Travel and tourism (rescission)	-40,000	---	---	+40,000	---
Total, title VII, Rescissions	-307,207	-13,000	-81,000	+226,207	-68,000
Grand total:					
New budget (obligational) authority	41,480,723	43,216,594	43,483,066	+2,002,343	+266,472
Appropriations	(41,398,030)	(43,338,036)	(43,564,066)	(+2,166,036)	(+226,030)
Emergency appropriations	(589,900)	---	---	(-589,900)	---
Rescissions	(-507,207)	(-121,442)	(-81,000)	(+426,207)	(+40,442)
(Transfer out)	(-11,632)	(-5,000)	(-5,000)	(+6,632)	---
(By transfer)	(73,632)	(84,000)	(84,000)	(+10,368)	---

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the overall bill before us today. Chairman WOLF and Ranking Member SERRANO have joined together in a bipartisan fashion to present a bill that adequately reflects the funding priorities for our Nation in the area of Commerce, Justice, State, Judiciary and related agencies.

I am especially pleased that money was added to the bill to confront the growing problem with gang activity that jurisdictions throughout the country are facing. In my congressional district and in the northern Virginia region, we are dealing with a growing gang problem that if left unchecked, will expand significantly in a very short time. The additional resources in this bill will help enable our law enforcement officials to acquire the necessary tools to tackle this problem before it grows out of hand. Efforts to increase law enforcement capabilities and strengthen community prevention programs are required to meet the rising gang threat head on.

While I am generally supportive of the funding levels provided in the bill, there are also a number of issues that should be addressed in this bill and others that should be deleted.

An area in which this bill needs amending concerns the USA PATRIOT Act. Communities throughout the country including Arlington County and the city of Alexandria in my district, have recently expressed serious objections with a number of provisions included in the USA PATRIOT Act passed in October 2001.

I share the concerns of my constituency and feel that these issues did not receive the appropriate public debate needed on such sensitive subjects as the protection of our civil liberties. In my opinion, the Attorney General's interpretation of definitions in the PATRIOT Act have eroded our basic civil rights and threaten to further damage the public's image of the Justice Department and Federal law enforcement in general. For these reasons and others, I am supporting amendments to the bill which would stop funding for certain Justice Department activities related to section 213 and section 215 of the PATRIOT Act.

Section 213, also known as the ''sneak and peek'' provision, authorizes the issuance of delayed notification search warrants for physical evidence through a court order from the secret Foreign Intelligence Surveillance Court Act (FISA). These delayed notification warrants allow federal law enforcement to conduct a secret search and seizure of physical evidence without alerting the target until an unspecified time after the search is completed. The amendment introduced by Representative OTTER seeks to impose reasonable limits on the government's ability to obtain sneak and peek warrants. It would continue to allow the authorization of a court issued delayed warrant if the life or physical safety of an individual were endangered, if it would result in a flight from prosecution or if it would result in the destruction or tampering of the evidence sought under the warrant. This amendment would also require notification of a covert search within seven days, rather than an undetermined ''reasonable period'' currently in law. Unlimited, additional seven day delays at the court's discretion will be available under the Otter amendment and the same provisions subjected to the original warrant apply for each extension.

A second amendment that would curtail one of the more troubling provisions in the USA PATRIOT Act concerns section 215. Section 215 has the effect of requiring public libraries and booksellers to submit themselves to secret searches of purchase and checkout records with minimal justification from the FISA Court. Librarians and booksellers across the country fear that this is causing a ''chilling effect'' and making users self-censor their reading choices.

While the Attorney General has released figures on how the PATRIOT Act has been used in the past 2 years which state that this provision has yet to be employed, the fact remains that the law raises questions of future federal mis-use of this provision. The Sanders-Paul-Conyers-Nadler Freedom to Read amendment would restore and protect the privacy and first amendment rights of library and bookstore patrons which were in place before the USA PATRIOT Act. The amendment would not stop law enforcement from accessing these records, it would simply require them to do it with regular court-ordered search warrants or grand jury subpoenas.

While the PATRIOT Act remains an area the underlying bill does not reform, another subject which was confronted in full committee and that passed is equally troubling. I opposed in full committee, an amendment offered by Representative TIAHRT which would prevent the city of New York from having access to federal gun tracing data in a lawsuit against gun manufacturers. Not only did this appropriations rider set a troubling precedent in that it was directed specifically to affect an ongoing court case, it also hampers future lawsuits that could be aided by this data. I am strongly opposed to the inclusion of this language in the bill. We need to be at a minimum maintaining our current common sense gun control measures, not weakening existing laws.

Mr. Chairman, in conclusion, while not everything I would have liked to have seen is in this bill, it is a good balance of the priorities our law enforcement, small businesses and other related agencies require. I am supportive of this measure and look forward to a continued debate of the issues not addressed in the bill.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 4754, the Commerce, Justice, and State, the Judiciary, and related agencies Appropriations bill for fiscal year 2005.

H.R. 4754 provides $39.8 billion in budget authority and $40.4 billion in outlays—an increase of $878 million in BA and $1.7 billion in outlays from fiscal year 2004. Budget authority in the bill is $240 million above the President's fiscal year 2005 budget request.

H.R. 4754 contains $983 million in BA savings, including $902 million in BA and $341 million in outlays from mandatory spending changes; and $81 million in rescissions of previously enacted BA.

As chairman of the House Budget Committee, I am pleased to report that the bill is consistent with the conference report on the concurrent resolution on the Budget for fiscal year 2005 (H. Con. Res. 95) which passed the full House but has yet to pass the Senate. The bill comes in at its 302(b) allocation of the Subcommittee on Commerce, Justice, and State, the Judiciary, and related agencies and therefore complies with section 302(f) of the budget resolution, which limits appropriations measures to the allocation of the reporting subcommittee. H.R. 4754 also complies in fiscal year 2005 with section 302(f) of the Congressional Budget Act. Section 302(f) prohibits consideration of bills in excess of a subcommittee's 302(b) allocation.

This bill is a clear exercise in setting priorities and responsible spending practices. I was encouraged to see that the Appropriations Committee was able to work within the budget framework that we outlined earlier in the year to find the available resources to increase funding for the Department of Justice by $275 million over the 2004 level and $624 million for the Federal Bureau of Investigation [FBI]. It is certainly appropriate to shift resources from some lower-priority programs at the Department of Commerce toward more important and higher-priority public safety and crime prevention programs at the Department of Justice.

Making those tough priority decisions isn't always easy but it can be done and needs to be done until we get our financial house back in order.

Today, I applaud the members of the Appropriations Committee for demonstrating that they can set priorities which fit within the overall framework established by the budget resolution.

Mr. BEREUTER. Mr. Chairman, this Member rises to express his support for H.R. 4754, a bill making appropriations for the Departments of Commerce, Justice, State and the Judiciary for FY2005. In particular, this Member would like to thank the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee and the distinguished gentlemen from New York (Mr. SERRANO) for their hard work under difficult budget circumstances.

As a member of the House Caucus to Fight and Control Methamphetamine, this Member strongly supports the inclusion of $60 million for methamphetamine enforcement and cleanup, otherwise known as the ''hot spots'' program. These funds are critical in State and local efforts to combat the scourge of methamphetamine that is sweeping across our country.

This Member also appreciates the subcommittee's commitment to Nebraska's efforts to fight a growing plague in Nebraska—the manufacture, trafficking, and abuse of methamphetamine. The Nebraska State Patrol will continue the work began with the $1.8 million appropriated over the past 2 years, with an emphasis on funding for the cleanup of clandestine labs. Federal dollars are critical to the success of Nebraska's anti-meth efforts.

Of additional concern is the strong link between methamphetamine abuse and crime. Methamphetamine manufacture, use and trafficking has completely changed the face of crime in Nebraska—especially nonmetropolitan Nebraska. Crime resulting from methamphetamine abuse is soaring, which places great demands on law enforcement. Certainly, methamphetamine use and related crime is the top law enforcement problem in Nebraska. In fact, a study entitled, ''The Rebirth of Rehabilitation: Promises and Perils of Drug Courts, 2000,'' noted that ''an individual who has a severe addiction, to methamphetamine, commits nearly 63 crimes a year.''

In closing, Mr. Chairman, this Member urges his colleagues to support H.R. 4754.

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

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

The CHAIRMAN pro tempore (Mr. TERRY). 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. 4754

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, 2005, 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, $124,906,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided,* That not to exceed 45 permanent positions and 46 full-time equivalent workyears and $11,078,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2004: *Provided further,* That not to exceed 26 permanent positions, 21 full-time equivalent workyears and $3,305,000 shall be expended for the Office of Legislative Affairs: *Provided further,* That not to exceed 15 permanent positions, 20 full-time equivalent workyears and $1,990,000 shall be expended for the Office of 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 two provisos.

AMENDMENT OFFERED BY MR. MANZULLO

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

The Clerk read as follows:

Amendment offered by Mr. MANZULLO:

Page 2, line 7, after the dollar amount insert the following: ''(reduced by $27,000,000)''.

Page 3, line 22, after the dollar amount insert the following: ''(reduced by $33,251,000)''.

Page 77, line 17, after the dollar amount insert the following: ''(reduced by $10,421,000)''.

Page 92, line 16, after the dollar amount insert the following: ''(reduced by $8,460,000)''.

Page 94, line 2, after the dollar amount insert the following: ''(increased by $79,132,000)''.

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

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

There was no objection.

Mr. MANZULLO. Mr. Chairman, I first want to congratulate the gentleman from Virginia (Mr. WOLF), chairman of the Commerce, Justice, State, Judiciary and Related Agencies Subcommittee; and the gentleman from New York (Mr. SERRANO), ranking minority member, for crafting an excellent bill. Regardless of how this amendment turns out, I am going to vote for it and encourage the rest of the Members of Congress to vote for it. It is very difficult to balance all the conflicting interests, and I commend them for coming up with a good bill.

With all due respect and honor to the gentlemen, I offer this amendment today to freeze funding for SBA 7(a) guaranteed lending program at last year's level.

□ 1315

The 7(a) is the flagship lending program of the Small Business Administration. This amendment means small businesses will be able to get started and grow. The 7(a) program is on track to create and retain half a million jobs this year. It has a proven track record by providing approximately 30 percent of the long-term financing needs for all small businesses.

Increasing fees on small business borrowers and lenders, particularly as interest rates are rising again, puts another barrier in access to capital and crimps our national economic recovery.

No matter how anybody states it, if this amendment fails, small business borrowers and lenders will face a fee or tax increase based on the amount of loan starting October 1 by as much as 100 percent. Some may characterize this as only a few dollars up front. But as the truth in lending disclosure form shows, he or she will pay up front at the time of the signing of the loan documents, hundreds if not thousands of extra dollars. The fee for a typical $100,000 loan would increase from $850 to $1,700.

On top of the up-front fee, lenders will once again see their annual fee on the outstanding balance of 7(a) loans made after October 1 increase, just after they shot up 30 percent this past April to keep the 7(a) program functional in fiscal year 2004. These fees cannot be passed on to the borrowers.

Many lenders, particularly small community banks that serve rural areas, are seriously considering leaving the program. Fewer banks offering 7(a) loans will translate into decreased access to credit for small businesses, which will result in fewer jobs created.

Mr. Chairman, my congressional district just dropped below 10 percent unemployment. Manufacturing jobs leveled off for 4 months. We lost another 11,000 this past month. We are not out of the woods yet. On top of it, the Fed decides to raise the interest rate. The last thing that we need is to have more of a crimp in capital access for the small businesses.

The amendment does not increase business spending. In fact, the Congressional Budget Office estimates the amendment will reduce outlays by $7 million in fiscal year 2005 by offering cuts in other programs.

The reductions are in other programs. The reductions will not be sensitive. They are in the Department of Justice General Administration Account. The Legal Activities Office Automation Program gets cut by $33 million for a program that they never asked for; the National Endowment For Democracy gets cut by a little over $10 million, which is still $1 million above the fiscal year 2004 level; and the salaries and expenses account at the SBA would make up the difference, to reach a $79,132,000 appropriations level for 7(a). That account would be cut by $8.46 million.

So the purpose of this amendment in making the tough choices is to keep funding level, keep the 7(a) program where it is, and although I support the goal of eventually getting the 7(a) program to a zero subsidy rate, now at the time we are just starting to see the light at the end of the tunnel, just starting a recovery, this is not the time to impose additional fees and taxes, not only upon the people that borrow the money, but upon the lenders that make it all possible.

Mr. Chairman, I again urge my colleagues to shift this $79 million from other accounts to the Small Business Account in order to help out the small businesses and keep the 7(a) program alive.

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

Mr. Chairman, I rise in support of the Commerce, Justice, State appropriations bill, and commend the gentleman from Virginia (Chairman WOLF) for crafting a fair and balanced bill, including the Justice Department, Commerce and State, as well as the Federal Judiciary. I would like particularly to comment on several issues of importance to me.

First, this bill provides a 4 percent increase for the International Trade Administration of the Department of Commerce. The ITA serves several important functions that promote economic growth for U.S. workers and firms, including the opening of foreign markets for U.S. goods and the enforcement of trade laws and agreements. I join the chairman in strongly urging the Commerce Department to carefully analyze market trends in order to anticipate unfair trade practices and consult with foreign governments to preempt the requirement for unfair trade cases to be filed. This is particularly helpful to small- and medium-sized companies that have neither the time nor the resources to file lengthy and costly trade cases, but they do deserve the protection of our U.S. trade laws.

Further, I would like to highlight the directive to the Commerce Department to contract with the National Academy of Public Administration to conduct a comprehensive study of the effects of offshoring jobs on the United States workforce and economy. Many manufacturing jobs have left my congressional district in recent years, and I believe it is critical to have accurate data of where jobs are going and what economic impact this job movement is having on the U.S. economy.

I support the $10 million increase over the request for public diplomacy programs in this bill. It is important that we counter the anti-American sentiments that are being voiced in foreign public opinion polls and reflected in foreign media content. Public diplomacy is a critical tool to spread the message of who we are as Americans. The person-to-person exchanges that are promoted by these programs allow for the development of personal, long-term relationships that lead to mutual understanding and respect. We must continue to support these programs worldwide, but in particular, we must focus on programs with the Arab and Muslim world.

Mr. Chairman, I urge support of this important appropriations bill that funds our national and international security needs.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to thank the ranking member, the gentleman from New York (Mr. SERRANO) as well as the gentleman from Virginia (Chairman WOLF) for their work on this important legislation. The bill before us has attempted to do the most with a limited amount of dollars. One area where it falls short is the Small Business Administration.

As the ranking Democrat on the House Committee on Small Business, I always hear, during good economic times or bad, small business owners need access to affordable capital in order to be successful. That is why I always say access to capital is access to opportunity in this country.

Small business owners have told me stories of having to max out credit cards, having to borrow money from relatives, and having banks ask them to put their homes up as collateral for a $20,000 loan, all so they can afford to start a new business or expand an existing business.

The amendment I am offering today with the gentleman from Illinois (Chairman MANZULLO) will restore funding for the 7(a) loan program to fiscal year 2004 levels, $79 million. This amendment offsets several programs, but keeps the funding consistent with their fiscal year 2004 level. These are the real challenges facing small enterprises, and this is the whole reason the 7(a) loan program was created.

The 7(a) program is a public and private partnership for banks, lenders and small businesses. The 7(a) program is this country's largest source of long-term small business lending for both the private and public sectors, providing 30 percent of this Nation's long-term loans.

Given its tremendous success over the years, it is unbelievable to me that this critical loan program has been under nothing but attack from the Bush administration. This is the same administration that claims to be the champion of small business. The first thing this administration did 4 years ago was to eliminate funding for the 7(a) program. Then, earlier this year, the 7(a) program was shut down, and this happened because the Bush administration ignored Congress' warning and they ignored the industry. They simply chose to ask for less funding than what this loan program requires.

Now, today, we face a new issue for the 7(a) program. This same administration wants to zero out the program's funding and let small businesses and lenders pay more. We heard small business owners say this was unfair, and we promised to do something about this. Well, that is what we are doing today, delivering that promise to our small businesses.

What is so ironic is that we are talking about a successful small business lending program here. For every 60 cents, the 7(a) program provides $100 in loans. They have continually done more with less. A decade ago, they received $300 million in the appropriations process, and now we are asking for only one-third of that. Last year alone, the 7(a) program touched over 350,000 jobs.

The most unfortunate part is that over the past 10 years, the 7(a) program has managed to do more for small firms in an environment where they were being overcharged by the government. We fixed this problem in a bipartisan manner in 2001, but the Bush administration wants to go back to the days when small businesses were taxed.

Well, let me tell you, it is not what our Nation's small businesses want and it is not what we want. President Bush travels across the country touting his small business agenda, but his talk proves to be rhetoric; his actions do not match his words.

If you vote against this amendment today, then you are voting to increase the costs facing small businesses. Our hope is that this amendment passes, which would allow the 7(a) loan program to do record volumes with the same amount of money.

It is these small business owners who use the 7(a) program that serve as anchors for our economy. The truth of the matter is, this is an outstanding loan program, and this is the right thing to do. With this amendment, we will be enabling our Nation's small businesses to continue creating the jobs that we so desperately need.

If you support our Nation's economy, if you support job creation and small business, then you will vote ''yes'' on this amendment.

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

Mr. Chairman, I am pleased to rise in support of the Manzullo-Velazquez amendment to the Commerce, Justice bill. But before I speak to that amendment, I want to commend the very distinguished chair of the committee and the ranking member for their leadership in bringing this bill to the floor.

As one who served many years ago, in my earlier time with the Committee on Appropriations, on this subcommittee, I have an appreciation for the many difficult decisions that you have to make and the great opportunity there is for the American people in this particular appropriations bill.

I also want to take the opportunity to acknowledge the tremendous leadership of the gentleman from Virginia (Chairman WOLF). He knows this, but I want to take a public opportunity to say that there is no person in this House that I admire more than I do the gentleman from Virginia (Mr. WOLF). He is a champion for human rights throughout the world, and as one who has spoken out, as with many of our colleagues in the Congressional Black Caucus, on the situation in the Sudan, I want to recognize his exceptional leadership in that regard and say how much we all appreciate your visit, your trip there, and your relentless, persistent advocacy for the underprivileged throughout this world, in this case in particular, in Darfur. I know many of us are eager to hear a report of the gentleman's trip there.

Once again, I thank the gentleman from Virginia (Mr. WOLF) for being the great challenge to the conscience that he has been in his service in Congress.

I would like to now address the amendment that is being proposed to improve the small business access to 7(a) loans. As you may know, Mr. Chairman, the SBA 7(a) loan program is the most commonly used Small Business Administration loan, and backs approximately $11 billion in loans to small businesses each year. And yet it has faced shutdown caps and restrictions this year and received no funding under the latest Bush budget and Republican appropriations bill.

The President's budget proposes to run the program solely through fee increases, substantially raising the costs for small businesses to use the program and taking billions of dollars out of the economy.

Democrats, and in this case in a bipartisan way with the gentleman from Illinois (Mr. MANZULLO), are fighting to adequately fund the 7(a) loan program and make more loans available to small businesses.

We know that small businesses, Mr. Chairman, are the engine of our economy. They account for 95 percent of employers in our country, create half of our gross domestic product and create three out of four new jobs nationwide.

We have a chance today to save the 7(a) program, and I hope that our colleagues will join the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Chairman MANZULLO) in supporting the bipartisan amendment. It will provide fuel to our small businesses which run our economic engine.

I would like to again recognize the leadership of the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking Democrat on the Committee on Small Business, and the gentleman from Illinois (Mr. MANZULLO) for cosponsorship of this amendment.

We are very proud of the service and leadership of the gentlewoman from New York (Ms. VELÁZQUEZ). She is making history in her role as the ranking member on a full committee in the House; and in her service on that committee and in this body she has been a champion for small businesses.

□ 1330

I know she will be joined by the gentlewoman from Oregon (Ms. HOOLEY) and others from the committee who have worked very hard.

When we had our small business summit in June, small businessowners came from around the country, and access to capital was one of their top priorities. Passing this amendment will go a long way to addressing the need for capital. Capital attracts talent, talent attracts capital, the dynamic goes on and on. And while we want to promote the growth of many, many more jobs in our country, it is important that we do so by creating much more equity for potential businessowners and for current businessowners.

With that, I urge my colleagues to support the Manzullo-Velázquez amendment.

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

Mr. Chairman, I thank the gentlewoman for her comments, too; and I appreciate it very much.

I rise in strong opposition. Let me just say that I think the intention of the amendment is a good intention, so I want to thank them for their comments. But the amendment really does not work, and I know it has been dramatically changed, it really does not work what it was supposed to do. If it were passed, the SBA would not be able to use the money for the 7(a) loans because it puts it into an administrative account and not into 7(a). So it just does not do what people would like it to do.

The amendment would augment the administrative appropriation for the business loan account. Because subsidy and administrative loans must be separately appropriated pursuant to the Federal Credit Reform Act, the Manzullo-Velázquez funds could not be used.

It would also violate OMB guidelines. We have followed the President's request for the 7(a) program. This program can provide for $12.5 billion in loans, an unprecedented level, without the appropriation. The Small Business Administration is very, very strongly opposed to this.

But the programs that this would go after; this would take money out of the National Endowment for Democracy and out of the initiative with regard to the Middle East. It would scuttle that program. As my colleagues will recall, the original request for that was $80 million. That has now been reduced in this bill to $50 million. This would take that money out. The President's Greater Middle East Initiative would basically be eliminated with this amendment.

I would remind the sponsors that during the President's State of the Union message, he told the Nation and the world that he would double the funding for the National Endowment for Democracy. The National Endowment for Democracy was established by Congress during the Reagan administration and probably has done more to bring about democracy and freedom in the world than almost anything else that we have done.

Last year the NED budget totaled $39.6 million. The President called for doubling the NED budget; and with this bill, it calls for a $10 million increase, and we would now take that away. It would also deal with the whole issue of an administrative account at the Justice Department. The amendment proposes to reduce the Department of Justice General Administrative Account by $27 million. The bill already reduces this account by $62 million below the request. It would have an impact on counterterrorism, and some might say it could have a devastating impact on the war on terrorism. The only increase provided for above the fiscal year 2004 level for this account is $9 million for inflation to maintain current staff. We would, in essence, take that away.

There are many other reasons, and in the interests of time, and I know the gentleman from Illinois (Mr. HYDE) is here to speak against it and there are others, but, the amendment does not do what it says they would like to do. Because the reason it does not do that is because had it been put in that account, it would have been ruled out of order. Members from both sides came and said they wanted the Legal Services Corporation protected and we protected it. And others, Members on this side wanted a Manufacturing Extension Program, we protected an increase. When they wanted State and local law enforcement, we did that. So they are having an even more difficult time finding the cuts, so they are now going to NED. Earlier today, they were at international broadcasting, and now they are sort of scurrying around.

Secondly, to wound NED, the National Endowment for Democracy and the Middle East Initiative would be horrible. And lastly, to wound the Justice Department and the effort on the war on terrorism is horrible.

So I urge all Members, if you had an amendment which would have done what you would have liked to have done, that is one thing. This amendment does not do it.

So I urge defeat of the amendment.

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

Mr. Chairman, let me at the outset say that the gentleman from Virginia (Chairman WOLF) knows that I know how difficult it was to put this bill together and to deal with the issues that this bill takes care of. He is right, we had to move around with a smaller allocation. In fact, the gentleman from Florida (Chairman YOUNG) was gracious enough to admit that the allocation, I think he said, was thin. Yet within that allocation, we were able to come up with a bill that I think we can all support.

But in the middle of that bill, or actually at the beginning of the bill, there is this gaping hole, this problem with the SBA now. There are different views as to how much of a problem this truly represents. But the fact of life is that many people on both sides of the aisle feel that it is a problem and one that needs to be dealt with.

Now, in committee, full committee, I proposed an amendment which would have provided the $79 million by declaring an emergency. What I basically did at that time was move emergency disaster funds and replace the 7(a) allocation in its place. By the way, that amendment was not approved; otherwise, we would not be here right now. Under our rules, that same amendment, then, cannot be presented on the floor because of the way it was presented, and so we have this one where we have dollars that we shift around in the bill.

I am not going to repeat what everybody has said. But in so many communities throughout this country, the small business community and the providers of loans believe that this is an important amendment; that this is an amendment that should, in fact, be approved and one that both sides of the aisle can support.

So with the respect and admiration that I have for my chairman, and knowing well that I was an architect in putting this bill together and our staffs were, nevertheless, I feel that this is an amendment that should be approved; and I will hope that on both sides it can get the sufficient votes to pass.

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

Mr. Chairman, I rise in support of the Manzullo-Velázquez amendment.

Mr. Chairman, I am grateful to our colleagues, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO), for their conscientious and cooperative efforts reflected in this bill. Despite the inadequate allocation the committee had to start with, they were able to redirect much-needed resources to a number of law enforcement programs, to antigang initiatives, to scientific research, and to business programs.

As I said when the Homeland Security appropriations bill came to the floor, I am concerned about how the cuts to the COPS program and the Byrne grants for local law enforcement will affect our first responders' ability to protect us from, and to respond to, terrorist attacks. But I commend my colleagues for the improvements they have made in the President's budget request.

Today, I rise in support of the amendment being offered by the chairman and the ranking member of the

Committee on Small Business to restore funding for the Small Business Administration's flagship 7(a) loan program. With all due respect to my friends on the Committee on Appropriations, these are the two Members who spend the most time dealing with small business issues and have the best understanding of small business programs.

The fact that the two of them have come together to offer this bipartisan amendment should be all the proof that most Members need that 7(a) does, in fact, need Federal funds to survive. But for those who are not willing to take their word for it, let us look at the facts. Small businesses are the number one job creators in this economy. 7(a) loans account for nearly 30 percent of all long-term loans for small businesses in America. This is a program that has returned an estimated $12 billion to the economy with only a $120 million investment. I cannot understand how anyone could say that 7(a) is not good business.

The administration is apparently still clinging to their claim that 7(a) can continue entirely as a fee-based program. They say we could simply increase fees to make up the difference in funding. We could. But if we did so, any company hoping to take out a $150,000 7(a) loan would have to ante up something like $10,000 in fees just to get the loan. In private real estate markets that would be like a mortgage broker charging seven points just to process a mortgage application. Such a policy would kill 7(a). That is why the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) have decided to offer this amendment, and I strongly encourage my colleagues to support it.

Mr. Chairman, this bill unfortunately shortchanges small business in yet another respect, zeroing out funding for the very successful microloan program.

Microenterprises are the foundation of our economy, and although a microenterprise by definition has fewer than five employees, they account for something like 17 percent of our employment in this country. In the 12 years it has been in existence, the microloan program has resulted in 19,000 microloans responsible for the creation of more than 60,000 American jobs. In my district alone, this program has resulted in 223 loans totaling $1.26 million.

That is a huge impact. Each of those loans represents a new business, a new American realizing his or her dream. The economic effects of each of these loans ripples and expands throughout the local, State, and ultimately, the national economy. The gentleman from New York (Mr. SERRANO) and the gentleman from Virginia (Mr. WOLF) will offer an amendment later to restore most of the funding for the microloan program, and I urge my colleagues to support their amendment.

Mr. Chairman, America's small businesses represent the dreams, the innovation, the drive that have made this country great. Especially as we struggle to replace the 1.2 million American jobs that have been lost in the last 3 years, we need to ensure that the programs best qualified to create jobs are given the resources that they need. The 7(a) program and the microloan program have proved themselves in creating jobs, building businesses, and expanding our economy. I urge my colleagues to give them the resources to continue.

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

Mr. Chairman, my respect and admiration for the gentleman from Illinois (Mr. MANZULLO) is very large, but it does not extend to this amendment. I hope this amendment does not pass, and I will tell my colleagues my reasons.

I am very concerned that in adding $10 million to the program that the gentleman wishes to nourish will result in that size of a cut from the National Endowment for Democracy. If ever there was a time we needed public diplomacy, we need the services of the National Endowment for Democracy to help tell the truth about America throughout the Middle East, as well as the rest of the world, it is now. This is not the time to be cutting these funds, and this Manzullo amendment would end up doing that.

Small business is very important, we all agree. Small business we trust has been adequately compensated in this general legislation, and even if this method of funding the program the gentleman wishes to protect is removed, the program will continue, I am informed, because it can be funded in other manners.

But in any event, this is a very important amendment. It is one that if it passes would limit our ability to tell the story that we need to tell throughout the Middle East and the rest of the world about democracy and freedom. We are on the defensive now. This is no time to tie us in knots.

So with warm respect for the gentleman from Illinois (Mr. MANZULLO), I respectfully hope this amendment is defeated.

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

Mr. Chairman, I would like to thank the chairman and the ranking member, the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), for their leadership. In spite of the cuts in funding and the sacrifices that we are having to make in terms of budget shortfalls, they are showing their leadership in providing as much funding as possible for those critical programs that are endemic to working families.

Mr. Chairman, I do rise, though, in strong support of the amendment offered by my colleagues on the Committee on Small Business, the gentleman from Illinois (Chairman MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, which would provide full funding for the Small Business Administration's primary lending program, the 7(a) loan program.

□ 1345

Mr. Chairman, we on the Committee on Small Business have heard small business owners throughout this country, and they are all saying the same thing, that the one hurdle faced by America's 23 million small businesses is gaining access to affordable capital. I believe that the Manzullo-Velázquez amendment, which maintains the $79 million in funding provided to the agency last year, helps SBA reach its goal of providing small companies with the financing they need through the agency's access to capital lending programs. Without this funding provided for businesses by this amendment, many small businesses could be denied the loans they need to be successful.

Funding for this program, and if it is not restored, small businesses will be unable to target new markets, grow or even hire new workers. The 7(a) loan program is the SBA's core lending program and accounts for roughly 30 percent of all long-term small businesses in America. In addition, these loans are the only source of affordable long-term financing for many of our Nation's small businesses, especially minority- and women-owned businesses.

As the ranking member on the Subcommittee on Tax, Finance, and Exports, I understand the importance of small businesses to our Nation. They employ 97 percent of our Nation's workforce and are often called the engine of the Nation's economy. Without the funding provided for by this amendment, both lenders participating in the program and borrowers will be faced with higher fees; some lenders could be forced to withdraw from the program, leaving small businesses with fewer options for financing.

Mr. Chairman, the passage of this amendment is critical to the capital needs of thousands of small businesses. I urge its passage.

Mr. Chairman, I yield to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member on the committee.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentlewoman for yielding. A concern was raised by the gentleman from Virginia (Mr. WOLF) regarding the properness of where the amendment places the money within SBA. With all due respect, Mr. Chairman, because the SBA 7(a) program was eliminated, a program account does not exist. But I want to read from the committee's report and the gentleman says, ''The committee recommends a total of $128 million under this account for administrative expenses related to business loan programs.''

So what we have done is to operate within the constraints that the committee provided us. And regarding the concern that was raised about the

money, $10 million that had been taken from the National Endowment for Democracy, even by taking the offset of $10 million, the program remains funded at last year's level. And we do support spreading democracy, but we also support creating jobs in our country.

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

In many ways, it is with somewhat of a heavy heart that I rise in support of the amendment, especially as the gentleman from Virginia (Mr. WOLF) has been so helpful in restoring the Manufacturing Extension Partnership funds which will help my State of Michigan, and because of the enormous respect I have for the chairman of the Committee on International Relations on which I sit, the gentleman from Illinois (Mr. HYDE).

But being from Michigan, my small businesses have asked me to come and support this amendment and ask that we not raise these fees at a time when the Fed is raising our interest rates. As the backbone of our economy, our small businesses deserve no less during difficult times, especially while, despite a recovering economy, pockets of persistent downturn remain, many of them in the industrial States, one of which I represent.

As for the National Endowment for Democracy, in many ways it is important to remember that democracy begins at home. It will be very difficult to continue to mobilize Americans' resolve to spread democracy abroad if in an economic downturn we are tempted to turn inward towards our own struggling economy.

The continued support of small business, the perpetuation of their entrepreneurial dreams, is the seed of democracy which we are endeavoring to sow throughout the world. Let us not forget them and turn our backs today.

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

Mr. Chairman, I rise in strong support of the amendment offered by my good friends, the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), of the House Committee on Small Business.

I speak as a former president and chief financial officer for 20 years of a small business firm, and I speak as a former member of the Committee on Small Business. I understand how difficult it can be to access capital when you run a small business or when you want to start one. Restoring $79 million for the Small Business Administration's SBA 7(a) loan guarantee program in fiscal year 2005 is a step in the right direction.

The 7(a) loan guarantee program deserves among the SBA's business loan program to help qualified small businesses obtain financing when they might not be eligible for business loans through small lending channels. It provides 30 percent of all long-term small business financing. This program is also the SBA's most flexible business loan program since financing under the 7(a) loan program can be guaranteed for a variety of general business purposes. Regardless, funding for the 7(a) program has dwindled from approximately $330 million a decade ago down to only $79 million today as borrowers and lenders have absorbed much of the program's costs.

Many small businesses are attempting to emerge from the current economic downturn and they do not have the balance sheets necessary to obtain conventional financing. Consequently, they need the 7(a) program.

It has been my experience that start-up businesses in particular rely on the 7(a) loan guarantee as the last resort to access desperately needed capital. The SBA 7(a) loan program is vital to the funding of these small businesses. Without a supportive funding appropriation, many small businesses simply will not be financed and many jobs will not be created.

My State needs this program to be funded. They have contacted me repeatedly, requesting my assistance, and I have responded in kind, cosigning letters requesting funding for the program. Today is the day we need to heed the call of most, if not all, of our small business constituents who comprise such a large percentage of all businesses in the United States.

I support restoring funding for the 7(a) program. I urge my colleagues to support small business and the Manzullo-Velázquez amendment to this legislation.

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

Today is an important day for small business, their owners, their employees, those out of work and desperately searching and, indeed, the entire American economy.

In June, our economy was estimated to add 112,000 new jobs. Make no mistake, this is a significant number, especially for those individuals that found these new jobs and for their families. However, there are still far too many individuals and families that are suffering from the effects of unemployment, and unfortunately, that number of new jobs falls drastically short of the number of new jobs needed each month just to keep up with the growing working population. Yet, here we are on a day when Oregon's unemployment is still 6.7 percent.

There is a bill before us that seeks to cut all funding for the Small Business Administration's loan program, 7(a). The SBA 7(a) loan program is vital to America's small business, and American small businesses are vital to the American economy and the American worker.

Demand for more small business loans, especially 7(a) guaranteed loans, have increased dramatically as America's small businesses seize a glimmer of hope that we are emerging from our recession. To pull the very rug out from under them by cutting funding to the 7(a) program just when they see this glimmer of hope is nothing short of cruel. These SBA 7(a) loans are especially important to start-up businesses which are so reliant on ready access to capital.

These start-up businesses are our future. They will be where our new growth comes from. It makes no sense whatsoever to cut their access to capital when our economy needs every boost of stimulus it can get.

A vote for the Manzullo-Velázquez amendment is a vote for America's small business which, in turn, is a vote for America's economy and the American worker. That is why I am supporting this amendment to restore the funding needed for the 7(a) SBA program, and that is why I am asking all of my colleagues on both sides of the aisle to join me in this effort.

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

Mr. Chairman, I am reluctant to rise in opposition to this amendment, because of its sponsor. I know that his heart is in the right place. The gentleman from Illinois (Mr. MANZULLO) is an outstanding chairman of the Committee on Small Business. I know that he has worked very hard for the strength of small businesses because he understands, as most of us do, that without all of our small businesses in America, we would not have any big businesses because the big businesses rely on small businesses in order to get the job done. But the sponsors of the amendment are of the opinion that there is no money or that the 7(a) loan program needs more money.

In this bill, if I remember correctly, the gentleman from Virginia (Mr. WOLF) provides $12.5 billion in loan guarantees for this program. So we have not forgotten this program in the appropriations bill. The amendment does not really add money to the loan program anyway. It adds money to the SBA administrative account and, therefore, will not even be spent on the loan program as the drafters intend.

At the same time, and this is my larger concern, the amendment cuts not only other SBA administrative functions, hurting the agency that oversees the loan programs, but it also reduces programs in the Department of Justice, impacting homeland security initiatives, by $60 million. The impact of this would be devastating on the war on terrorism. For example, the cuts include the office that oversees Foreign Intelligence Surveillance Act applications which are vital to the war on terrorism and which are vital to keep track of terrorists who may try to enter this country. I believe that there are more prudent ways to address the gentleman's issue.

Again, I would like to compliment him for his strong commitment, not only as a Member of the House, but as chairman of the Committee on Small

Business, and for his support of small businesses because, again I will repeat, that small businesses are important to this Nation and are important to our economy. Small businesses create many of the jobs that Americans hold and draw paychecks from. Without our very successful number of small businesses, the large businesses in America would find it very difficult to function because they do rely on small businesses.

So, all in all, I do not think this money is certainly not needed for the loan program. But it would not be invested in the loan program anyway. But what it does is take money away from homeland security programs in the Department of Justice, and I just think that is a mistake.

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

Mr. Chairman, I rise today in strong support of the Manzullo-Velázquez amendment to the fiscal year 2005 Commerce, Justice, State Appropriations Act and mainly to support small business.

This amendment will provide the necessary funding to maintain the integrity of the Small Business Administration's flagship small business lending mechanism, the 7(a) loan guarantee program.

Mr. Chairman, I represent the Territory of Guam, where 90 percent of our businesses are small businesses.

□ 1400

I applaud the bipartisan leadership demonstrated by our dynamic duo, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), in constructing this amendment; and I am proud to have worked with my colleagues on the committee, whether participating in hearings or writing letters or meeting with small business owners, so that we can today arrive at a consensus that reflects the needs of the small business community and the role of the Federal Government to help foster growth, innovation and jobs in this important economic sector.

The 7(a) loan guarantee program is a principal source of funding for small businesses, representing 30 percent of all long-term small business borrowing in the United States. Oftentimes, the 7(a) program is the only source for long-term financing on reasonable terms for small businesses, particularly those in poor, rural, and underserved areas. These small firms represent the future of our economy, as they account for 75 percent of all new jobs created in the United States.

Consider these statistics: the current Federal burden for supporting every $100 of a 7(a) loan is 60 cents. Statistics also show that a new job is created in the small business sector for every $33,000 of loans.

Mr. Chairman, that means that it costs the Federal Government only $198 to create an additional job for the economy through the 7(a) program. A Federal program that demonstrates this level of success should never, ever be cut back, but, rather, expanded.

Suspending Federal funding of the 7(a) program will result in an increased cost to small businesses, as banks will pass new costs on to their 7(a) customers in the form of higher fees.

There is also fear that some banks, particularly in poor, rural and underserved areas, will no longer see the incentive of offering 7(a) loans and will suspend this financing mechanism altogether. This will have the effect of halting both economic and job growth at a time, Mr. Chairman, when we are just beginning to recover from the recent economic downturn.

Recognizing the budget challenges this year, the Manzullo-Velázquez amendment modestly proposes to fund the Federal subsidy of the 7(a) program at fiscal year 2004 levels. It is also budget-neutral. This amendment is supported by Democrats and Republicans, by small business owners throughout the country and by banks that offer federally backed financing mechanisms.

Mr. Chairman, this is the right thing to do, and I hope my colleagues will vote in favor of the Manzullo-Velázquez amendment.

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

Mr. Chairman, I rise today in opposition to the Manzullo-Velázquez amendment to H.R. 4754, the Commerce, Justice, State appropriations bill. I strongly support the Small Business Administration's (SBA), 7(a) business loan program and have joined some of my colleagues from Connecticut in advocating improvements and increases in the program.

I understand the serious issues facing small businesses today and believe that, as the backbone of our community, it is vital we do what we can to help them thrive and I appreciate the spirit of the amendment.

But this is not what the amendment does in its entirety. It cuts $60 million out of the Department of Justice and $10 million out of the National Endowment For Democracy. And so, therefore, the amendment is fatally flawed.

If my colleagues believe that the cold war still exists, they could probably make an argument for this amendment. They could probably say we do not need the National Endowment For Democracy as much as we do today, and they could probably say that the Department of Justice does not need the initiatives that it needs; but the Cold War is over, and the world is a far more dangerous place. We have to deal with the issues that confront us.

The idea that we would contain and react to threats and have mutually assured destruction in the days of the Cold War has been replaced by the need for detection and prevention. Our actions may have to be maybe preemptive and maybe sometimes even unilateral, but the key part is prevention and detection; and there is no way we are going to be able to detect and prevent, in my judgment, if we are not doing more to give our intelligence community the skills to detect and to prevent.

We have a letter from the Department of Justice that makes clear that, to accommodate an additional $10 million cut in the OIPR budget for intelligence, they would need to forego requested adjustments to base, including the funding needed to support the annualization of second-year costs for 16 OIPR positions. This would further degrade OIPR's ability to process FISA's applications for intelligence searches and surveillances before the foreign intelligence surveillance court of review, when the number of applications has increased significantly since September 11, 2001. The letter goes on.

This is crazy at this time to act like somehow this is pre-September 11.

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

Mr. SHAYS. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I listened to the debate, and I just want to make a couple of closing comments. One, this does hurt NED. At this time for the Middle East to do this is just not good.

Secondly, it hurts the war on terrorism. Thirty people from my district died in the attack on the Pentagon, and we heard it. Lastly, and I know this is not the intention of the sponsors, this is not, I say, the intention of the sponsors, but the reality of this amendment is that this is a subsidy to put money into the bankers' pockets. That is basically what it is. If one were helping the poor or the hungry or the people that really need it, one ought to support the amendment; but look and listen to the groups that contacted us, the American Bankers Association. This is an amendment to put money in the pockets of the bankers, not the poor, not small business, and for those reasons, in addition to the National Endowment For Democracy when we are trying to get peace in the Middle East on the war on terrorism.

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

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

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman for yielding; but with all due respect, I sit on the Committee on Financial Services.

The CHAIRMAN pro tempore (Mr. MCHUGH). The time of the gentleman from Connecticut (Mr. SHAYS) has expired.

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

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

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

Ms. VELÁZQUEZ. For members of the subcommittee of Congress to be

here doing the job for a financial institution is completely wrong.

This amendment will address a Hispanic woman who goes shopping around to make a loan and is being denied a loan by commercial banks. Unless we have a loan guarantee, and my colleagues know that we hear time and time again about minority businesses, women-owned businesses who are denied loans through traditional financial institutions, this amendment helps those people who are trying to set up their businesses or expand their businesses.

Mr. WOLF. Mr. Chairman, if the gentleman will yield, I understand what the gentlewoman is doing and I admire that. I think her purpose is very, very good and I think on the microloan issue is exactly right. That is why the gentleman from New York (Mr. SERRANO) and I have an amendment to restore that and deal with this. I want to make sure the record should state that is not the gentlewoman's purpose of doing it, and so I only attribute the honorable, the most wonderful.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman would further yield, we can mix oranges and apples. Microloan and 7(a) are two completely different programs.

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

Mr. Chairman, let me begin by recognizing the hard work of the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO). I know this is a difficult bill, and I know there is not a lot of money available.

Let me more importantly, however, recognize the bipartisan spirit and hard work of the gentleman from Illinois (Mr. MANZULLO), the Chair of the Committee on Small Business, and also the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member.

This is an absolutely critical bill. This is not a bill for the banks. This is a bill for the small businesses in America that are struggling. This is a bill for the companies in this country that are trying to create jobs. We have a sluggish, sputtering economy. We have just raised interest rates on these same small businesses.

We hear a lot of rhetoric on this floor about the engine of our democracy, creating jobs, we love Main Street, we want to support small businesses; but when it comes time to make a policy decision, which is where we are today, so many people have all kinds of reasons why we should not put creating jobs and helping small businesses at the front of the line.

Yes, there is a need for democracy funds; and, yes, there is a need for 16 additional personnel to process visas. And we can get that money. We wasted more money on Halliburton than this bill involves. That money can be obtained. The fact of the matter is this is an absolutely critical bill.

Now, it is amazing to me to hear people dismiss cavalierly the needs of the small business community. Why? Because unlike many big businesses and unlike the Halliburtons, these small businesses are creating jobs here in the United States. These are not jobs that are going to be exported or offshored. These are jobs here in our local communities.

The gentlewoman from New York (Ms. VELÁZQUEZ) cited the example of minority businesses who go around shopping for loans and that cannot get those loans without this program. This program created 300,000 jobs in America last year. This program used $79 million and leveraged that into loans totaling over $12 billion. Those loans, those jobs are the things that make America work.

So it seems to me that for the relatively modest sum of $79 million we ought to give small businesses and job creation in America a greater priority and fund other worthy causes that have been discussed on this floor through other means.

We have given great tax cuts to very wealthy people. I mentioned Halliburton. We have given them loads of money; and they have misused it, overcharged the United States. The money can be found to address my colleagues' concerns, and they are worthy concerns; but today, we have to ask ourselves a very fundamental question. Are we serious about helping the small businesses in our community? If we are, we should support the Manzullo-Velazquez amendment and restore the funding for the 7(a) loan program.

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

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

Mr. SMITH of Michigan. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, I thought I would recite the names of some of the organizations that are in favor of the Manzullo-Velázquez amendment. Sure, we have the American Bankers Association that is in favor of it, but just listen to the names of these groups that represent small businesses.

The Asian American and Hotel Owners Association; Women Impacting Public Policy, that is over 2.5 million women-owned small businesses. The Air Conditioning Contractors of America, those are all small businesses. American Society of Farm Managers and Rural Appraisers, those are small business people. American Society of Appraisers, those are small business people. America's Community Bankers, those are many small community banks in rural areas. Financial Services Roundtable, banks of all sizes, including large banks. Independent Community Bankers of America, those are mostly small banks, many in rural areas.

International Franchise Association, thousands and thousands of small business owners across America. National Association of Government Guaranteed Leaders, NAGGL, that represents people that get small business loans. National Association for the Self-Employed, I think the average membership of their group is less than five employees.

National Association of Women Business Owners, small business people. The National Bankers Association, National Black Chamber of Commerce, the National Small Business Association, the Small Business Legislative Council, the Appraisal Institute. The Tire Industry Association, these are guys that have tire shops across the country. The United Motorcoach Association, these are guys that buy buses for tourism, et cetera; and the U.S. Chamber of Commerce, which represents the large and small businesses.

The reason all these groups are behind the Manzullo-Velázquez amendment is that the core purpose of the Small Business Administration is to make capital available to small businesses, and why the SBA is fighting small businesses is beyond the recognition of the chairman of the Committee on Small Business. I cannot understand it, why the SBA is fighting this bill, which is the core program of the entire SBA.

□ 1415

It does not make sense. $79 million in the huge $3 trillion budget that we have is not a lot of money. But what it does amount to is the doubling of the fee of the little guys that get loans of under $150,000. The little ones get hit, the very ones that are trying to make this Nation recover.

In my district, we just dropped below 10 percent unemployment and the Fed raised the interest rate. I stand here in the gap as the chairman of the Committee on Small Business to say the Small Business Administration is wrong on this issue, and they ought to be ashamed of themselves for fighting this Congress to defund the very program that has made the SBA the organization that it is.

Sure, I could get very impassioned over little people. I come from a small business. My dad had a grocery store and then a restaurant, and the family restaurant continues today. And if my brother wants to get a loan from the SBA, why should his fees be doubled?

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time, although I support the intention of the chairman of the Committee on Small Business, my concern would be where the money comes from. So, in the MEP program, it is already sacrificing, and this also takes funds out of that. So I do not know how to rebalance.

Mr. MANZULLO. If the gentleman will continue to yield, this does not take funds of the MEP.

Mr. SMITH of Michigan. Well, Mr. Chairman, this takes funds out of the Justice Department, and that is part of the sourcing of funds that I understand the money would come from. And I will be happy to yield for a final word from the chairman.

Mr. MANZULLO. Well, I commend the chairman for funding the MEP program, but out of Justice this comes out of the administration account. It has nothing to do with FBI agents or the DEA or people involved in those positions.

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time once again, let me ask a question of the chairman. Where is this $60 million of the funds coming from in Justice?

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

Mr. SMITH of Michigan. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the letter from Justice says it would be ''devastating to the management of the Department, including the Office of Intelligence Policy and Review's support for the Foreign Intelligence Surveillance Act.'' It also says, ''This would further degrade OIPR's ability to process FISA applications.''

Ms. MAJETTE. Mr. Chairman, I move to strike the requisite number of words, and I rise today in support of this bipartisan amendment offered by my colleagues on the Committee on Small Business, the gentleman from Illinois (Mr. MANZULLO), the chairman, and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ).

This amendment would restore funding for the Small Business Administration's signature 7(a) loan program to the fiscal year 2004 levels of $79 million. The underlying bill would eliminate funding for this critical program, potentially crippling many small businesses that rely on the 7(a) program as their only source of capital.

The number one problem cited by America's small businesses is gaining access to affordable capital. As you know, the 7(a) loan program provides loans on favorable terms to small businesses and allows funds to be used for operating capital. The SBA offers the program through private lenders and the SBA guarantees 50 to 80 percent of the loan's amount. The 7(a) loan program accounts for 30 percent of all long-term small business lending, and it is a proven catalyst for job creation and economic development.

This loan program has proven itself productive and successful. Last year, in Georgia, 1,498 loans were issued for a total of $367 million under the 7(a) program. And in my district, Georgia's Fourth Congressional District, 184 loans were issued, totaling $47 million. Those loans kept and produced jobs in our community. Those loans supported the very businesses that managed to weather a weak economy, and now some wish to take those loans away.

Small businesses cite access to capital as their main barrier to growth. By not fully funding the 7(a) program, we will be denying vital funds to small businesses across the country. This means fewer small businesses, less growth in those that survive, and fewer jobs created.

I urge my colleagues to support this amendment and to restore funding for a program vital to our small businesses, our families and our economy.

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

Ms. MAJETTE. I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I thank the gentlewoman for yielding to me, because it will not take me 5 minutes to do what I want to do. I am with my colleague, the gentleman from Illinois (Mr. MANZULLO), on this. I do not understand the priorities that the Small Business Administration are using when they talk about not supporting a loan program that has generated 360,000 jobs in the last year.

How could this administration, that has lost as many jobs as it has through the almost 4 years of being in office, now be talking about doing away with a program that is a job creation mechanism? I, for the life of me, do not understand that. And the only thing I can say is, this is just not rational decision-making being made.

This argument that somehow we are going to restore these funds by increasing fees on small business people who apply for the loans just makes even less sense to me. Because those are the very people who need the money without additional fees being generated and charged and assessed to them.

So the priority setting here in an appropriations process tells a lot about the values of an administration and the values of an SBA. And, apparently, this SBA and this administration simply do not care about small businesses or about job creation, even though it is giving lip service to it throughout the country.

I think we should support this amendment, and I appreciate the gentlewoman yielding to me. It does not take a long time to say this administration's priorities are out of whack on this issue, and we should support the amendment that has been offered by the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Mr. MANZULLO), who cannot understand the priorities that this Republican administration is putting forward any more than we can on this side.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentlewoman yield?

Ms. MAJETTE. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, in reference to the fact that this amendment takes money from homeland security, I will say that there is nothing in this amendment that will take money from homeland security. The offsets are from DOJ automation projects.

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

Mr. Chairman, I think the virtues of the small businesses have already been outlined time, time, and time again. The only question is what is the biggest problem that small businesses have in this country? The biggest problem that small businesses have is access to capital. How do they get the money that they need to really start up? How do they get the money to expand? How do they get the money to operate? Without capital, there can really be no small businesses.

So it seems to me that, notwithstanding all of the difficulties that have been cited about where the money is or what we have to do with it, if we do not generate it, if we do not produce it, then we do not have the businesses that we need.

I would simply urge support for the Manzullo-Velázquez amendment, and also indicate support for the microloan program. I come into contact with hundreds of small business people every week, every month, who, with just a little bit of money, would really help them over what they call the ''hump.'' It would keep them in business, keep them employed, and keep the economy thriving.

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

Mr. Chairman, I think the first order of business is to acknowledge the good work that the gentleman from Virginia (Mr. WOLF) and the ranking member, the gentleman from New York (Mr. SERRANO) have done on this appropriation with the deck of cards they have been given. I think this debate should stray away from the work that has been done by the appropriators. We already know the vigorous debate that has taken place between the budget people and the appropriators, trying to find dollars where they may not be.

Let me just say that as a member of the Select Committee on Homeland Security, I believe we have unanimity in at least recognizing that homeland security is important. We may do it differently, but we understand it is important and we want to secure the homeland.

I frankly believe there are ways to improve the resources necessary to do what is important for the American people, secure the homeland, and also do what the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), want us to do, and that is to rebuild the crumbling infrastructure of the SBA 7(a) loan program.

Let me cite, if I might, and compliment Milton Wilson, who heads my SBA agency in the Houston region, talk about the many, many hundreds of small businesses that have created jobs in Houston. When we were falling on our very knees just about 3 years ago and Enron laid off 5,000 employees in my community, the domino effect was enormous from businesses that were supported by this very large company and other energy companies who felt the brunt of the economic engine failing in this country.

Now, we just realized that we only created in the last month 112,000 jobs

when, in actuality, to be even minimally healthy economically, we needed to create 150,000. Well, Mr. Chairman, the place to create those jobs is through small businesses.

I am frankly disappointed to announce to the American public and my colleagues that 2 days before Christmas, just a year ago, the administration encouraged or announced significant changes to the 7(a) program. Two weeks later, the SBA shut the program down. What does that mean to small businesses, which are basically the infrastructure of America?

They are the job creators of America. That is what all of us say. When we go home to our districts, it is the small business owners that we encounter, with all their ups and downs. The only way they have been able to access dollars has been to use their credit cards, with their usurious interest rates. That is how they have been funding their businesses.

These are the floral shops, these are the cleaners, these are the small computer offices, these are the human resource offices. These are the small businesses of America. Frankly, they may be in Houston, they may be in Jackson, Mississippi, they may be in Charlotte, North Carolina, they may be in New York, they may be in Ohio and Illinois and California. All over America, what is happening is that we are losing the ability for these small businesses to engage in business by getting these kinds of loans.

According to the GAO, over the past 10 years, small business lenders and borrowers have paid over $1 billion in miscalculated government fees and under-the-table taxes. This was fixed by a bipartisan move 2 years ago, yet the administration wants to go back to a time when lenders and borrowers were overcharged. That does nothing but hurt our small businesses.

So this amendment that has been offered by the distinguished gentlewoman from New York and the distinguished gentleman from Illinois is, frankly, the right way to go. And I would like to be able to say to the ranking member and the chairman of this subcommittee, let us go find some dollars somewhere where they are not needed, like the enormous tax cuts that are taking away from the working men and women of America. Let us go find money that will support the 7(a) loan program that can, in effect, provide the resources that are necessary to create jobs.

Who would stand on the floor of the House today and ignore the fact that we only created 112,000 jobs? The only way we can add to those jobs, besides boosting our manufacturing, is to give small business the ability to secure loans that will help them grow their businesses. They grow them two employees, three employees, and five employees at a time.

This is not about responding to a constituency, the small business community of America, it is about responding to Americans who need jobs.

□ 1430

I support this amendment because I believe it is a viable amendment. This program generated more than 60,000 jobs last year across America. It is not going to create any jobs if we continue to dumb down the program and do not provide it with the resources it needs.

In closing, the ranking member and the chairman of the subcommittee have worked with what they had to work with. I also want to acknowledge that we are all supporters of the National Endowment for Democracy, but we need to find dollars to do the important business of America: securing the homeland, providing loans for small businesses, and creating jobs. If we do that, we will improve the quality of life in America. I ask Members to support this amendment.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent, except that the chairman and ranking minority member may each offer one pro forma amendment for the purpose of debate.

The CHAIRMAN pro tempore (Mr. MCHUGH). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I ask unanimous consent to yield half of my time to the gentleman from Illinois (Mr. MANZULLO) and that he be permitted to control that time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN pro tempore. The Chair would advise Members that under the unanimous consent request, the 15 minutes for the proponent is controlled by the gentleman from Illinois (Mr. MANZULLO), so he would have any prerogative to yield such time to other Members.

Mr. MANZULLO. Mr. Chairman, I ask unanimous consent to yield half of my allotted 15 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ) and that she may control that time.

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

There was no objection.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in strong support of the Manzullo-Velázquez amendment to restore funding to the SBA 7(a) program.

In its fiscal year 2005 budget, the administration dealt a near-mortal blow to our Nation's small businesses by taking the funding from that program to zero. This amendment breathes new life into it by restoring that funding. It is critical to at least maintain funding for SBA's 7(a) loan program to last year's level of $79 million. Providing just level funding will leverage more than $13 billion in lending opportunities under the 7(a) program. But if this bill passes without the Manzullo-Velázquez amendment, small businesses will be required to pay nearly $80 million currently subsidized by the Federal Government, the equivalent of a new tax on small business.

Today, with double-digit rising health care costs, expanding energy costs, and pressure from overseas competitors, this increase is more than our small businesses can bear.

The 7(a) loans spur economic development in underserved areas like my district in the Virgin Islands, especially the island of St. Croix. The 7(a) loans are used to purchase land or buildings to expand existing facilities. These loans are used to buy new equipment, machinery, or even furniture.

In sum, the 7(a) loan program is SBA's core lending program, as Members have heard, and accounts for roughly 30 percent of all long-term small business borrowing in America. I want to thank the gentleman from Illinois (Chairman MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for their leadership and their strong passionate bipartisan effort to salvage this program which is so critical to the small business sector and thus to the economic health of our Nation.

I urge my colleagues to walk the talk and support America's small businesses by supporting this amendment. Without this amendment, the 7(a) lending program and many of our small businesses will not survive.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I think in any debate, whether it is this amendment or any other amendment, I do not think we should ever question any Member's commitment or dedication to the war on terror. The funding that is sought in this particular amendment will not jeopardize our effort on the war on terrorism, and I think we need to start off with that understanding so we remain focused on the true intent of this particular amendment, and that is the very lifeline or lifeblood to small businesses in securing loans.

Small businesses already operate at great disadvantage. They do not get the same deductions as big corporations. They cannot go and establish their headquarters offshore and abroad to avoid paying taxes. This is all about the American dream. This is all about sweat and toil and commitment to this great capitalist system that makes this great democracy the great democracy that we have today.

We will never support democracy without a strong economy. I look at this as the greatest investment we can possibly make. We have to remain focused on the true intent of this particular amendment. These will be loans

that are being made because of the funding in the guarantee. These are loans that would not be made otherwise. This is not a subsidy to banks. It is about risk, and there is nothing wrong with taking risk into consideration. We make that accommodation which makes money and capital available to the small businesses, the very strength of our economy, which lends credence, which lends viability to this great democracy. This is what it is all about, and I would hope everyone in this Chamber when we vote today will support small businesses throughout this country.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

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

Mr. CASE. Mr. Chairman, I rise in strong support of the Manzullo-Velázquez amendment. I came to this Congress and asked to serve on the Small Business Committee. Coming from a State that has 96 percent of its businesses as small businesses, 60 percent of its businesses as minority-owned businesses, I came here ready to roll up my sleeves believing that Washington, D.C. cared about small businesses.

Let us put this amendment into perspective and ask ourselves is that true. As we look at the actions of this administration, and many times this Congress, Members have to say that small business has not been treated well. I have sat on the Committee on Small Business, as bipartisan a committee as there is in this Congress, where we are all trying to help small business, and I have watched as the discussion has turned to small businesses being squeezed out of the Federal procurement process. I have watched as we have had hearings on all of those measures to help small businesses, from reducing paperwork, the Paperwork Reduction Act, and instead we see this administration presiding over increases in paperwork. Regulatory relief, this administration presiding over huge increases in regulation, and the Small Business Administration coming in to us and trying to defend the actions of the Office of Management and Budget telling them to cut, and we see the pain in their eyes when they have to carry that policy down here.

Now we find ourselves facing an amendment that should never have had to have been brought to the floor of this House to preserve a program which has been the flagship program of small business, and we are being put in a box where we have to elect between two different things that we both support. Of course we support it.

But I have to ask, why do we not take a look at the billion dollar sole source contracts for huge businesses that are out there? This is a blip on the radar screen when we compare it to that. This is not about banks. Banks are consolidating. Big banks are getting bigger. Small banks are getting wiped out. Small banks serve small businesses; small businesses are not cared for by the big banks. They are being squeezed out. Take it to a rural community in my district, Na'alehu, a small mom and pop operation, trying to get just a little capital to get going; and if they are going to the big banks, they are not going to get that capital.

Mr. Chairman, I rise in strong, unqualified support of the bipartisan Manzullo/Velázquez amendment to save the Small Business Administration's section 7(a) small business loan program.

Mr. Chairman, the Small Business Administration (SBA) was created 51 years ago by President Dwight D. Eisenhower to meet a critical nationwide capital shortage. SBA's top priority was to provide small companies with access to capital through its lending programs. The 7(a) loan program is the signature program within the SBA. Over the last decade, the SBA has approved more than 424,000 loans for over $90 billion, assisting countless small businesses across the country with their basic capital requirements.

Tragically, funding of the 7(a) program is in grave danger of being eliminated. Should the administration prevail in its attempt to dismantle this proven program and Congress proceed on its current path, our Nation's small businesses would have to bear an additional $80 million in SBA expenses, and the fees per loan would increase by over $1,000. These loans are the only source of affordable, long-term financing for many of our Nation's small businesses, as 7(a) loans spur economic development in underserved areas, are used to purchase land or buildings or expand existing facilities or buy new equipment, machines, or even furniture, and provide long-term working capital including accounts payable—allowing small businesses to start and continue in business where otherwise if may not be possible.

In my own state of Hawai'i, for example, the viability of small business is the linchpin to economic vitality. In 2002, the most recent year for which numbers are available, the SBA Office of Advocacy estimates that there were 28,800 small businesses in my state, representing 96.7 percent of all business in Hawai'i.

Hawai'i is also home to one of the largest percentages of minority-owned businesses. Minority-owned businesses represented 57.8 percent of the state's businesses and they generated $14.8 billion in revenues in the most recent year for which this data is available.

The SBA and its programs are critical to the sustainability of our economic base. In Hawai'i, FY03, the SBA made 269 loans worth nearly $29 million. Of that number, 132 of those loans, worth nearly $15 million—nearly half of all loans—were made to companies operating in the rural communities of the Second District that I represent.

The situation is even more promising for my state in this fiscal year. Through May 31, 2004, the SBA had approved 260 loans, worth about $18.5 million to Hawai'i small businesses. Rural small business have received 61 of those loans—representing over $6 million.

The 7(a) program is also crucial to small businesses because of recent consolidation of banks and other financial institutions throughout the country. My state is no exception. According to the Federal Reserve Board, there were 13 small-business-friendly banks in Hawai'i in 1998. In 2002, that number had shrunk to 7. Of those seven in 2002, four had assets between $1 billion and $10 billion. Because small business traditionally depend on local banks services and use commercial bank lenders, this recent consolidation has not had a positive effect upon lending to small businesses.

During my time in Congress, as a member of the House Committee on Small Business as well as the Blue Dog and New Democrat Coalitions, I have argued for fiscal responsibility during our budget and appropriations process. The SBA's 7(a) program is a perfect example of a federal effort that is entirely consistent with this needed approach, for it both increases revenue-generating economic activity and pays for itself. By supporting, nurturing and growing small businesses, we are allowing these companies to increase in size, revenue, employment and purchasing power, ultimately benefiting the community where that company is located as well as the country as a whole. And these are repayable loans, not outright grants.

Mr. Chairman, this is a crucial amendment for all concerned, not least the small businesses of my Second District of Hawai'i. According to a survey published by the National Federation of Independent Business in May of this year, the top three "severe problems" for small-business owners is cost of health insurance, liability insurance and workers' compensation. Let's not give these small businesses one more reason to fail in these trying times. Let's pass this important amendment. It is the right thing to do, and I implore my colleagues to support the Manzullo/Velázquez amendment and support the underlying bill.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Chairman, I have the utmost respect for the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ); but since I said that, Members know what position I am taking on their amendment. I am adamantly opposed to it.

I appreciate their hard work, their commitment to the small business sector of our economy; but this amendment is wrong. Every single Member in a bipartisan way should oppose it for several reasons.

First, I want to talk about the fact that the gentleman from Virginia (Mr. WOLF) and I came here 24 years ago, elected to serve in Congress the same day Ronald Reagan was elected President of the United States. One of the great visions put forth in 1985 in a speech delivered by President Reagan at Westminster College at Fulton, Missouri, was establishing the National Endowment For Democracy.

The notion behind this was the goal of ensuring that, rather than simply pursuing bullets, we would pursue ballots. What are we trying to do in the

Middle East, in Iraq, and in other parts of the world? We are trying to do everything we possibly can to encourage self-determination, the rule of law, respect for democratic institutions, political pluralism. Why are we doing that? We are doing that in an attempt to help these people and to try and diminish the threat of engaging militarily.

So this amendment, as well intentioned as it is, is bringing about a cut in the funding for that institution, the National Endowment for Democracy, which has done a phenomenal job all over the globe helping people who have been trying to claw their way to self-determination to have the kind of success that is so important.

In the State of the Union message delivered by the President delivered right here, he called for a doubling of the funding for the National Endowment for Democracy. While the subcommittee of the gentleman from Virginia (Mr. WOLF) has not quite gone to the level the President has requested, the $50 million level is a very good and important start because we know that we have been working to build these democratic institutions as part and parcel of the global war on terror, and we are having success and so we should not in any way jeopardize that.

Passage of this amendment undermines the effort that we are leading in moving towards democratization around the world.

Number two, the global war on terror, we are looking at a $60 million cut if we were to pass this amendment for the Department of Justice, which would tragically undermine the ability to deal with the very important threat that we live with every single day and have lived with every single day since September 11 of 2001, and that is the threat of global terrorism. We have seen activities take place just within the last few days, actions taken to keep ships that potentially posed a threat to our security offshore, and a wide range of other things which the Department of Justice has been involved in to try and help us turn the corner on the global war on terror.

As we look at these issues, as well intentioned as this amendment may be, I think we should look at the people who join us in opposition. Hector Barreto, the director of the Small Business Administration, a fellow Californian who has provided great leadership at the SBA, he is opposed to this amendment. They oppose this amendment at the Small Business Administration.

And as we look at the overall impact of this amendment, it is not even going to go towards its intended goal. This goes toward administrative expenses and will not provide assistance within the 7(a) program. It is well intentioned, but the amendment does not do anything like it is designed to do; and with what it does do, it undermines our quest towards encouraging democratization around the world, helping the people of Iraq in their quest to build those democratic institutions which are so important, and it threatens our overall goal of trying to deal with the global war on terror.

For every single reason, I believe it is important for us to do everything we can to in a bipartisan way vote ''no'' on this amendment.

□ 1445

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Chairman, I thank the gentlewoman for yielding me this time.

The issue has been raised here by the gentleman from California as to the National Endowment for Democracy. The fact is the National Endowment for Democracy is funded $1 million above last year's level. So that is not the issue before us today. The issue before us is whether we are going to take care of our small businesses, our small businesses which provide us with growth, which provide us with strength, which provide us with an economic base in this country. That is why this amendment is so important.

One of the biggest obstacles to entrepreneurs is establishing and growing a small business. And if entrepreneurs cannot get access to capital, they often have to turn to more costly alternatives. Without access to financing, companies are unable to target new markets, growth, and even hire new workers. That is why the 7(a) program is so important. The 7(a) loan program is the SBA's core lending program. Over the last decade, the SBA has approved more than 424,000 loans for over $90 billion. Think about it, $90 billion pumped into our economy to support small business growth.

Unfortunately, despite the immense popularity of this program, the Bush administration has continued its efforts to systematically dismantle this important program. The recent budget request by this administration for the 7(a) program has steadily declined while demand for 7(a) loans has continued to increase. As a result, the SBA was recently forced to shut down the loan program, injuring thousands of small businesses and lenders that had submitted applications for loans. After the outcry from the business community, the SBA reopened the program; but they capped all 7(a) loans, thus limiting the ability of American small businesses to get financing.

One of the key ways to help stabilize the 7(a) program is by providing more funding, and that is what this amendment does today. A bipartisan amendment offered by the gentleman from Illinois (Chairman MANZULLO), our chairman on the Committee on Small Business, and the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking member. They have come together. This is the most bipartisan committee in the United States Congress, and they reached an agreement on an amendment. I applaud that effort to reach bipartisan support, and I urge my colleagues to support the Manzullo-Velazquez amendment.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank the gentleman for yielding me this time.

I simply want to respond to the comments of my good friend from New Mexico and say at the outset that this notion of a $1 million increase in funding for the National Endowment for Democracy does not even maintain a level at the inflation rate that it is; and this is a program which, remember, the President of the United States asked us to double, he asked us to double the funding for the National Endowment for Democracy. Why? Because when we think about the kind of success that it has had since we saw the demise of the Soviet Union and the Berlin Wall come down, what we have witnessed in the emergence of tremendous democracies of Eastern and Central Europe, the kind of effort that has been put into place, bringing about leaders who have addressed us in joint sessions of Congress like the former President of Poland, Lech Walesa, like the man who went from prisoner to President in 6 months in Czechoslovakia, Vaclav Havel. These people were able to enjoy success in large part due to the work of the National Endowment for Democracy.

What is it we want? We want throughout the world for people to enjoy the same kind of liberties that are now taken for granted in Eastern and Central Europe, and this program needs to have a dramatic increase. And I believe it is very important for us to do everything we possibly can to ensure the further success of the National Endowment for Democracy.

I also think it is important to note that this administration is strongly committed to the small business sector of our economy. There is no doubt about the fact that keeping the tax rates low for small businessmen and -women, encouraging economic growth, keeping interest rates low for small businesses, they are the backbone of our economy. But dramatically expanding a program when we have the director of the Small Business Administration opposed to this kind of a program, when, again, this amendment, this amendment does not allow the funding to get to that program. There already is a $12.5 billion level, as the gentleman from Virginia (Mr. WOLF) has just informed me. It seems to me that it is the right thing for us to do to oppose this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 30 seconds.

I would just like to respond to the fact that the gentleman was talking about the National Endowment for Democracy. The numbers do not lie. They

are right here. The National Endowment for Democracy was funded $39.5 million. The full committee provided $51 million. It is on page 77 of the bill. If we take $10 million, they still have more than $1 million from last year.

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

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

Mr. DREIER. Mr. Chairman, I think that is what my friend from New Mexico was arguing. And my point is that if that would take place, it would not even allow us to maintain the inflation rate that we have. That is why that it needs to be substantially higher than that.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentlewoman from the State of California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, I thank the gentleman for yielding me this time.

I have heard all the rhetoric; and sitting 6 years on the Committee on Small Business, I cannot help but wonder. We talk about funding small business and the engine of our economy, which is the small business, and yet we do not put money behind it to make it work. We talk like we want to help small business; yet we put billions, billions with a ''b,'' into loans, into grants, into whatever for the airline industry. We cannot put in 79 lousy million into small 7(a) loan programs, that for every $33,000 loaned, they would create one new job. Talk about $79 million versus $12.5 billion that we can be able to have our economy move forward; yet we are scrabbling around and arguing about why we should not take this money and invest it in the source of job development that this country so dearly needs.

Let me ask the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), do they really think that it is the time to cut small business when we most need it?

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Chairman, I will not be using that full amount, but I did want to rise once again to commend the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Chairman MANZULLO) for their excellent leadership in bringing this amendment to the floor. I again want to commend the distinguished gentleman from Virginia (Mr. WOLF), chairman of the full committee, for his great leadership in bringing a very important appropriations bill to the floor; and I thank the gentleman from New York (Mr. SERRANO) also for moving this section 7(a) provision in full committee. Although he was not successful, his leadership was important to the momentum that we have today. I thank him for his leadership.

Mr. Chairman, I just want to close by saying this one thing: I always say that the only thing more optimistic than starting a new business is getting married. In order to take on the responsibilities of a marriage or a business, a person has to be very entrepreneurial, very optimistic, very confident. There are so many risks involved in starting a small business. At the very least, we should have access to capital so that we can increase the equity, the ownership that the American people have in businesses that do create jobs, that do create capital in our country, which in turn attracts the talent that we need to be internationally competitive.

This is a very important amendment today. It is not to say that the decisions that have to be made to fund it are not difficult; and as I said earlier, I commend the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), ranking member, for the difficult decisions they had to make to bring this Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act to the floor.

But we have to choose in favor of small businesses in our country if we are going to grow the economy. Small businesses are the engine of the economy. We cannot just talk about supporting small business. We have to put our resources there and give them access to the capital they need to succeed to accompany the great optimistic spirit and entrepreneurial spirit that they bring to the endeavor of starting a new business.

So with that, Mr. Chairman, I urge our colleagues to support this bipartisan Manzullo-Velázquez amendment.

The CHAIRMAN pro tempore (Mr. MCHUGH). The gentleman from Virginia (Mr. WOLF) has 8 minutes remaining, and the gentleman from Illinois (Mr. MANZULLO) has 2 minutes remaining.

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

Let me first address the issue of offsets. We take $33.251 million out of a program that the President did not even request, this Legal Activities Office Automation Program at the Department of Justice, $33 million out of a program they never even requested.

I voted and continue to support the war on terrorism, but we reach a certain point when we have to ask ourselves, when do we take care of our own? When do we take care of the little people? This is not an outrageous request to ask that we have level funding this year that we had last year; $79 million is a lot of money, but compared to how far it goes to continue the program is something else.

The problem here is this: we all want to get away from this subsidy. I am in favor of a zero subsidy rate and have continued to work towards that each year that I have been chairman of the Committee on Small Business. To do it all at once at a time when the Fed has just increased the interest rate, when the unemployment in the district that I represent has just fallen below 10 percent, and at a time when small entrepreneurs continue to scramble for capital is simply unwise. To have a complete recovery, we need to make sure that the resources, the loans, are there for the little people, the ones that get up early in the morning and work 18 hours a day, sometimes 7 days a week, just for the opportunity to make a lot less money than they could working somewhere else, but who choose to do that because the spirit of entrepreneurship rings within their heart, because they know that eventually they will create more jobs and add to the economy.

That is what this bill does. It restores the same amount that they would have had last year, and I ask my colleagues to vote in favor of the Manzullo-Velázquez amendment.

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

□ 1500

Mr. Chairman, a lot has been said about this amendment today, and I want to reiterate my respect and admiration for the chairman, the gentleman from Virginia (Mr. WOLF), and the fact that I cannot run away from the issue that we both participated in putting this bill together. But as I said in my original comments, and I will say again, even when we approved and supported this bill, as I do now and I would ask all my colleagues to do so for final passage, I still knew that there was a problem that had to be dealt with, and the most glaring of those problems was the 7(a) issue.

It is for that reason that I stood up today and continue to stand in support of the amendment. I think the amendment speaks to an issue of a constituency throughout this country that is not only based in the lending institutions, heaven forbid I should ever be accused of supporting the lending institutions at that level, but people who feel that this is a good program and should continue to exist.

Because of my support for the bill, I am very leery when we put forth any cuts, but I must say that I am not totally upset about cutting the National Endowment for Democracy, because every so often what they partake in is improperly trying to overthrow governments that they should not be involved in. So I am not going to cry tonight if we indeed take some money from them.

However, I understand the concern of many members of the subcommittees. I would just hope that we see this for the greater good, which is the need to have this program restored, to have this hope fulfilled. And if we do that, if we do that, I think that we would have gone a step ahead of where we were a couple hours ago in saying that this was a good bill. The bill then would be a great bill, and that is my support.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank the gentleman from New York for his comments. Let me try to close and put some things in perspective.

The gentleman from Illinois said that the administration did not make any requests for the legal activities office automation. The President did. So we cannot just throw things out. The President requested $80 million. We, the subcommittee, the gentleman from New York (Mr. SERRANO) and I, only provided $50 million. This amendment cuts $33 million, leaving only $17 million.

Now, what would the impact of that be? Cutting the program any further would delay the deployment of needed information technology and improvements to the Bureau of Prisons, the U.S. Attorneys, the Marshals Service, Federal law enforcement, who continue to be criticized for not being able to connect the dots; and if we now give the Justice Department the ability to make standardized its information technology systems, we will be hindering their ability to share the information. The results could be catastrophic.

That was the whole issue at the 9/11 hearings, the lack of sharing of information. If we expect Federal law enforcement to prevent acts of terrorism, the FBI must be able to have surveillance applications approved in a timely manner.

So the amendment proposes a $33 million reduction in the Department's legal activities office, which funds the Standard Office Automation System, which 15 Department of Justice components operate, their mission and critical applications, the U.S. Attorney, Marshals Service, Bureau of Prisons, civil and criminal and many others.

So they did ask for it. What the gentleman from Illinois said was not accurate. They did ask for it, and the committee was not able to fund the entire amount. I was saying to my friends on the other side and on this side, part of the reason we were not able to do it is we wanted to put money in the manufacturing extension program, MEP. The administration's numbers were 39. We got up to 106. It is like no good deed goes unpunished.

We also wanted to protect the Legal Services Corporation for justice, justice for the poor. We actually have $6 million in here, above, to go after $60 million now with regard to the antiterrorism activity, eliminating funding for processing intelligence. I mean, I would have hoped that the gentleman from Illinois would have found another place, but in the war on terrorism that is just not the place to go.

Also, the gentleman from Arizona (Mr. UDALL) made the comment about NED. Well, that amount barely would keep up with the rate of inflation. We want to bring about democracy for China. In China today, Catholic priests and bishops are being persecuted. There are 11 bishops in jail in China today.

The gentleman, and I know he has an interest, I was in Tibet where the Chinese are persecuting the Tibetans. We want to bring democracy to Tibet. They are also persecuting the Muslims up in the northwest portion. Nobody speaks out for the Muslims in China. We are trying to have the money for the National Endowment for Democracy to help bring about democracy in China.

The Evangelical Protestant Church, ripped apart; we want to help. We want to do what we did for Eastern Europe or what we did for the Soviet Union. My friends on this side, Ronald Reagan would never have supported this amendment to take all this money out of the National Endowment for Democracy. It almost makes me sick. We came here in 1980, as the gentleman from California (Mr. DREIER) said, to bring about freedom.

What about Syria? Should not we try to bring about democracy and freedom in Syria? Should not we try to do something in Egypt? Should not we try to do something in Iran and places like that? And I commend the gentleman and the gentlewoman for what they are trying to do, but it does not make sense to take it from the war on terrorism and to take it from the National Endowment for Democracy.

Strangely enough, too, and I think people have to know, this amendment would result in a RIF of 160 SBA employees. So they want to give to one area but RIF from another area. Now, I understand they had a hard time finding it. They had a hard time finding it.

We protected the Legal Services Corporation. They had a hard time finding it because we protected MEP. They had a hard time finding it, because many on their side and my side said we need COPs grants, we need State and local law enforcement grants.

They asked me, ''Can you help us out?'' And the gentleman from New York (Mr. SERRANO) will say many on that side spoke to me about this, and we said we are going to try to help, because we know it is a problem.

We also put in money for a new antigang initiative. We also put in money to study offshoring, because I believe personally it is a problem.

So you have not taken it from any of those areas. You take from terrorism, you take from the National Endowment for Democracy, you take from the administrative account and RIF SBA employees.

Administrator Baretto reiterated zero subsidy is not only good for the taxpayer, but for the stability of the program, the most crucial aspect of the program, according to borrowers and lenders.

He also wrote to me a letter the other day and said, ''I am confident the bill will continue to improve the 7(a) program by serving the capital needs of small businesses in the most efficient and effective manner.''

I understand what both sponsors have been trying to do, and I guess indirectly the gentleman from New York (Mr. SERRANO) and I should probably take it as a compliment that they had to struggle to find something. But we are in a war on terrorism.

I was the author of the National Commission on Terrorism, 1998. I had just gotten back from Algeria, where 100,000-some people had been gutted, killed. It was the year of the Nairobi bombing. It was the year of the Tanzania bombing. I introduced a bill for the National Commission on Terrorism, the Bremer Commission.

I could not get any support from either side of the aisle, so I put it in the appropriations bill and we passed it, and Bremer went on, and all the recommendations were made. On the cover of the National Commission on Terrorism report, which I authored, was a picture of the World Trade Center on fire. But it was not the World Trade Center from 9/11, because the report came out in the year 2000; it was the attack on the World Trade Center in 1993.

I just do not believe you could not have found some other place. You could have found some other place.

So, Mr. Chairman, I urge Members to vote ''no,'' because we ought not cut terrorism funding, we ought not cut the National Endowment for Democracy.

Mr. FARR. Mr. Chairman, I rise in opposition to the CJS appropriations committee recommendation to eliminate funding for the SBA 7(a) program and in support of the Manzullo-Velázquez Amendment. The challenges for small businesses in this stagnant economic climate are formidable—rising health insurance costs, increasing energy expenses and dramatic outsourcing competition. The SBA 7(a) program is the only source of affordable, long-term financing for many of our nation's small businesses. It offers assistance to established small businesses and acts as a catalyst to energize and foment the entrepreneurial spirit that, as Americans, we must celebrate and nurture.

The 7(a) program not only serves as a lifeline to entrepreneurs, it also creates American jobs. Small businesses account for approximately 75 percent of the net new jobs in America. The SBA 7(a) program annually generates 360,000 jobs. If the Bush administration is truly serious about growing the economy and creating jobs on Main Street instead of offering tax cuts for Wall Street, they should not have zeroed out this program in their budget.

We must continue to fund this important program that is instrumental to fostering the entrepreneurial spirit. How can we deny our constituents the chance to realize the American dream and create their own business and be their own boss? Every job counts in this economy and the U.S. government has the obligation to foster free enterprise and small businesses by funding the SBA 7(a) program.

Mr. OBERSTAR. Mr. Chairman, I rise today in support of the Manzullo-Velázquez amendment to the Commerce Justice State Appropriations bill. This amendment will provide critical funding for a program that is fundamentally important to our small businesses: the Small Business Administration's (SBA) 7(a) loan program.

American small businesses' number one problem is gaining access to affordable capital. Many small businesses face substantial barriers in accessing capital, and are often forced to turn to more costly lending alternatives. As a result, small businesses are often financially strapped with insurmountable debt before their companies have even had a chance to get off the ground. Without access to financing, like that embodied by the 7(a) loan program, companies are unable to target new markets, hire new workers and ultimately succeed.

The 7(a) loan program is the SBA's core lending program and accounts for roughly 30 percent of all long-term small business borrowing in America. 7(a) loans spur economic development in underserved areas. 7(a) loans are used to purchase land or buildings, or to expand existing facilities. 7(a) loans are used to buy new equipment and machinery as well.

Most importantly, the 7(a) program creates jobs. Small businesses are the number one job creator in America, accounting for 3 of every 4 new jobs added to the economy. For every $33,000 in 7(a) loans, a new job is created. Just last year, the 7(a) loan program generated 360,000 jobs across America. However, if funding of the 7(a) program is not maintained at its current level our economy and our people will lose many of those jobs, as well as any new jobs and new small businesses that would be created with the help of the 7(a) program.

The CJS bill that we consider today provides no funding for the 7(a) program. As the federal deficit will hit a record $477 billion this year, fiscal restraint is important, but this program has already sacrificed significantly over the last few years. According to the General Accounting Office, over the past ten years small business lenders and borrowers have overpaid a billion dollars in miscalculated government fees. Instead the Bush administration and the SBA argue that simply maintaining fees at these "historic" levels will be good enough to support a robust 7(a) program.

This is just plain wrong. If the CJS bill is approved without this amendment, small businesses will be required to pay the nearly $80 million currently subsidized by the federal government. Based on FY 2003 loan volume and distribution, fees on small businesses will increase by over $40 million. Fees per loan will increase by over $1,000.

The Manzullo-Velázquez amendment will ensure that small businesses can still benefit from the program by restoring funding for the 7(a) program to the FY04 level of $79,132,000. This amendment will foster further economic recovery, and stronger job creation. For the good of the economy, for the good of our workforce and for our future, I encourage my colleagues to support the Manzullo-Velázquez amendment.

The CHAIRMAN. All time for debate has expired on this amendment.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 137, not voting 15, as follows:

[Roll No. 328]

AYES—281

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Capito
Capps
Capuano
Cardoza
Carson (OK)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gerlach
Gillmor
Gonzalez
Goode
Gordon
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Herseth
Hill
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kleczka
Kline
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sherman
Shuster
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—137

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Bereuter
Berman
Biggert
Blunt
Boehner
Bonilla
Bonner
Bono
Brady (TX)
Brown (SC)
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chocola
Cole
Cox
Crane
Crenshaw
Culberson
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Fossella
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goodlatte
Goss
Granger
Greenwood
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hyde
Jenkins
Johnson (CT)
Jones (NC)
Keller
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
McCrery
Miller (FL)
Miller (MI)
Miller, Gary
Moran (VA)
Myrick
Northup
Norwood
Nunes
Nussle
Osborne
Pearce
Peterson (PA)
Petri
Pitts
Portman
Putnam
Quinn
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Taylor (NC)
Thomas
Thornberry
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Brown (OH)
Cardin
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Honda
Istook
John
Jones (OH)
LaHood
McInnis
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1538

Messrs. MORAN of Virginia, BURTON of Indiana, QUINN, COX, GARY G. MILLER of California, TURNER of Ohio, BEREUTER, PETERSON of Pennsylvania, FOSSELLA and GINGREY changed their vote from "aye" to "no."

Messrs. HOLDEN, COBLE, TIAHRT, NEY, BURGESS, BOOZMAN, FORBES, SCHROCK and Mrs. JO ANN DAVIS of Virginia changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Ms. JACKSON-LEE of Texas:

Page 2, line 7, after the dollar amount, insert "(decreased by $1,000,000)".

Page 84, line 11, after the first dollar amount, insert ''(increased by $1,000,000)''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this amendment seeks to add $1 million to the U.S. Civil Rights Commission, having little negative impact on this appropriations legislation.

It is clear, as we have celebrated the 40th anniversary of the 1964 Civil Rights Act, that civil rights in America is still a challenge. And the necessity of government intervention raises its head every day. In fact, as I stand on the floor today, recently over the weekend in Houston, there was a bombing of a Muslim mosque or a mosque, obviously suggesting that not only are there problems with civil rights, but there are also questions of whether hate crimes are still being perpetrated throughout the United States.

The mission of the United States Commission on Civil Rights is to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability or national origin; or by reason of fraudulent practices, to study and collect information related to discrimination or denial of equal protection under the laws for a variety of reasons such as race, color, religion, sex, age, disability or national origin, or the administration of justice; to appraise Federal laws and policies with respect to discrimination or denials of equal protection under the law because of such differences; to serve as a national clearinghouse for information with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability or national origin; to submit such findings and recommendations to the President and Congress and to issue public service announcements.

We know, under the leadership of Dr. Mary Frances Berry, they have sought to be current and they have sought to be provocative, as well as they have sought to be, if you will, aiding in fighting against discrimination in this Nation. They were the first to go in in the election in 2004. They worked on a commission advancing environmental justice. They also worked on opposing the ban on racial data collection. They were very much part of tackling the discriminatory practice of eliminating so-called felons from their right to vote.

They have been working very hard against racial profiling, providing for corporate diversity and other areas. They worked very hard on the issues dealing with affirmative action.

There is no doubt that the Commission's work is needed, but yet there are problems; one, in the amount of staffing. We were apprised by a letter that I signed on May 5, 2004, written by both the chairmen of the Senate and House Committees on the Judiciary, a letter to the U.S. Commission on Civil Rights, highlighting some concerns that we need to be concerned about: An audit that has not occurred in the last 13 years to be able to determine what the needs of this particular agency are at this time and, as well, to be able to assure the proper use of Federal dollars.

Some might think than an audit might bring about a demise of this particular agency. I would offer to say that all of us want to know the facts to be able to provide the right kinds of resources for an agency that are necessary to be strengthened, that needs to have better staffing and better support services so that it can do its job.

Clearly, the work of this commission has not yet ended. The celebration of the 40th anniversary of the Civil Rights Act of 1964 is only an indication that we must continue our work.

I would hope my colleagues would see the value in this amendment, particularly in its concern for ensuring that the Civil Rights Commission is both strengthened and, as well, that we have an appropriate audit that has not taken place in the last 13 years.

One of the things that I hope my colleagues recognize is that we should not condemn the messenger for the message. The U.S. Civil Rights Commission reinforces the fact that civil rights in America is still a work in progress. It needs more resources, more staff, and certainly it needs more competency as it relates to providing the resources to give it the utensils, if you will, the tools to do its job.

I would hope my colleagues would find in this legislation the ability to support this amendment or at least begin to look at working with the U.S. Civil Rights Commission and Dr. Berry and her efforts to make it the very best agency that it can possibly be.

Mr. Chairman, I rise today to offer an amendment to H.R. 4754, the CJS Appropriations Act. I offer this amendment to increase funding to the Civil Rights Commission by $1 million. In order to achieve the goals of my proposal, the Salaries and Expenses account under Title I, General Administration would be reduced by $1,000,000 and the account designated for the Commission on Civil Rights in Title V, Related Agencies would be increased by $1,000,000.

Too many times, I have made requests to the Department of Justice to investigate civil rights matters, which have resulted in a stack of more unresolved investigations. The Department of Justice should not be the only vehicle to which requests are made considering the existence of the U.S. Commission on Civil Rights. The U.S. Commission on Civil Rights should help to ameliorate the stain placed on the Department of Justice, but it cannot do so without adequate funding.

The mission of the Commission on Civil Rights is:

To investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices;

To study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice;

To appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice;

To serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin;

To submit reports, findings, and recommendations to the President and Congress; and

To issue public service announcements to discourage discrimination or denial of equal protection of the laws.

I have requested investigations to be conducted by the Department of Justice regarding such cases as the death of Eli Eloy Escobar II. This incident involved the shooting death of a 14-year-old boy whose civil rights were likely violated. The possible misuse of Houston Police Department law enforcement positions was questioned. These types of occurrences are becoming more like the norm instead of an anomaly. Tragically, in the same month of the shooting death of Eli Eloy Escobar II, a Houston police officer shot and killed Jose Vargas, 15, because the youth and his friends "looked suspicious" in a movie theater parking lot. Given that, in the current situation, I requested that the Department of Justice analyze these facts to ensure that there is not a pattern of civil rights violations by government officials under "color of law."

Just a couple of months ago, a Harris County Deputy Sheriff shot 25-year old Hiji Eugene Harrison to death in the course of making a traffic stop. In this case, I requested an investigation by the Department of Justice regarding three alleged circumstances of this incident that may involve a violation of civil rights. I have requested an investigation of Josiah Sutton's case, a young man wrongly convicted of rape, who will be released from prison with a tarnished record because of the reservations of the district attorney in this case. Yet another example of civil rights abuse. Most recently, I requested an investigation to be conducted by the Department of Justice because of the possible civil rights violation of Houston Community activist Quanell X, who was arrested by the Houston Police Department after he attempted to deliver a wanted suspect.

While my inquiries of the Department of Justice are, indeed, necessary, their outcomes have been unresolved or ongoing. These floating investigations would be resolved more expeditiously if more funding were provided to the U.S. Commission on Civil Rights, which is currently known to be deprived of resources. Increased funding would enable the Commission to aid in the resolution of Department of Justice investigations, many of which remain unresolved.

In closing, Mr. Chairman, I would like to urge my colleagues to pass the Jackson-Lee amendment not only because of the necessary efficiency of the U.S. Commission on Civil Rights, but also because of this opportunity to protect the civil rights of all Americans.

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

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

Mr. WOLF. Mr. Chairman, we will be glad to work with the gentlewoman to

see if we can help her resolve that issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if I might, and I appreciate the offer to work with me on this, I would hope that in the work that we would be looking at, we would be considering the lack of resources and staffing that they have in order to complete their task.

I know this is a challenging commission because their work is always not the most pleasant. It does not make people the most happy, if you will, but it is vital work because the work of civil rights, as I know you and the ranking member know, is very vital work.

□ 1545

So I am hoping that we could work along the line of providing the adequate resources, along with studying the needs of the commission through an audit that has not taken place in 13 years.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentleman.

Mr. WOLF. Mr. Chairman, we will be glad to work with the gentlewoman to see if we can work on this problem for a resolution of it. It is my understanding the gentlewoman was withdrawing the amendment. The gentlewoman wanted a commitment that we would work with her; is that correct?

Ms. JACKSON-LEE of Texas. As I mentioned, yes, I was mentioning the issues that needed to be addressed for the commission and was hoping that we could specifically work along those lines

Mr. WOLF. Mr. Chairman, if the gentlewoman would further yield, we will work with her, yes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there were several parts of this legislation on which the Committee on Government Reform could raise points of order. I have had discussions with the chairman on these issues, and I just want to go through them and through the agreements that I think the chairman and I have on these items.

In section 108, the Personnel Management Demonstration Project through the Bureau of Alcohol, Tobacco and Firearms. It permits bonus and incentive pay for more than 200 ATF forensic experts. We think this has merit. We wish that they had gone through the committee of jurisdiction on this instead of just writing this into the law, but we will not raise a point of order on that section.

The section pertaining to the National Technology and Information Administration, Spectrum Management, this provision allows the NTIA to collect fees from Federal agencies for providing spectrum allocation services for those agencies. These fees provide approximately 80 percent of NTIA's budget. As was true last year, the Parliamentarians ruled those are within our committee's jurisdiction. We ask that in the future, as the appropriators look at these areas, they consult with us; but we will not raise a point of order on this issue.

Section 201 permits the Department of Commerce to make advance payments on contracts without regard to the general prohibition on such advance payments and the narrow exceptions to provisions set out under title 31. Again, this is within the purview of the Committee on Government Reform. I understand this has been in the legislation in previous years. We ask in the future they work with us in crafting language so it is consistent with what we are seeing in other Federal agencies.

Section 603 requires contracts for consulting services to be a matter of public record. We believe they already are and is redundant. We will not raise a point of order on that section.

Finally, section 605 under the bill before us requires a 15-day notification to the Committee on Appropriations before any of the CJS agencies can engage in certain acts that would require their reprogramming of appropriated funds, including contracting out or privatizing. We believe this is within the purview of the Committee on Government Reform and would ask the chairman that as this goes to conference, if this provision remains in and we do not raise our point of order, if we include notification to the Committee on Government Reform as well. We think it is important we work in tandem and in partnership with the appropriators, both the authorizers and appropriators together. The chairman, I think, wants to do this. We have had some miscommunication at the staff level. I just want to clarify that as this moves forward they can include us in this language should we, as I intend, not raise a point of order on that.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we would gladly share that with the gentleman, and let me also say that I appreciate his willingness to allow us to move ahead on employee changes with regard to the FBI, which I think will strengthen the country. The gentleman is a good friend, and we will certainly do that.

On these other issues next year, I think a lot of this language has really been in the appropriations bill long before I was ever, ever involved; but we will be glad to consult with the gentleman as we move forward.

Mr. TOM DAVIS of Virginia. I thank the chairman.

Finally, Mr. Chairman, we did work closely with the gentleman, as he noted, on a number of other improvements to civil service which I think will make the FBI and some other agencies more effective in recruiting and retaining the best and brightest.

Just for the chairman's notice, we do intend to raise a point of order on section 607 regarding the Buy America Act, as we have on every other appropriations bill.

I thank the chairman for his courtesies and compliment him on what I think is otherwise an excellent bill.

Mr. WOLF. Mr. Chairman, I thank the gentleman very much.

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

Mr. Chairman, I would further like to engage the chairman and the ranking member in a brief colloquy.

Mr. Chairman, I had an amendment which I believe the chairman is aware of.

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

Mr. WYNN. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we are not aware of any amendment from the gentleman, but I will be glad to talk to him. Maybe I should look at it first. We do not have anything from him.

Mr. WYNN. Mr. Chairman, my intention would be not to introduce it.

Mr. WOLF. Well, let us chat about it and see what happens.

Mr. WYNN. Mr. Chairman, I thank the chairman. Basically, it was an amendment dealing with the issue of drug courts, which, as the gentleman knows, is a very important diversionary program designed to provide drug users with a program of intense scrutiny, rehabilitation, drug testing, counseling and the like which has proven to be very successful in reducing drug crimes. It has an outstandingly low recidivism rate.

Studies from the American University, the Columbia University, as well as the National Institute of Justice, have all indicated that where we have a criminal placed in a drug court program there is a very low rate of recidivism.

For this reason, we believe this program ought to be funded robustly. The program was authorized at $60 million. The committee reported a funding level of $50 million, and I would like to ask the chairman if he would work with the ranking member and myself in conference to see if we could boost that funding level from $50 to the authorized $60 million.

Mr. WOLF. Mr. Chairman, if the gentleman would yield, we will work with the gentleman to the best of our ability that we can. I think drug courts make a lot of sense.

Our problem has been just allocations from legal services to NAP and

others, but certainly we will work with the gentleman as we get to conference. My colleague has my commitment on that.

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

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

Mr. SERRANO. Mr. Chairman, as I told the gentleman from Maryland, the gentleman from Virginia (Mr. WOLF) has been very much aware and supportive of these kinds of issues, and as this bill moves to conference, sometimes there is a window of opportunity to do some things. While we cannot promise what the end result will be, we certainly promise the gentleman from Maryland that we will work together with him to see that this moves along in a better way.

Mr. WYNN. Mr. Chairman, well, I would like to first thank the chairman for his willingness to work with me on this issue, as well as the ranking member. I would like to thank him. I know this is a tough bill, and there is not a lot of money to work with. So I appreciate any cooperation and support my colleagues can give me.

AMENDMENT NO. 15 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Ms. JACKSON-LEE of Texas:

Page 2, line 7, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

Page 26, line 20, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Page 28, line 4, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my amendment is an amendment that we have had the challenge of discussing for the last couple of sessions of Congress, and that is, dealing with the viability of the Nation's DNA lab.

Since it has come to our attention in the criminal justice system of the value of DNA lab work as relates to the promotion of individuals' innocence or guilt, many of whom have sat on death row, some of whom have been convicted of rape while the actual rapists have gone free, I believe it is imperative that we continue on the President's commitment to eliminate the backlog of DNA analysis and as well the backlog of cases that permeate around the Nation. This $10 million added to the $175 million would make good on our promise to believe in justice.

I am citing, if you will, the troubles that we have experienced in one particular area with a gentleman by the name of Josiah, I will simply use his first name, who sat in jail starting at the age of 17 when he was sentenced to 25 years in prison in 1999 until he was released last year at the age of 21 on the basis of a conviction that proved to be false.

The question there, of course, was a faulty DNA lab. To add insult to injury, our own district attorney, Chuck Rosenthal, refused to join in a request for a full pardon. It was only after the advocacy of many in our community, including elected officials, my office and led by the ministerial community in Houston, that this particular individual was set free.

Josiah, however, is an example of the results of faulty DNA testing around the Nation. It was through this case and many others that the House Committee on the Judiciary considered themselves a viable part of fixing the problem. That problem was fixed by legislation that argued for and worked toward decreasing the backlog of cases of those who are sitting on death row for many of those who likewise are involved in cases that a DNA correction could improve.

I supported H.R. 3214, the Advancing Justice Through DNA Technology Act. As I expressed at that time, this technological tool must be improved because it plays such a key role in streamlining and expediting our criminal justice system. Our law enforcement agencies are becoming increasingly more reliant upon the analysis of the DNA tool to verify or rule out the identity of a suspect or charge an individual in processing criminal justice cases. We will not be able to reach the level of decreasing the backlog unless we invest and put our money where our intent is.

This simple request of $10 million takes it out of the salaries and expenses of the Department of Justice to be able to focus on increasing and improving the DNA lab. It also allows for laboratories around the country to apply for grants to improve the training, to improve the staffing, to improve the analysis, and to expedite the analysis which expedites justice.

I cannot imagine a more important aspect of our work here in this Congress than to promote justice; and adequate, secure, safe and skilled DNA staffing and adequate DNA labs will be part of improving justice.

I would ask my colleagues to support this amendment.

Mr. Chairman, I rise today to offer an amendment to H.R. 2754, the Commerce, Justice, and State Department Appropriations bill. It would call for the reduction of the Salaries and Expenses account in Title I, General Administration (page 2, line 7) by $10 million, the increase of the Community Oriented Policing Services (COPS) account in Title I by $10 million (page 26, line 20), and the specific increase of the provision in that account that deals with DNA analysis (page 28, line 4) by $10 million, amounting to an overall reduction in outlays by $7 million for fiscal year 2005.

In November 2003, I supported H.R. 3214, the ''Advancing Justice Through DNA Technology Act,'' of which I was a co-sponsor. As I expressed at that time, this technological tool must be improved because it plays such a key role in streamlining and expediting our criminal justice system. Our law enforcement agencies are becoming increasingly more reliant upon the analysis of deoxyribonucleic acid (DNA) to verify or rule out the identity of a suspect or a charged individual in processing criminal cases. The more reliant we become, the more our individual rights are at stake. We must, however, significantly raise the bar of our technology and the standards of review for DNA and ballistics crime lab accreditation to minimize mistakes that cost people years of their lives. The Jackson-Lee amendment seeks to so minimize the margin of error that threatens individual liberties and rights.

CRIME LAB ACCREDITATION

The certification of our crime labs for conformance to our accepted standards is done by groups such as the American Society of Crime Laboratory Directors (ASCLD). The accreditation process is part of a laboratory's quality assurance program that should also include proficiency testing, continuing education and other programs to help the laboratory give better overall service to the criminal justice system. Certification and accreditation are done via a process of self-evaluation led by individual crime laboratory directors.

Our labs are not functioning at optimum levels, and this sub-par performance translates to the miscarriage of justice and prosecution of innocent people. Improvement of lab performance begins with tighter employment policies for the lab staff. For example, the ASCLD's Credential Review Committee has a DNA Advisory Board and codified standards for its technical staff. The following was taken from its website:

DNA Advisory Board Standard 5.2.1.1 provides a mechanism for waiving the educational requirements for current technical leader/technical managers who do not meet the degree requirements of section 5.2.1 but who otherwise qualify based on knowledge and experience. Consequently ASCLD has established this procedure for obtaining a waiver.

One waiver is available per laboratory if the current technical leaders/technical manager does not meet the degree requirements of DAB Standard 5.2.1. Waivers are available only to current technical leaders/technical managers. Waivers are permanent and portable for the recipient individual. A laboratory may request a second waiver if the first recipient leaves the employ of the laboratory.

Although experience is quite important in selecting staff, formal education and increased resources are vital when it comes to technical performance and the legal implications of that performance. We are in desperate need of dollars and appropriate legislation to set forth and maintain the standards of DNA/ballistics lab accreditation.

TEXAS LAW AND CRIME LAB ACCREDITATION

In 2001, Texas passed a law formalizing a process for post-conviction access to DNA testing. The Texas Court of Criminal Appeals, however, has not applied the law as it was designed to work and has denied access to testing in a number of cases.

The Texas House passed a bill in April of this year requiring crime laboratories that test DNA to meet accreditation standards, a law designed to prevent future scandals like the one that recently plagued the Houston Police Department.

The Houston Judicial System convicted Josiah Sutton in 1998 for the rape of a woman

whose body was dumped in a Fort Bend County field. But the Court eventually granted him bail in March after an independent lab determined that he was sentenced to 25 years in prison for a rape he didn't commit. An audit and an ongoing series of retesting of DNA samples by the Texas Department of Public Safety and a crime lab professional from Tarrant County revealed potential contamination problems at the subject lab as well as poor working conditions and inadequate training. Attorney Neufeld remarked that "[t]he most important question for the people of Houston and the people of Texas is, 'What went wrong that allowed this young man to be convicted for a crime he didn't commit?' 'And it is absolutely clear that what you have going on is a system of malpractice by the Houston crime laboratory that allows its criminalists to distort and conceal evidence.'" What I fear about the dangers of poor training and placement of checks may be summed up by what Neufeld added,

> One of the biggest problems of . . . [crime labs] is that they [are] much more concerned with being a servant to the police and prosecutors than they [are] to science . . . [a]nd if people want to pursue a career in science, the word science has to come before law enforcement.

The objectivity that is required to make forensic science effective must be divorced from the latitude exercised by some of our law enforcement personnel. Therefore, we must include adequate technology and resources to prevent injustice and the ruination of young lives like the young Houston man, Josiah Sutton.

Furthermore, other problems with DNA testing in criminal cases affect the inmate directly. The discretion with which the decision whether to use DNA testing leaves room for inconsistent adjudication and differential treatment of convicted persons. Statutory guidelines regarding when to order the test would exclude some cases that might not meet the standards but still might deserve testing. Moreover, some inmates who seek exoneration may request executive clemency. In addition to requiring very difficult measures to achieve justice, some argue that the tests administered are inadequate because they do not provide specific, clear, and fair procedures for inmates to bring claims of innocence.

In addition to negligent handling or unskilled analysis of DNA evidence, the backlog of cases causes our criminal justice system to crumble despite the level of sophistication of our technology. Houston police have turned over about 525 case files involving DNA testing to the Harris County district attorney's office, which has said that at least 25 cases warrant re-testing, including those of seven people on Death Row. The numbers will grow significantly as more files are collected and analyzed, according to the assistant district attorney supervising the project.

The Fort Worth police crime lab's serology/DNA unit has been criticized recently for a backlog that was slowing down court cases. The unit's performance suffers from understaffing and overworking.

My concern as to the practice of using these DNA tests is that the inmates' civil liberties and rights to due process are continually placed into jeopardy because of a lack of resources. Furthermore, our staffing and personnel problems threaten to undermine the benefits of technology.

Mr. Chairman, I urge my colleagues to support the Jackson-Lee amendment to increase funding for DNA analysis and crime laboratories so that individual liberties may be better preserved and protected.

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The amendment proposes to reduce the Department of Justice's general administration account by $10 million. The bill already reduces the account by $90 million below the request.

Based on the passage of the Manzullo amendment, the reduction will result in massive layoffs and RIFs and hinder the Justice Department's ability to deal with the whole issue of terrorism. I mean, put this on top of Manzullo, it would be devastating.

In regards to the DNA program, and I strongly support that and so does the gentleman from New York (Mr. SERRANO), the gentlewoman proposed to increase this bill. We fully fund the President's $176 million DNA initiative. This is a $77 million increase, a $77 million increase over the current level. This is the largest increase provided to any State and local law enforcement program. It is an increase of 44 percent.

So I urge rejection of the gentlewoman's amendment. It proposes an unacceptable funding reduction, in addition to the Manzullo reduction, with something that we have had additional funding with a 44 percent increase. I oppose the amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Let me first continue to do what I have always done and that is to show my respect for the gentlewoman from Texas who always speaks to these issues with great compassion and with great concern; and under normal circumstances, one could agree with her, but these are not normal circumstances: one, because this budget is so tight; two, as I keep repeating, because I believe the chairman has been very fair in providing dollars; and, lastly, we just had an amendment where we were looking for $79 million for SBA. Well, if I add this correctly, this program went up from last year's just about that amount, $79 million. So this program has done very well.

To now strike at legal activities account for another $10 million, I really do not think it is necessary, and so I would oppose it and hope everyone else would; but in anticipation of a good decision by the gentlewoman from Texas, I will now yield to her.

□ 1600

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman, and I do respect his opposition. It comes down to simply the question of whether or not we have enough money, so I respect his responsibility for this particular appropriation.

I would just say to the gentleman that we are both supporters and advocates of a better justice system, and enhanced funding to help with DNA labs across the country, I believe, is an effective way to utilize this money.

To the distinguished gentleman from New York and to the chairman I must say that it is tragic that we have had to take money and spend it on a 7(a) program that should have been funded for small businesses, which I supported, I understand that, but let it be known, as a member of the Committee on the Judiciary, and the work we do as authorizers, that every day we are finding DNA labs across the country that contribute to the backlog. We are backlogged in Washington. These dollars were simply to add that provision.

I accept the responsibility that my colleague has. He has to tighten the belt and to worry about where the money is coming from. I hope that as we look forward to working in conference that we will find a way to be able to address squarely this backlog problem, making sure that DNA labs will be able to function as they should.

With that, I ask my colleagues to support this amendment.

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

The amendment was rejected.

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

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

Mr. OXLEY. Mr. Chairman, as many of us know, the Child On-line Protection Act, or legislation better known as COPA, was signed into law on October 21, 1998. I was the author of that legislation, which was designed to shield minors from Internet pornography. And despite my attempt to craft a narrowly tailored requirement involving only commercial, on-line pornographers to screen out minors before they distribute or sell pornographic materials on the Internet, by verifying their clients' adult status through the use of credit cards, adult access codes, or other reasonable technologies, last week the Supreme Court, on a 5-to-4 vote, voted to uphold a preliminary injunction that would block COPA from being implemented. This is now 6 years into this issue.

After COPA was enacted, the Supreme Court ruled that mechanisms designed to filter minors away from graphic and obscene images on the Web may not be the least restrictive alternative available to accomplish our goal of protecting minors from porn on the Internet.

I echo the opinion expressed by Justice Stephen Breyer, who wrote in dissent, ''My conclusion is that the Act, as properly interpreted, risks imposition of minor burdens on some protected material, burdens that adults wishing to view the material may overcome at modest cost.'' In other words, Justice Breyer felt that the burden ought to be on the pornographer, not on the parents to provide this kind of protection for their children.

The popularity and growth of the Internet presents opportunities for minors to access information that can frustrate parental supervision and control. Seventy million individuals visit pornographic Web sites each week, of which about 11 million are minors. This is not a Playboy magazine type of situation. These are very, very graphic and very, very much other than the usual centerfold one might expect. Once posted on the Internet, sexually explicit material has entered all communities and virtually any home that has access to the Internet.

Minors often stumble upon sexually explicit material on the Internet by mistake. To use one example, they use copycat URLs to take advantage of innocent mistakes. A child searching the Internet for the official Web site of the White House can be confronted by hard core pornography by mistyping www.whitehouse.com, rather than www.whitehouse.gov. In my mind, COPA's requirement that purveyors of pornographic material on the Web utilize technological safeguards was the practically available and least restrictive way to limit minors' access.

In light of last week's disappointing decision, I was pleased to see the report language for H.R. 4754, which includes $2.605 million for 25 new positions to investigate and prosecute adult obscenity and child exploitation crimes. This level of funding is in addition to the $5.2 million which is included in this bill for the investigation and prosecution of these crimes by the existing staff at the Department of Justice. My thanks go out to the chairman, the gentleman from Virginia (Mr. WOLF), for his leadership in this regard.

Because of the magnitude of the problem of adult obscenity and child exploitation, I believe these 25 new positions at the Department of Justice are a good start. However, I believe it is not proportionate to the volume of obscenity being disseminated by the Web sites of commercial American pornographers. Type the word ''sex'' into a Internet search engine like Google, and you will get 180 million hits.

Today, pornography accounts for more than one-tenth of all on-line consumer purchases. According to one study, purveyors of pornographic material on the Web earned $12 billion in revenue last year. In the space of a generation, a product that was once available in the back alleys of big cities is now delivered directly into homes by some of the biggest companies in the United States. I have serious concerns that the Congress' $7.8 million is simply not enough to handle the problem.

If the distinguished chairman would join me in a colloquy, I would ask him if he supports the prosecution of adult obscenity and child exploitation crimes.

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

Mr. OXLEY. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, my answer is ''absolutely.''

Mr. OXLEY. Reclaiming my time, Mr. Chairman, I look forward to working with the chairman to ensure these crimes are investigated and prosecuted by the Department of Justice.

Mr. WOLF. If the gentleman will continue to yield, as the gentleman said, the bill includes $2.6 million and 25 positions.

Secondly, I want to thank the gentleman, because I went over to the Center for Missing and Exploited Children in Alexandria, and every member of the court ought to go over there and see it. Those two decisions from the court have severely hurt law enforcement with regard to child exploitation.

So, the gentleman from Ohio (Mr. OXLEY) is absolutely right. And if the gentleman comes up with language that he thinks would be appropriate to put on this bill, I will do anything. And I thank the gentleman for what he has done.

I cannot understand, and I stipulate that all the men and women on the court are good people, but I cannot understand. The decision by Justice Kennedy is actually shocking. So I agree with the gentleman, and we will work with him and do anything we can to help.

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

Mr. Chairman, in order to enter into a colloquy with the chairman and the ranking member, would the chairman allow me to ask a question about the funding for the American Community Survey?

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

Mrs. MALONEY. I yield to the gentleman from Virginia.

Mr. WOLF. I certainly will allow the colloquy.

Mrs. MALONEY. Mr. Chairman, I understand the committee has reduced the funding for the American Community Survey by $19 million. I was concerned about that cut, but I have been told that the Census Bureau has assured the committee that these cuts will have no effect on the quality of the survey; is that correct?

Mr. WOLF. If the gentlewoman will yield once more, that is correct. The Census Bureau and the Department of Commerce have informed us that the American Community Survey can be fielded successfully with the funds allocated in the bill. That is correct.

Mrs. MALONEY. I thank the Chairman.

Currently, this bill does not include group quarters in the American Community Survey for fiscal year 2005. My understanding is that the Census Bureau agrees that students in dorms, inmates in prisons, seniors in nursing homes, some assisted living facilities, and those on military bases in the United States do not need to be included in the survey this fiscal year, and this will not impact accuracy for 2010. Is that also correct?

Mr. WOLF. Mr. Chairman, if the gentlewoman will continue to yield, that is my understanding. The Census Bureau has informed the committee that the survey can be fielded successfully in 2005 without including people living in group quarters.

I would also say to the gentlewoman that there is an amendment to this bill by the gentleman from New York (Mr. WEINER) coming up later on today, which will cut $106 million out of Census. With a cut of $106 million out of Census, Katie bar the door. Census will not be able to do the job.

So I appreciate the gentlewoman's raising this. Her questions are exactly right, but with the adoption of the Weiner amendment, everything we are saying would be wiped out.

Mrs. MALONEY. Reclaiming my time, Mr. Chairman, I agree, and I feel that we need to fund the census. We have to get ready for the census that is to come, and if we do not fund it now, then the census will not be accurate when the time comes to go forward and get an accurate accounting of Americans.

Mr. Chairman, if the ranking member, the gentleman from New York (Mr. SERRANO), would allow me to ask a question about the funding for research on migration into and out of the United States, I understand the committee did not fund a new initiative proposed by the Census Bureau. The Census Bureau was going to spend $1.23 million in fiscal year 2005 to improve the migration estimates and demographic analysis.

As my colleague from New York will remember, the Census Bureau estimates failed to capture the dramatic increase in the migration of Hispanics during the 1990s, and as a result, those estimates were seriously flawed. Is it correct that the committee has eliminated funding to improve those estimates?

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

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

Mr. SERRANO. Mr. Chairman, the gentlewoman is correct, and I share her concern.

During the last 2 decades of the 20th century, the Census Bureau did not provide sufficient investment in these programs to keep up with the changing social and demographic character of the country. Eventually, the system failed, due to lack of attention.

I was encouraged when the President's budget requested funds to reverse that trend. I am going to work with the chairman to see if there is some way we can rectify this situation in conference.

Mrs. MALONEY. Reclaiming my time, Mr. Chairman, I thank the gentleman and I appreciate his efforts to assure funding not only for the 2010 census, but for the many other important programs at the Census Bureau. I believe this small amount of research funding now will pay great dividends

down the road, and that the failure to fund this research will have serious consequences for the accuracy of a great many census programs besides the 2010 census.

Mr. SERRANO. Mr. Chairman, if the gentlewoman will yield once again, I want to thank her for her tireless work on the census. I share her enthusiasm in this area, and I assure her that we will continue to try to make their work easier and better.

Mrs. MALONEY. Mr. Chairman, I thank the chairman and the ranking member.

Mr. CASTLE. Mr. Chairman, I move to strike the last word, and I rise to enter into a colloquy with the chairman, the gentleman from Virginia (Mr. WOLF).

I rise today on behalf of myself, the gentleman from Pennsylvania (Mr. GREENWOOD), and the gentleman from Pennsylvania (Mr. PETERSON) to request that as the gentleman moves forward with this appropriation bill, he will work to include language in conference with the Senate that will instruct the Secretary of Commerce, in cooperation with the Secretaries of Energy and Labor, to study the economic impacts of rising natural gas prices on energy-intensive industries in the United States and potential market adjustments, including energy-intensive industries shifting operations overseas.

We are concerned about the growing imbalance between natural gas supplies and the ever-increasing demands of this fuel source. The goal of this study would be to better understand what effects the volatile rise in natural gas prices and decreases in domestic supply have had on U.S. energy-intensive industries, including how they operate their facilities in the U.S., reducing United States production, postponing plant expansions, and shifting work to parts of the world where energy prices are lower.

The U.S. today has the highest natural gas prices in the industrialized world, forcing companies to shift jobs overseas to countries with greater supply and lower energy costs. U.S. chemical companies have lost an estimated 78,000 jobs since the natural gas shortage began in 2000.

Mr. Chairman, these economic numbers are alarming, and we need to take a closer look at how these energy costs are affecting our country's economic recovery. We hope Chairman WOLF will support this request as he undergoes the difficult task of guiding the fiscal year 2005 Commerce, Justice, State and Judiciary appropriations bill through this process. We thank the gentleman for his leadership on these important economic issues.

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

Mr. CASTLE. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, let me tell the gentleman from Delaware that if we can do it, we will do it. We will work with him as we move through the process, but stay in touch as we get ready to go to conference.

I thank the gentleman for raising it, as well as the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Pennsylvania (Mr. PETERSON). I think all three gentleman are right on target, and it is a good idea.

Mr. CASTLE. I thank the gentleman, Mr. Chairman.

AMENDMENT OFFERED BY MR. CROWLEY

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

The Clerk read as follows:

Amendment Offered by Mr. CROWLEY:

Page 2, line 7, after the dollar figure insert ''(reduced by $50,000)''.

Page 2, line 11, after the dollar figure insert ''(reduce by $50,000)''.

Page 33, line 21, before the semicolon, insert ''(increased by $50,000)''.

Mr. CROWLEY. Mr. Chairman, it is with no great joy that I rise to offer this amendment. My amendment seeks to transfer $50,000 from the Department leadership account funds at the Office of the Attorney General and shift those funds to the Public Safety Officers Benefits Program under the Office of Justice Program. These funds should be used by the Office of Justice Programs to provide the resources to issue the Public Safety Officer's Medal of Valor posthumously to the 414 public safety officers who lost their lives on September 11, 2001.

After those awful events of September 11, our whole Nation unified together as one people.

□ 1615

We looked with long-deserved respect at our police and fire fighters and emergency medical technicians, as well as court officers, for their heroism and their bravery.

Remember, Mr. Chairman, these are the people who were running into the buildings when everyone else was attempting to escape those buildings. As a posthumous honor for these fallen heroes, I worked with Republicans and Democrats to pass a resolution 2½ years ago, expressing the sense of Congress that the Public Safety Officers Medal of Valor be presented to the public safety officers who had perished for outstanding valor above and beyond the call of duty during the terrorist attacks in the United States on September 11.

That resolution unanimously passed by a vote of 409 to 0. Then under Senator LEAHY's leadership in the Senate, he secured passage of a resolution in that body which was identical to the one that passed here with the unanimous vote just a short while later. While nonbinding, these resolutions put the Congress on record as urging special recognition through the issuance of the Medal of Valor for those individuals. In fact, the authorizing legislation of the Public Safety Officers Medal of Valor allows the special recognition and permits the Attorney General to issue, ''and in extraordinary cases,'' an increase in the number of recipients in a given year for this award.

September 11 was an extraordinary case, and the heroism we saw that day was more than extraordinary. Unfortunately, after a number of meetings with the Attorney General's office and several calls to the White House, still after 2½ years, no action has been taken, nor is it apparent that any action on this issue is forthcoming.

Last year, thank you to the gentleman from Virginia (Mr. WOLF) and to the gentleman from New York (Mr. SERRANO), at my request, they graciously included language in their bill urging the Attorney General to posthumously award the Public Safety Officers Medal of Valor to the 414 public safety officers who perished on September 11 of 2001. I do not understand the holdup of the issuance of this medal.

While I do not begrudge those brave officers who have already received these honors in 2002 and 2003, I believe that the Attorney General should immediately issue these same awards to our heroes of 9/11.

When this amendment passed, and I understand through a negotiation with the majority, they are willing to accept this amendment, it would have been the third time that this House has acted to instruct the Attorney General's Office and the administration to issue the Medal of Valor to those men and women, public safety officers, who fell on 9/11.

We have a medal in place already. We do not need to create a new medal to give to those who paid the ultimate sacrifice and demonstrated the highest acts of bravery on that day. If those who fell on 9/11 do not deserve this medal, I do not know who would. It would be an honor for those who have received it already and an honor for those who will one day receive this medal to know that they are among the 414 men and women who gave the ultimate sacrifice in bravery on 9/11.

Now, it is my understanding in conversations with the administration that there is a hold on issuing this, after 2½ years of foot-dragging on issuing this medal, that there may be an attempt to create a new medal to give at maybe another time. I do not want to specify. I do not know when that time may be, but I would hate to see that this be done for political purposes.

Two and a half years have gone by. Enough time has happened and dragged by. These men and women and their families have been through so much already. They have been anticipating the receipt of this medal, and yet the administration has failed to cooperate and issue this medal to these 414 families who so deservedly are expecting this medal.

I think it is time to put politics aside and stop dragging feet and have this medal that is already in existence. We do not have to create another one. We do not have to spend hundreds of thousands of dollars to create a new medal.

One exists today, already, to give to those families and the men and women who paid the ultimate sacrifice in such a brave way on 9/11.

Mr. WOLF. Mr. Chairman, I rise in strong support of the amendment. My dad was a policeman in the city of Philadelphia over 28 years. We will, one, accept the amendment, and what we will do is try to do more than that. We will try to work with the gentleman and his office and call down to the Justice Department.

I will personally place a call to see, I mean, why should we wait until this bill gets signed? Why should we not do something next month, do something in September, do something quickly?

So, one, we will accept the amendment, so it is accepted; but, two, we will make a call and work with the gentleman's office, if he can work with our staff, and we will try to see if we can make a call by the end of this week so he will get some sense of relief.

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

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

Mr. CROWLEY. Mr. Chairman, I appreciate the chairman's demonstration of desire to make this a reality by what he has just said on the floor, and I too am the son and the grandson of a police officer. And I think most people know that my first cousin was killed on 9/11, John Moran, as well as numerous friends of mine who were police officers and fire fighters. So there is a personal element to this issue as well.

I do appreciate the gentleman's offer to verbally contact the administration and the Attorney General's Office, and I hope, again, that something can be done after 2½ years of really, if nothing else that I can describe, just dragging feet. I wish I had a better answer as to why this has not taken place already. It is not the Senate. It certainly is not you, Mr. Chairman, or anyone in this House.

We have spoken unanimously in the past, and as I said before, this is the third time on the floor that we will have spoken. So I appreciate the gentleman's advice and his counsel on what he will do on his side to make this a reality before this goes any further.

Mr. WOLF. Mr. Chairman, my father's badge number was 3990, and we will get the gentleman an answer by Friday if we can.

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

Mr. Chairman, I would just like to commend the gentleman from New York (Mr. CROWLEY), my friend and colleague, for this effort. Our eyes do not deceive us. It is not $50 million. It is not $50 billion. It is $50,000. But in so many ways it is trillions, because it affects people who have been hurt. And while the gentleman from New York (Mr. CROWLEY) is not to wear this on his sleeve, I happen to know that, as we all do, his family was touched by this tragedy. And so the support that he continues to give the victims and the families is one that makes a lot of sense to all of us.

Again, we have done so much to honor those folks who have served and who gave their lives and the families that were touched; and yet this little symbol, and it is little in the sense of what it costs and yet gigantic in what it means to people, is something that should move ahead.

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

Mr. Chairman, I commend the gentleman from New York (Mr. CROWLEY) and commend the chairman for doing this. There is nothing that can bring back those brave heroes from September 11, but clearly for so many who lost their lives from Staten Island, Brooklyn, and throughout the city and region, this is one way that our country continues to honor them. I think it is fitting, appropriate and overdue.

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

The amendment was agreed to.

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

Mr. Chairman, I would ask the gentleman from Virginia (Mr. WOLF) that the report accompanying this bill calls for an external review of the NOAA laboratories and of the management of NOAA's research activities. As the gentleman knows, these issues have been of great interest to the Committee on Science, and indeed are addressed in an NOAA Organic Act that I recently introduced.

Our committees have worked together on these issues of research management, and I would like some assurance from the chairman that our committees will continue to work together on this matter. I would not want to see any directive coming from the Committee on Appropriations in this or any other bill regarding the management and structuring of science at NOAA that did not reflect agreement between our respective committees.

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

Mr. BOEHLERT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we thank the gentleman for his comments. I appreciate our cooperative relationship, particularly since I have known the gentleman since he was a staffer for Mr. Pirnie and I was a staffer for Mr. Biester a long time ago. Absolutely, I can assure the gentleman we will not direct NOAA to make any changes in the structure of its science programs that the gentleman's committee would not approve.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for that cooperation and assurance.

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. KING of Iowa) 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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 4766, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. BONILLA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–584) on the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore (Mr. KING of Iowa). Pursuant to House Resolution 701 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. 4754.

□ 1629

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. 4754) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies for the fiscal year ending September 30, 2005, 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 2, line 6, through line 22.

Are there further amendments to this paragraph?

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, $20,000,000, to remain available until September 30, 2006.

INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

For necessary expenses for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data, $5,054,000, to remain available until September 30, 2006.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary expenses related to the design, development, engineering, acquisition, and implementation of office automation systems for the organizations funded under the headings ''Salaries and Expenses, General Legal Activities'', and ''General Administration, Salaries and Expenses'', and the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, the Bureau of Prisons, the Office of Justice Programs, and the United States Parole Commission, $50,000,000, to remain available until September 30, 2006.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $100,000,000, to remain available until September 30, 2006: *Provided*, That the Attorney General shall transfer to the ''Narrowband Communications'' account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $202,518,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $938,810,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: *Provided further*, That any unobligated balances available in prior years from the funds appropriated under the heading ''Federal Prisoner Detention'' shall be transferred to and merged with the appropriation under the heading ''Detention Trustee'' and shall be available until expended. *Provided further*, That the Trustee, working in consultation with the Bureau of Prisons, shall submit a plan for collecting information related to evaluating the health and safety of Federal prisoners in non-Federal institutions no later than 180 days following the enactment of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $63,813,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $10,650,000.

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, $639,314,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That none of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government: *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.

□ 1630

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 5, line 22, strike ''expended:'' and insert ''expended, and of which $1,000,000 shall be available for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373):''.

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

Mr. KING of Iowa. Mr. Chairman, I offer this amendment today to enforce existing Federal law that prohibits localities from refusing to allow their officers to report aliens who commit crimes to the immigration authorities. My amendment would provide funding for the Department of Justice to enforce current law, which is section 642 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

Section 642 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 does not allow localities to prevent their police officers from reporting immigration information to the Federal Government. However, some cities have continued to refuse to allow their officers to provide information to the Federal Government. Without this information, the Federal immigration authorities cannot take steps to remove these criminal illegal aliens from American streets. Under these so-called sanctuary policies in certain cities, the police cannot report the illegal aliens who commit crimes to the immigration authorities for deportation.

As a result, taxpayers pay to incarcerate illegal alien prisoners who are later released back on to the streets rather than being deported. This sanctuary policy has disastrous consequences for future victims.

Repeat offenses by criminal illegal aliens are preventable crimes. These offenders should have been removed from the United States as soon as their first crime was discovered. Their prompt removal prevents future crimes. We can act to prevent crime by funding enforcement of section 642 by the Department of Justice.

An unfortunate situation that occurred in New York City, a crime that could have been prevented by enforcement of section 642, indicates the urgent need for our action. On December 19, 2002, a 42-year-old mother of two was seized and brutally assaulted in a shanty near railroad tracks in Queens. She and her boyfriend were robbed by a group who then took the woman to the woods, leaving her boyfriend unconscious. During the 2-hour attack, she was abused and her life was threatened. A police canine unit rescued her before her attackers could carry out their deadly threats. In response, the New York Police Department arrested five aliens, four of whom had illegally entered the country and three with extensive arrest warrants in New York City.

This crime could have been prevented. Four of the five suspects had entered the country illegally. Three of these had prior arrests and convictions, and always they were released. Even so, the INS was never contacted about these individuals prior to the 2002 attack. New York City's sanctuary policy prohibited a New York police officer from contacting information authorities about these attackers when they committed their previous crimes or were discovered to be in the United States illegally. As a result, the immigration authorities could not remove these aliens because they did not know that they were illegally present in the United States.

Sanctuary policies tie the hands of local law enforcement officers and keep illegal aliens who commit crimes in our country rather than deporting these criminals according to U.S. law.

My amendment will ensure enforcement of the Federal law that can prevent additional heinous crimes by illegal aliens with criminal records. We must not allow criminal illegal aliens whose presence was never reported to Federal immigration authorities due to illegal sanctuary policies to continue to commit brutal crimes.

We must not provide sanctuary to criminals. Please support my amendment, which funds enforcement of section 642 and reestablishes and supports current law.

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

My concern is on the germaneness of the amendment. The function that this is involved with has been transferred to Homeland Security, and so I rise in opposition to it. It would earmark funding for litigation support contracts, really earmarking just the Department of Litigation Support Contracts, but I believe all this function has been transferred also to the Department of Homeland Security out of the Justice Department.

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I looked into this argument; and to transfer this authority to Homeland Security, there is no existing precedent for enforcement of this law by Homeland Security. It is a legitimate function of the Department of Justice to enforce Federal law; and, in fact, this would be bringing an action against local government. And that is something that there is a precedent for under the Department of Justice, but no precedent for that under Homeland Security. So if this were all transferred to Homeland Security, we would not have action that could be brought by the Department of Justice in many other cases as well as this.

I thank the chairman for yielding to me.

Mr. WOLF. Mr. Chairman, I continue to reserve a point of order.

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

As I understand this amendment, this brings us into an area that we have discussed before, and it is this whole issue of local law enforcement involved in immigration activities.

This is interesting. When we took this up before on different occasions, we were able through this amendment to unite law enforcement throughout the Nation because local police departments continue to tell us that it is in their best interest not to appear to the immigrant population to be involved in enforcing immigration law. In other words, what the police departments at a local level want more than anything else is to be able to speak to residents of that community, be they citizens, legal residents, or undocumented aliens, needing their information, needing their support, in dealing with crime in the community.

There are many things that are wrong with this amendment. But the one that I single out is that one because what that does is immediately create a wall between local law enforcement and the immigrant community, saying if I go to him to tell him I know who stole that car, if I go to him to tell him I know who robbed the local grocery store, I am then being faced by a local official who has to by law, in these cases, if these amendments are approved, has to turn me in on my immigration status. And that is totally unacceptable.

So if anything else, I would hope that we fully understand that this does not enjoy the support of local law enforcement and should not be a burden. It is, in fact, and I cannot believe I am actually going to say this in one of my conservative moments, it is, in fact, an unfunded mandate because we are telling them to engage in activities that we are not paying for.

For that reason, I rise in strong opposition and hope the amendment is defeated.

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

I will not take the full 5 minutes. I just want to join the leaders of the communities in expressing strong opposition to this amendment. This is not an academic issue in New York City. We had a circumstance after September 11 where FBI agents fanned out into the neighborhoods doing interviews at corner stores in Arab American communities. And the FBI was required to notify the INS anytime they found anything untoward. The word spread within hours, and I think the gentleman from the Bronx would acknowledge this, spread within hours, do not cooperate, do not give the information. The FBI in the City of New York turned to the NYPD and said since they have a trustful relationship with many of these recent immigrants, can they go conduct these interviews.

And a lot of the information that was gathered, including some about threats to blow up the Brooklyn Bridge, was gathered that way. So from a law enforcement perspective, this amendment has no merit. Proof of that is I can read a list as long as my arm of police departments and police organizations who are opposed to this type of initiative. As the gentleman from New York said, they do not want their officers in the position of breaking down what is often years and years of trust because of this type of thing. It is demagogically very appealing to say the minute they find out someone has violated the immigration laws, let us turn them in. But from a realistic, real life, particularly antiterror amendment, one could not imagine a worse amendment.

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

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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

I rise to strike the requisite number of words because I want to thank the chairman and the ranking member for the funding that they put into the MEP program, the Manufacturing Extension Partnership program, and I was not able to be here earlier.

The Members of the House talk constantly about how important manufacturing is to a strong economy, that indeed we cannot have a strong economy if we do not have a strong manufacturing sector. Mr. Chairman, we cannot have a strong manufacturing sector if we do not have strong small manufacturers. The big global manufacturers simply cannot compete if they do not have U.S. small suppliers who are ISO 9000 certified, who are lean and mean, who are high quality, who are high productivity. And if you are one of those small manufacturers like I represent, and so many of the rest that my colleagues represent throughout the country, that have 25 to 60 employees who are struggling hard to meet payroll every single month and facing health care costs increases of 20 percent, who are out there finding customers and orders and dealing with delivery problems, those people just cannot mobilize the time, the focus, the expertise to improve productivity and quality at the pace that our modern economy demands it.

So these Manufacturing Extension Partnership programs are located throughout all 50 States. There are about 400 locations. In Connecticut they are called CONNSTEP. They are one third Federal, one third State, and one third fee based. Our program in Connecticut now is even more fee based. But nationally they have created 35,000 jobs over the year 2002, increased sales by $953 million, retained sales of almost $2 billion, realized cost savings of almost $700 million; and invested $940 million in plant equipment, workforce training, extremely important, and information management systems.

In fact, experts from these centers simply come into a plant, onto the floor with the owner, and help that owner understand, whether he needs to rearrange equipment or make other changes. Does he need to buy new equipment? Is it new manufacturing equipment? Is it new information technology? Is it new energy efficiency capability? Is it a different communications system? And, in fact, they analyze what that small plant can do to do one of two things: improve the quality of the product they are making, improve the productivity.

Without them, the infrastructure that our global manufacturers depend on in America would have disappeared a number of years ago. Without them, lean manufacturing would not have been able to permeate those small manufacturers who day in and day out are struggling to meet payroll in a way that none of us here have to take responsibility for.

So they are important to our very existence as a strong economy. They are important to our global competitiveness. In manufacturing we have developed this remarkable partnership capability to bring to the service of the small manufacturing the engineering expertise, the machinery and equipment expertise, the systems expertise, the ISO 9000 certification expertise, certain expertise in getting European certifications so the small guy can export.

□ 1645

All together, this partnership program has acted exactly like the partnership program we have through our great agricultural extension programs at our Land Grant colleges to help agricultural producers, that is, the farm community, have the expertise they need to develop conservation plans, deal with waste management issues and improve quality of product and productivity in the agricultural area.

We have done very well in agriculture, we have done very well in manufacturing, but we do not know it about ourselves. So this program is always under fire. That is why I have come to the floor to talk about it and to congratulate my friend, the gentleman from Virginia (Mr. WOLF) for standing up for it.

I see my friend, the gentleman from Michigan (Mr. EHLERS), who knows a lot about it and represents a manufacturing community in Grand Rapids, is here to speak also.

This is as important a program, it is as important a partnership, as any single partnership the Federal Government is a part of, bar none, because it not only does the things I have described, but it has helped train workers on more sophisticated machinery, it has helped train workers in language skills, on systems issues and all kinds of things.

I am very proud that our free Nation has understood there is a public-private partnership that strengthens the entrepreneurial manufacturing community and enables us to make good on that promise to our kids, that they will have an economic opportunity equal or better than that of my generation.

This, combined with the Department of Commerce's recent in-depth study on the problems of manufacturing and the issues they are addressing, are going to assure that we will be competitive and strong in the global economy, because we will have a strong manufacturing sector.

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

Mr. Chairman, I thank the gentlewoman from Connecticut for her astute comments on the Manufacturing Extension Partnership and the role it plays. I have worked extensively on this issue, because it is under my jurisdiction as chairman of the Subcommittee on Environment, Technology and Standards of the Committee on Science. We have spent a considerable amount of time over this past year working on this issue and have developed a bill which will be on the floor tomorrow which will deal with this.

Everything that the gentlewoman from Connecticut has observed about the program is absolutely true, and it has always puzzled me why there is some opposition to this program.

Just to give an example of the benefits of this type of program, I think one of the finest programs we have had in the Agriculture Department for a number of years is the Cooperative Extension Program, which has been invaluable in getting research out of the laboratory and into the field. It has always amazed me that we have an amazing technology transfer rate in the agriculture arena, because of that program. A laboratory researcher at a university can discover something new one year and the farmers are actually using it in the field the next year, a tremendous accomplishment in terms of transferring technology from the lab to actual operations. We certainly do not do that well in most other fields. We do not do that well in manufacturing.

I find it interesting that we, as a Federal Government, spend $441 million per year for the Agriculture Cooperative Extension Program, and yet we seem to fuss and muss a lot about $100 or $110 million for essentially the same program for manufacturers. At the same time, there are only about 1.5 percent of Americans employed in farming, and there are roughly 14 percent employed in manufacturing. So clearly our priorities are wrong if we think we are spending too much in assisting manufacturers.

The MEP program, Manufacturing Extension Program, is designed to help small- and medium-sized businesses, and particularly provides technology transfer from the lab to the marketplace. In addition to that, it also provides business expertise, as the gentlewoman from Connecticut observed, to assist in exporting, and to assist in getting permits from other countries to export. The MEP program has been a very, very valuable program for small- and middle-sized businesses and, in many cases, has allowed them to increase and become large businesses. So it is an excellent program.

I certainly want to support what the gentlewoman has said. This is a good program for us to do, and I hope that tomorrow we will have the support of a large number of Members as we consider the bill which will reauthorize the program. I certainly support what the chairman of this Appropriations subcommittee has done in allocating money for that program.

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

Mr. Chairman, earlier today the Committee on House Administration, which I chair, along with our ranking member the gentleman from Connecticut (Mr. LARSON) and our members, held a hearing on electronic voting system security. A diverse group of technology specialists and election administrators testified before the committee regarding issues relating to the reliability of electronic and computer-based voting systems and discussed what is needed to ensure the integrity of the latest generation of voting systems.

Though a wide range of opinions were offered throughout the course of the hearing, everyone agreed that well-written standards and a rigorous testing and certification process are absolutely necessary for maintaining the integrity of electronic voting systems under the Help America Vote Act of 2002, known as HAVA, of which I am proud to have been a principal author with the gentleman from Maryland (Mr. HOYER) and also the gentleman from Missouri (Mr. BLUNT) and others in the House. That bill is an important bill for voting in the United States, and again, I am proud that that bill has passed.

In that bill, NIST plays a crucial role in both the standards setting and testing and certification processes. First of all, HAVA tasks the director of NIST with chairing the Technical Guidelines Development Committee, known as TGDC, which HAVA created to assist the Election Assistance Commission, known as EAC, in crafting standards to ensure the security and reliability of voting technologies used in our Federal elections.

NIST is also tasked with evaluating testing laboratories and providing recommendations to the EAC as to which laboratories should be accredited for voting systems testing and certification.

Now that jurisdictions across the country are beginning to upgrade their voting systems, the American people demand and deserve to know that the latest generation of voting equipment will cast and count their ballots accurately and will be tamper-proof and free of technical malfunctions, for the purpose of HAVA was to make it easier to vote and harder to cheat.

The successful achievement of this objective of the bill will depend in great part upon the ability of NIST to fulfill its responsibilities under the Help America Vote Act, which in turn will hinge on whether NIST receives sufficient funding specifically allocated for its HAVA-related obligations.

Therefore, I believe it is urgent, and I want to stress urgent, that we get the needed resources to NIST as quickly as possible. I am joining today with my colleague, the gentleman from Maryland (Mr. HOYER), in support of the report language for this bill that urges NIST to devote funds for these functions.

I want to thank the gentleman from Michigan (Mr. EHLERS), who has always supported the idea of NIST. I want to thank the gentleman from Virginia (Chairman WOLF) for his attention to this issue and for his consideration today. I also have been in contact with the gentleman from Oklahoma (Chairman ISTOOK) to see if the money dedicated to NIST, via the EAC, can be included in the Transportation-Treasury appropriations bill.

The vehicle for the funding is not of greatest importance. What is important is that the funding be absolutely provided. Regardless of the vehicle, we need to see that NIST will receive the money it needs to carry out its important statutory obligations.

I would like to note that the White House recently submitted amendments to its fiscal year 2005 budget that would provide an additional $10 million for the Election Assistance Commission. Perhaps funding for NIST to meet its obligations under HAVA could be taken from this amount. I will be talking again to the gentleman from Oklahoma (Chairman ISTOOK).

I want to thank the gentleman from Virginia (Chairman WOLF), and express

appreciation for the diligence of our colleague the gentleman from Maryland (Mr. HOYER) on this issue and the bill.

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

Mr. NEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his statement. I thank the gentleman from Ohio (Chairman NEY) for his leadership on the Help America Vote Act. Without his leadership and strong support, it would not have passed. Indeed, the gentleman from Illinois (Speaker HASTERT), the gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations and others were critically important in its passage and funding.

I want to rise with the gentleman from Ohio (Mr. NEY) in strong support of report language that was offered by the gentlewoman from Ohio (Ms. KAPTUR) during the June 23 markup of the bill before us today. I applaud the Committee on Appropriations for including it in the report. I want to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for their leadership and attention to this very important matter.

That report language reads: ''The committee strongly urges NIST to give priority consideration to Help America Vote Act outreach to the election community; expediting work on a new voting standards accreditation program; and its work with the Technical Guidelines Development Committee working with the Election Assistance Commission. NIST is directed to provide in advance of the fiscal 2006 hearings a report detailing what steps must be taken to bring its activities in line with the timetable established by the act.''

The gentleman from Ohio (Chairman NEY) indicated that the gentleman from Michigan (Mr. EHLERS) had worked with us. In fact, of course, the gentleman from Michigan (Mr. EHLERS) was the principal sponsor in assuring that NIST was included as an integral part of the Help America Vote Act.

Obviously, technology is one of the critical issues in the HAVA proposal, which funds new technology for voting around the country. The gentleman from Michigan (Mr. EHLERS) correctly said that we ought to have the best possible advice regarding technology, and NIST was the agency to provide that.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. NEY) has expired.

(On request of Mr. HOYER, and by unanimous consent, Mr. NEY was allowed to proceed for 4 additional minutes.)

Mr. NEY. Mr. Chairman, I continue to yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, under the Help America Vote Act of 2002, of which I and the gentleman from Ohio (Mr. NEY) were sponsors, NIST is required to conduct several important research and technical projects connected to election reform. NIST is already busy working with the new Election Assistance Commission to advance HAVA's objectives. However, much more must be done if NIST is to fulfill its important role.

As we learned in the controversial 2000 election, voting systems in many parts of the country are antiquated and obsolete. There continues to be controversy about various technologies. NIST can make a critical difference.

As the 2004 election fast approaches, there are concerns in some quarters about the security and reliability of some voting systems. Properly directed, NIST will make a significant contribution, ensuring that new voting systems are rigorously tested, easy to use and maintain, and secure.

I strongly urge NIST to follow the spirit and substance of the report language and give priority consideration to the Help America Vote Act in fiscal year 2005.

Mr. Chairman, I would follow up with the gentleman from Ohio (Chairman NEY) that I look forward to working with him and the gentleman from Oklahoma (Chairman ISTOOK) as we consider the Transportation-Treasury bill and the additional appropriations for the Election Assistance Commission to attempt to get some of the money that NIST needs for 2005 out of the funds that are authorized for the Election Assistance Commission.

Again, I want to thank the gentleman from Virginia (Mr. WOLF), the chairman of this subcommittee, and I want to thank the gentleman from New York (Mr. SERRANO), the ranking Democrat, for their leadership and assistance in this effort, and I thank the gentleman for his leadership and for yielding me time.

Mr. NEY. Mr. Chairman, reclaiming my time just to close on this issue, let me just say that this funding is a critical component. The entire funding where we get to the $3.9 billion, which we have gotten some money and have a little more to go, the gentleman from Illinois (Speaker HASTERT) has been assisting on that funding. We worked with the gentleman from Florida (Chairman YOUNG), as the gentleman from Maryland (Mr. HOYER) mentioned. Originally when this started we went to the Democratic leader, the gentleman from Missouri (Mr. GEPHARDT) at that time. Everybody along the way has been very good on providing the money.

We still have some more components to go, but this particular aspect right now is just so important, to provide this for NIST to be able to really do its job and to interact with the EAC.

Mr. HOYER. Mr. Chairman, if the gentleman will yield further, I want to thank him for his continuing comments and again express, this was probably the most substantive bipartisan bill that passed in the last Congress. The Speaker indicated that and others have as well. If we, however, fail to fund it properly, it will be a promise unfulfilled, and our democracy will not be as well served as all of us hoped when we supported the Help America Vote Act.

Mr. Chairman, I thank the gentleman for his time.

Mr. NEY. Mr. Chairman, reclaiming my time, I agree with the gentleman.

The CHAIRMAN. Are there further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,333,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

□ 1700

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I will not take my 5 minutes; I just want to put a statement in the RECORD.

I rise in support of this bill for the Subcommittee on Commerce, State, Justice, the Judiciary, and Related Agencies and to say congratulations to both the chairman and ranking member for their efforts. I know there are particular projects, and I would like to put a special word in for NOAA's Coastal and Estuarine Land Protection Program.

Mr. Chairman, I rise today in support of this bill to fund the Departments of Commerce, Justice, State and the Judiciary.

In crafting this legislation, our appropriators faced the difficult task of adequately funding many national priorities. On balance, they did a remarkable job and have produced a bill worthy of our support.

For sure, there are programs that we would all like to see funded at higher levels. One of particular interest to me and my constituents in Houston is NOAA's Coastal and Estuarine Land Protection Program. This program exists to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, or historical values and are threatened by development or conversion.

In Houston, we are involved in an effort to preserve the Buffalo Bayou, which is the historic waterway on which the Allen Brothers founded Houston in 1836.

NOAA's Coastal and Estuarine Land Protection Program has allowed us to partner with the Trust for Public Land to conserve critical tracts of land along the Buffalo Bayou in order to further our conservation efforts.

Ultimately, we seek to revitalize the Buffalo Bayou in a manner that balances the need to conserve the Bayou's wetlands and waterways with the recreational and business development needed to transform the Buffalo Bayou into an active and vibrant urban waterfront center.

While the House bill provides only $3 million for the Coastal and Estuarine Land Protection Program, I am hopeful that our appropriators will see it fit to raise that funding level during conference.

An increased funding level would allow the federal government to continue its investment in areas like the Buffalo Bayou that have been recognized by this Congress and conservation groups alike as nationally and historically significant areas worthy of preservation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $135,463,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed $101,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, 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 2005, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $34,463,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,535,000,000; of which not to exceed $2,500,000 shall be available until September 30, 2006, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,238 positions and 10,361 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, $172,850,000, 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, $172,850,000 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 2005, so as to result in a final fiscal year 2005 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, $1,220,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, $752,070,000; of which $17,472,000 shall be available for 106 supervisory deputy marshal positions for courthouse security; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which $4,000,000 for information technology systems shall remain available until expended; of which not less than $8,221,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until September 30, 2006: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,578 positions and 4,404 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For construction of United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, $1,371,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, $177,585,000, to remain available until expended; of which not to exceed $8,000,000 may be made available for construction of buildings 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 $7,000,000 may be made available for the purchase, installation, maintenance and upgrade 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, $9,833,000: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention 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)(B), (F), and (G), $21,759,000, to be derived from the Department of Justice Assets Forfeiture Fund.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

In addition to amounts appropriated by subsection 3(e) of the Radiation Exposure Compensation Act (42 U.S. Code 2210 note), $72,000,000 for payment to the Radiation Exposure Compensation Trust Fund, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $561,033,000, 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.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in 1990, in response to more than 100,000 dolphins killed each year by the tuna fishermen, Congress passed legislation that my colleague, Barbara Boxer, and I authored, creating the popular ''dolphin safe'' label on cans of tuna. For over a decade, this label gave consumers the option to purchase tuna with the confidence that the dolphins were not being chased, netted, and killed along with the tuna.

The dolphin-safe label has been a huge success. Since passage of the label, dolphin mortality decreased by 98 percent, to fewer than 2,000 kills each year.

But despite the success of this program, the Bush Commerce Department issued a finding in 2002 that allowed dolphin-safe labels to be placed on tuna harvested through the chase and encirclement method, a manner that kills dolphins.

With this shift in policy, the Commerce Department ignored its own scientific information showing the high dolphin mortalities caused by this harvest technique. Indeed, this change completely undermined the integrity of the dolphin-safe label.

Now, thanks to evidence uncovered by a lawsuit filed against the change, we learn that while the Bush administration was weakening the dolphin-safe label, it knew, it knew that observers from the Inter-American Tropical Tuna Commission on Mexican tuna-fishing vessels were being bribed to misreport tuna as dolphin-safe.

An internal NOAA e-mail states that it ''was common knowledge throughout the fleet that the observers were regularly paid off to misreport what happened during the cruise.''

Yet the Commerce Department argues that these allegations are irrelevant to its decision to relax restrictions on foreign-caught tuna. And the Commerce Department has not provided an explanation for its modification of the scientific data, nor has Commerce taken the steps that we are aware of to address the bribery issues.

Meanwhile, the U.S. pays much more for its fair share to the Inter-American Tropical Tuna Commission, the body allegedly being bribed to look the other way during dolphin kills.

The appropriations bill that we are considering today provides nearly a 40 percent increase for the Tropical Tuna Commission. Yet, the Commerce Department is apparently doing nothing

to ensure that the Tropical Tuna Commission is doing its job.

Without an investigation into these allegations of bribery, and until the Commerce Department decides what science will guide its decisions, we should not be subsidizing foreign fishing practices that damage the dolphin-safe label.

The dolphin-safe label was created at the urging of hundreds of thousands of students from across this country; hundreds of thousands of schoolchildren participated in the process and saw the suggested improvements to protect dolphins enacted into law.

What message is this administration sending to those very same children and to the committed scientists at NOAA by cynically undermining the dolphin-safe label and failing to investigate the allegations of bribery by those who are entrusted to protect the dolphins during the harvest of the tuna, and to make sure that the consumers are aware that, in fact, this is dolphin-free tuna.

Mr. Chairman, I am deeply concerned that we have failed to address these issues while, at the same time, dramatically increasing the funding for the Tropical Tuna Commission.

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

Mr. Chairman, I would like to engage the chairman in a colloquy on a proposal by the Equal Employment Opportunity Commission to establish a national contact center. Hopefully, we can address the concerns of those Members who have expressed misgivings about this proposal.

Recently, we observed the 40th anniversary of the enactment of the Civil Rights Act of 1964. In the years since the enactment of that landmark legislation, the EEOC has had a pivotal role in fighting discrimination in the workplace and ensuring that all Americans are treated fairly. However, despite the important role of the EEOC, it has experienced the same budget constraints as most other agencies in this bill.

The EEOC sought the assistance of the National Academy of Public Administration in finding ways to streamline its organizational structure and use its personnel to continue meeting its missions in the 21st century.

Among the NAPA recommendations was a proposal to create a National Contact Center using contract employees. The EEOC has proposed to enter into a contract to establish a call center as a 2-year pilot project at an estimated cost of $2 million. Of this amount, $1 million is available through a reprogramming of current-year funding. This bill will provide $1 million in fiscal year 2005.

NAPA made a number of additional streamlining proposals, including possible office closures, which might result in personnel reductions. Although the administration requested funding for a reposition of EEOC resources, the bill does not provide any of the requested increased funding for repositioning because a spending plan has not been submitted to the committee.

Many EEOC employees across the country have heard of these proposals and are worried about losing their jobs as a result of office closures or outsourcing of the call center.

The commission's reorganization proposals, including specifically the National Contact Center, were discussed in detail at a subcommittee hearing earlier this year. At that time, both the gentleman from Virginia (Chairman WOLF) and I expressed concerns about the possible cause of this proposal. Accordingly, we advised the Chair, Cari Dominguez, that the subcommittee expected her to come back to us prior to entry into a contract to establish the call center. Ms. Dominguez made a commitment to us that she would do so. Both the Chair and her staff have continued to reiterate that commitment.

Similarly, Ms. Dominguez has repeatedly reassured the subcommittee that EEOC is not planning to close any of its existing offices or cut jobs or current employees. This bill provides full funding for the commission's current base staffing level.

So I ask the chairman of the subcommittee, is it his understanding that expenditure of any funding in 2005 for the proposed National Contact Center is contingent on the EEOC notifying this subcommittee, consistent with the long-standing requirement of section 605, prior to taking any formal action to obligate the funding?

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

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

Mr. WOLF. Mr. Chairman, I thank the gentleman from New York for raising this issue, because it is a concern for Members on my side of the aisle and for many others, and also for constituents of mine. I want to assure the Members and the gentleman that the subcommittee is aware of these issues and will do everything we can to protect the rights of Federal employees. Ms. Dominguez has promised us, and I went back and I looked in the hearing record the other day, that the commission has no intention of closing offices or cutting jobs of current employees and that she will come to the subcommittee before spending any money on the call center or any other reorganization proposal.

So I completely agree.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I thank the chairman, as always, for his support.

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

Mr. Chairman, I rise for the purpose of entering into a colloquy with the chairman. I would like to draw the attention of the chairman of the subcommittee to the proposed reductions in the appropriations for NOAA of nearly $400 million.

The appropriation subcommittee over the years, including this one, has been very supportive of the issues dealing with the oceans and those issues that surround our oceans, our exploration, and our coastal problems. I also understand the delicate balance and appreciate the difficulty faced by the subcommittee in allocating limited funds across the board when there are so many pressures. Our oceans and coasts support over 2.8 million jobs, generate over $54 billion in goods and services, and are the most popular destinations for recreation and tourism in the United States.

But I can see next year some major initiatives dealing with the oceans in this particular Congress as a result of the Ocean Commission Report. Some of the more pressing needs include an integrated ocean observing system, ocean science and exploration. We currently know more about the Moon than we know about our oceans. It is important for us to adopt the principles of ecosystem management for our oceans and coasts and focus on control of marine and coastal aquatic invasive species.

So, Mr. Chairman, I would like to work with the gentleman from Virginia (Chairman WOLF) as we move the process along, knowing the difficulties of a limited budget, so that we can continue to fund adequately the science and the kinds of science that NOAA needs.

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

Mr. GILCHREST. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding.

In conference last year, the subcommittee worked with the Senate to make NOAA appropriations a priority, with a 15.6 percent increase over fiscal year 2003 levels. The proposed fiscal year 2005 level, I believe, returns NOAA funding to historic levels and allows the subcommittee to restore necessary funding to certain Department of Justice programs, FBI, and also the MEP program that we did for Commerce that were not adequately addressed; also the COPS program, local law enforcement programs in the President's request.

I understand the significance of the coming year, and I saw the ocean reports that came out. I look forward to working with the gentleman who is really a leader on these issues to ensure that every effort is made to maximize funding support for these purposes in this and coming fiscal years.

Mr. GILCHREST. Mr. Chairman, reclaiming my time, I thank the chairman. I look forward to working with the gentleman from Virginia and his fine staff.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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 2,988 passenger

motor vehicles, of which 2,619 will be for replacement only; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, $5,205,028,000; of which not to exceed $150,000,000 shall remain available until expended; of which $916,000,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which $56,349,000 shall be for the operations, equipment, and facilities of the Foreign Terrorist Tracking Task Force; and of which not to exceed $20,000,000 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, gang-related crime, cybercrime, and drug investigations: *Provided*, That not to exceed $200,000 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 30,078 positions and 29,102 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; $10,242,000, to remain available until expended: *Provided*, That $9,000,000 shall be available to lease a records management facility, including equipment and relocation expenses, in Frederick County, Virginia.

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 pursuant to 28 U.S.C. 530C; 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; and purchase of not to exceed 1,461 passenger motor vehicles, of which 1,346 will be for replacement only, for police-type use, $1,661,503,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 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 8,440 positions and 8,289 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration: *Provided further*, That not to exceed $8,100,000 from prior year unobligated balances shall be available for the design, construction and ownership of a clandestine laboratory training facility and shall remain available until expended.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $18,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $870,357,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2005: *Provided further*, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms, and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery in any civil action in a State or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

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 780, of which 649 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, $4,567,232,000: *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, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *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 until September 30, 2006: *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, 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.

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, $189,000,000, 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 such 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, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), and the Victims of Crime Act of 1984, $217,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,255,037,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account): *Provided,* That funding provided under this heading shall remain available until expended, as follows—

(1) $634,000,000 for the Edward Byrne Memorial Justice Assistance Grant program pursuant to the amendments made by section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004 (except that the special rules for Puerto Rico established pursuant to such amendments shall not apply for purposes of this Act), of which—

(A) $80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104–294 (42 U.S.C. 13751 note);

(B) $15,000,000 shall be available for the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which not to exceed $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this program; and

(C) $5,000,000 for USA Freedom Corps activities;

(2) $325,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act;

(3) $15,000,000 for assistance to Indian tribes, of which—

(A) $2,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $8,000,000 shall be available for the Tribal Courts Initiative; and

(C) $5,000,000 shall be available for demonstration projects on alcohol and crime in Indian Country;

(4) $110,000,000 for discretionary grants authorized by subpart 2 of part E, of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act;

(5) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(6) $883,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(7) $50,000,000 for Drug Courts, as authorized by Part EE of the 1968 Act;

(8) $1,979,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(9) $10,000,000 for a prescription drug monitoring program;

(10) $52,175,000 for prison rape prevention and prosecution programs as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $2,175,000 shall be transferred to the National Prison Rape Reduction Commission for authorized activities;

(11) $35,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(12) $10,000,000 for a program to improve State and local law enforcement intelligence capabilities including training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process; and

(13) $1,000,000 for a State and local law enforcement hate crimes training and technical assistance program:

Provided, 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 to implement ''Weed and Seed'' program activities, $51,169,000, 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 and gang-related 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.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 26, line 16 be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

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

If not, the Clerk will read.

The Clerk read as follows:

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $686,702,000, to remain available until expended: *Provided*, That funds that become available as a result of deobligations from prior year balances may not be obligated except in accordance with section 605 of this Act: *Provided further*, That section 1703(b) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act'') shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.). Of the amounts provided—

(1) $113,000,000 is for law enforcement enhancement grants pursuant to the amendments made by section 253 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004;

(2) $25,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act: *Provided*, That not to exceed 2 percent of such funds shall be available to the Office of Justice Programs for testing of and research relating to law enforcement armor vests;

(3) $60,000,000 is for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in ''drug hot spots'';

(4) $20,000,000 is for Police Corps education and training: *Provided,* That the out-year program costs of new recruits shall be fully funded from funds currently available;

(5) $130,000,000 is for a law enforcement technology program;

(6) $50,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(7) $175,788,000 is for a DNA analysis and backlog reduction program;

(8) $40,000,000 is for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices;

(9) $15,000,000 is for an offender re-entry program, as authorized by Public Law 107–273;

(10) $30,000,000 is for Project Safe Neighborhoods to reduce gun violence, and gang and drug-related crime; and

(11) not to exceed $27,914,000 is for program management and administration.

AMENDMENT OFFERED BY MR. WEINER

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

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 26, line 20, after the dollar amount, insert the following: ''(increased by $106,850,000)''.

Page 27, line 4, after the dollar amount, insert the following: ''(increased by $106,850,000)''.

Page 47, line 8, after the dollar amount, insert the following: ''(reduced by $106,850,000)''.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 40 minutes to be equally divided and controlled by the proponent and myself, the opponent, except that the chairman and the ranking minority member may each offer one pro forma amendment for the purpose of debate.

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

Mr. WEINER. Mr. Chairman, reserving the right to object, the gentleman will be offering a secondary amendment to the amendment? I did not understand.

Mr. WOLF. No, we are not.

Mr. WEINER. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I also want to offer my thanks and gratitude to the chairman and ranking member of the subcommittee who, with great grace and dignity, often have to find ways to put 10 pounds' worth of things into a 5-pound bag.

This amendment is one that simply argues that in one case, the COPS program, we are allowing the program to effectively die in this bill; and we must not have that.

□ 1715

First, some of the facts. The COPS program has been an enormous success. From coast to coast, big towns, small cities, police departments as few as five members and as many as the New York City Police Department of 40,000 have benefited enormously from the COPS program.

Over the course of time, the program has not only shrunk but morphed and become more efficient. Many of my colleagues, including in the city of New York, have suggested, well, we need less money for hiring, but we do need more money for things like radios and equipment and cars. So the program has morphed into a block grant. The problem is, it has also hemorrhaged to an enormous degree.

In 1997, there was $1.3 billion allocated by this Congress just for hiring. In last year's bill, we were down to $219 million. What we see here is how this reorganization happened. We have now block granted the entire program into the COPS Enhancement Grant Program, something that, by the way, I support; it gives greater flexibility to police departments. But the bottom line is, we have reduced this to $113 million.

Again, to reiterate, we have taken a program, an enormously successful program that at its high-water mark reached $1.3 billion, not decades ago but in 1997; we are now proposing to cut that to $113 million.

It is so bad, there is so much demand, there are 2,000 applications for hiring grants totaling $511 million last year. So far, they are only able to provide funding for $385 million of them. That is only 15 percent of the eligible States and localities that have been able to get grant funding, because this program has hemorrhaged so far.

Everyone agrees that it works. John Ashcroft praised the program. The University of Nebraska did a study to show the COPS program in a 5-year period resulted in a reduction of 756,000 violent crimes.

And just a word, a brief word, about the offset. We propose to take the funds, and here I want to thank my colleagues, the gentleman from Florida (Mr. KELLER), the gentleman from New York (Mr. QUINN), the gentleman from Michigan (Mr. STUPAK), the gentleman from Minnesota (Mr. RAMSTED), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Pennsylvania (Mr. HOLDEN) and the gentleman from Pennsylvania (Mr. PLATTS), to take the money from the largest step-up that is in the bill, which is the Census Bureau.

I have no beef with the Census Bureau. They do a difficult job. They do it every 10 years, and there is a need to ramp it up, but the ramping up that is going on is coming at the cost of the COPS program. Fiscal year 2005, I believe we are going to have other opportunities to ramp up the Census Bureau.

In fact, at this point in the last census, the software for the census had not even been purchased yet. That is how early we are in the process, but I mean no disregard to that bureau. They do an excellent job. Unfortunately, I believe the COPS program deserves greater attention.

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

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reduction in the amendment would debilitate the 2010 census, and the census department said it will be the worst census ever in the history of our Nation. Once the cuts are made, there will be no opportunity to restart the program. They said the impact of the cuts, human costs in the loss of more than 1,000 Federal jobs at the U.S. Census Bureau. There is no catching up. The cut wastes the $500 million already spent and adds another $1 billion to the cost for the year 2010 for the census. It would cut the Census Bureau by $106 million, resulting in, as I said, the loss of thousands of jobs.

The bill is already $55 million below the request of the administration. The census is a constitutional responsibility, collected every 10 years to apportion the seats of the House of Representatives. The census is one of America's oldest and most enduring traditions. The first census was collected in 1790. The results were delivered to George Washington during his first term.

The United States is a rapidly changing and growing country. The population has grown by 10 million people since 2000, 10 million since 2000. By 2010, there will be more than 300 million Americans living in America, so we need to keep up and monitor and know about that population.

This population will need more homes, stores, hospitals, roads, new schools, and the information is needed to make good decisions. Most of the data used by State and local governments and the Federal Government have come from the Census Bureau.

Further, the Census Bureau collects mostly all of the Nation's economic data. Gross domestic product is delivered in part by the data of the Census Bureau.

In spite of the unprecedented success of 2000, the General Accounting Office, an arm of the Congress, concluded that Census 2000 was conducted at a high cost and great risk and recommended extensive and early planning for the testing. The funding provided in this bill for the Census Bureau is already scaled back from what the Census Bureau requested to fully fund the planning and testing for the 2010 census and the American Community Survey.

A current Congresswoman informed me earlier today, the gentlewoman from New York (Mrs. MALONEY), who was here today expressing concern that we were even a little bit lower than what the Census Bureau thought was appropriate.

Should there be any additional cuts to the Bureau, there will be both a long- and short-form census that will cost the government upwards of $15 billion.

The budget requests for the Bureau of the Census has already been reduced by $55 million. Further reduction would be irresponsible, as it would endanger our ability to carry out this critical constitutional responsibility.

Regarding the proposed increase to COPS, this bill already significantly improves the President's proposals for State and local law enforcement accounts by providing $886 million above the request. This includes providing an increase of $251 million above the request for programs funded in COPS heading, such as $130 million above the request for law enforcement technologies, $40 million above the request for Meth Hot Spots.

Other important State and local law enforcement programs funded above the request include the Edward Byrne Justice Assistance Grants programs, funded at $125 million above the request, SCAAP funding at $325 million

above the request. In fact, that was zeroed out. Juvenile Justice programs are funded at $105 million above the request.

A further increase above the request is not a high priority, particularly if one were taking it from the Census Bureau, which would pretty much decimate that.

So I strongly urge a ''no'' vote on the Weiner amendment.

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

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just point out, we in this House authorized $1 billion for the COPS program. It is authorized this year at $113 million, and as far as the Census Bureau, I agree they do very important work. In 2000, they acknowledge they made mistakes in the undercount and refused to adjust, so I am not even convinced, if they had the money, they would do it.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. KELLER), the cosponsor of the amendment.

Mr. KELLER. Mr. Chairman, I thank the gentleman from New York for yielding me time.

Mr. Chairman, I rise today in strong support of the Weiner amendment to restore funding for the COPS program to last year's level.

Here is the bottom line. At a time when our homeland security threat levels are up, does it make sense that our funding for COPS should go down? Of course not. Yet this bill cuts the COPS grant programs by nearly half. Common sense suggests that cities all across America would be expanding, not decreasing, their police forces in the face of growing homeland security demands.

Now, Homeland Security Secretary Tom Ridge has consistently said that homeland security starts in our hometowns. I can tell you firsthand that when it comes to making our hometowns safer, there is no Federal program more popular with the sheriffs and police chiefs in Orlando, Florida, than the COPS program.

The COPS program has helped local communities in central Florida and all across the Nation by hiring an additional 118,000 additional police officers. A study by the University of Nebraska found that the COPS program is directly linked to the dramatic drop in crime since 1995. Literally every single congressional district has received funding and has benefited in some way from the COPS program.

The COPS program is popular because it works and because it allows local law enforcement agencies to apply directly to the Department of Justice for the money by filling out a simple one-page grant form.

Now, I have listened to the opponents of the Weiner amendment. They are all reasonable, well-intentioned people. And this is essentially what they have to say: They say the bill is fine the way it is because the $3 billion it provides for State and local law enforcement is over the President's budget request, and that the offset of $106 million from the Census Bureau programs is too much of a cut from the Census budget.

On the surface, that argument sounds pretty good, but it is a bit misleading in three areas: The amount of the funding, the type of the funding, and the supposed cuts from the Census Bureau. In the interest of straight talk, I will squarely address each of these three issues.

First, I will address the amount of funding. The total amount appropriated in this bill for local and State law enforcement represents a cut of $103 million from last year's level. The threat levels are up, yet the law enforcement funding level goes down? No, sir, that dog will not hunt.

Second, I will address the type of funding. While the COPS hiring grants have been cut, other types of funding to State and local police agencies are inadequate replacements because these other types of funding do not go directly to the law enforcement agencies, but rather are sent to the States where much of the money is eaten up in administrative costs; and there is a long delay in getting the money sent to law enforcement agencies. Moreover, even when the local law enforcement agencies finally do get the money, it is usually not used to hire new police officers because they are based on a 1-year grant.

In stark contrast, money out of the COPS program goes directly to the local law enforcement agencies, using a one-page form, and can be used right then to hire new police officers for 3 years without bureaucratic delay, red tape and any unnecessary expense.

The third and final flaw deals with the supposed cuts from the Census Bureau. Here is the deal with that: The Census Bureau programs received an increase in funding levels by 32.4 percent this year. By cutting this dramatic increase down to the more reasonable amount of an 8 percent increase, it will allow us to still increase the Census budget and yet restore the COPS funding levels to last year's appropriated level.

Do our COPS, who are on the front lines of homeland security, not need the money more than the bureaucrats at the Census Bureau?

I urge my colleagues to restore funding to the COPS program and vote ''yes'' on the Weiner amendment.

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

First of all, let me go on the record, as I have before and will today and will tomorrow, and say that given an opportunity to have more dollars available to us, the gentleman from Virginia (Mr. WOLF) and I would have done more to provide for the COPS program. I know that. That is not a statement on my part; that is an understanding of his philosophy and what he believes in.

However, in spite of that problem, in spite of the fact that we do not have the dollars in this bill that we want to, because everyone could get up here and tell us what section of the bill should be increased and just about every section, except for a couple that I will mention in a second, could be increased.

In spite of that, it is interesting to know that local law enforcement is $885 million above the President's request in this bill. So there has been a serious effort to deal with this issue.

But here is my problem. My problem is that my colleague from New York (Mr. WEINER), whom I respect and admire, tells us that we can take the money from the census and he, in the process, will devastate not only the Census Bureau but the ability to conduct a census.

If I was to carry this to an extreme, which I never would do, this may be unconstitutional because if there is an issue that is in the Constitution, it is to conduct a census every 10 years. So we do not make those decisions around here.

The Census Bureau, those of us who understand the work, they do fully understand that this cut, which incidentally and we should know this, my colleague, the gentleman from New York (Mr. WEINER), my understanding is will come up with yet a second amendment which cuts more money from the census, so when it is all over today, he will have cut the census by over $225 million.

Well, first of all, 1,000 people would have to be laid off. No one has made a decision in this Congress that those 1,000 people are no longer needed. No one in any of the two Houses has decided that those folks have to go. Yet, this amendment would immediately and arbitrarily decide that those folks have to go.

In addition, we are gearing up for the 2010 census. We are already in 2005, as we speak here today. That means that half the gearing up has been done. One could argue that instead of saving money, this would waste money because all the money that has been spent up to now will be for naught, because obviously the census is not going to be able to function or be conducted the way it should for the next 5 years.

There is a point, however, that is of great interest to me, and that is the census count in the inner cities and especially the census count in the minority communities.

□ 1730

For Hispanics and African Americans and other minorities in this country, there is at times nothing more important than a proper count; and I have been in the past a critic of undercounts, and I continue with the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Virginia (Chairman WOLF) to work with the Census Bureau to get a better count. This would not discuss the issue of a better count. This would discuss the issue of no count at all.

When we speak in the minority community, in the poor community of what we need to do to grow to become part of the American society, we always cite census figures. We say we have grown by this much, and yet our educational level has fallen back by this much. We say we have grown by this much, and yet our per capita income has gone down.

Whatever the issue may be, we run to the Census Bureau to get the numbers to make our argument to build our case that we need help. I would carry this to a point where I say to destroy the Census Bureau, to destroy the next census is a frontal attack on the aspirations of people in my community who need an accurate count and hopefully a better count to make the arguments that we can make.

Now, a lot of what is happening here today, when we say COPS, the program stands for different things, but the short name is COPS, the people right away think of a police officer. Well, my staff just spoke to the City of New York, which always comes up in these discussions. The city folks tell us that because crime is down and the matching funds for any new hires are not in place or not available in New York City's current economy they are not hiring any new cops. So any dollars that supposedly would go to New York would not be available to them at this point. They could not use them.

On the other hand, they say that they look to the census, they look to the next count, they look to the American survey as the one chance that they have to really move ahead and be able to get the dollars necessary for the city in the future, because let us remember, and I will conclude with this, that the census also figures in what different localities get in Federal help based on the population they have.

So for those reasons, and a million more that maybe I will get a chance to elaborate on, I wholeheartedly oppose this amendment and ask for its defeat.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume. I just want to address a couple of the points that have come up.

First of all, the chairman as addressed many times the level to which we exceed the President's request for COPS. Yes, the President proposed zero for COPS. He proposed zeroing out the program. This is a bipartisan amendment because we think that is bad idea.

The second point that is made is it is going to cost personnel at the Census Bureau. Well, I would just remind my colleagues we do not touch the salaries and expenses line of this budget. We only refer to the part that is periodic censuses and programs, but I can tell my colleagues what eliminating the COPS program has done. It has meant that less cops are on the beat. We have fired cops in the real world because the COPS program is hemorrhaged.

Finally, if I can make reference to the final point of the distinguished ranking member about how the City of New York does not hire cops with its funding anymore. That is exactly right. That is why the program is now in a block grant formula that allows police departments to buy radios, something the city has done; paid overtime, something the city has done; and provided overtime. These are ways that the program has become more responsive in response to some of the objections that our colleagues have raised about the COPS program. In boom hiring times, it hires. Now, we allow it to backfill for overtime and other types of programs.

The City of New York, as we speak, has an application in for the Safe Schools Program, which is part of the COPS program. Well, they are going to get zero with the budget that is before us now. They will get funded with some certitude if the Weiner amendment passes.

I would make one final point to my friends who are supportive of the Census Bureau, particularly my friends, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New York (Mr. SERRANO). If someone comes to this floor right now and says the improved funding will lead to a census undercount adjustment in the year 2010, I will withdraw my amendment; but that is not going to happen. We provided them all kinds of funding, and let me tell my colleagues what happened.

In 2000, the Census Bureau, not courts, not Congress, decided we are not going to do an undercount adjustment. What did it cost? The county of the Bronx, $262 million because of that undercount; the county of New York, $212 million as a result of that undercount; and here we are fighting and scratching to defend their funding. Well, God bless them, but they have already showed that money is not their problem. When we give them more money, they acknowledge an undercount and they still do not fix it.

So I have got to tell to my distinguished colleagues from my hometown of New York, at least we know the COPS funding winds up getting to New York. We cannot say that about census funding.

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

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman for his comments. I am ready to yield to the gentleman from Florida (Mr. PUTNAM), the Chairman of the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census; but the account that the gentleman cut with the decennial census does have personnel in it. So he does cut 1,000 jobs, boom, they are gone; and so whether the gentleman is not Xing the counts, he does cut personnel with the amendment.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. PUTNAM), the chairman of the subcommittee that has jurisdiction over the census.

Mr. PUTNAM. Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF), the distinguished chairman, for yielding me the time.

I rise to oppose this amendment, the Weiner amendment. As chairman of the subcommittee that has oversight over the Census Bureau, I must strongly oppose efforts to take the money needed for the important work that the Census Bureau continues to do for our Nation. I want to offer my support to the full mark of $774 million that was voted out of the Committee on Appropriations.

It is ironic that a Member from an area that was affected by an undercount, that is a critic of the effectiveness of the Census Bureau, would respond by gutting it, by taking boots out of the streets that have the effect of making sure that that undercount does not occur, by finding all of those additional people, by making sure that there is a fair and accurate count. He guts the budget that would correct those types of things.

The Census Bureau is the preeminent provider for the data that keeps our Nation running. We have an economy that is information-based. Without the information to make good decisions our economy and our Nation suffers.

I support the efforts of the Census Bureau to plan an accurate and fair census for 2010, and the planning for that is ongoing. It is not something that we ramp up the year before. The modernization and early planning for census 2010 is money well spent, particularly full funding for the American Community Survey.

We cannot be shortsighted when it comes to the census. The American Community Survey, for example, would give a city like New York that has seen a great deal of change since the last census as a result of horrible events beyond our control in 2001, it would give New York accurate data on an annual basis rather than having to wait an entire decade to reflect the change that occurred there on September 11. The American Community Survey, at its heart, is designed to give areas like New York City, like Washington, D.C., like small Midwestern towns that disappear overnight with the fury of a tornado accurate data on an annualized basis rather than having to wait 10 ears to have good, solid, sound information.

This amendment, the Weiner amendment, drastically reduces the money that the Census Bureau needs to do its valuable work to prepare for the 2010 census and to implement the American Community Survey. They have already sustained a $19 million cut from the President's budget request. The money that is needed for the gentleman from New York's (Mr. WEINER) amendment, regardless of its tremendously good intent, is money that the President and full committee have provided to fund the Census Bureau and the implementation of the ACS that will replace the

long form and provide the detailed demographic and economic data annually for areas around the Nation.

The impact of the cut proposed by the gentleman from New York (Mr. WEINER) and the Weiner amendment will stop the American Community Survey with no opportunity to restart it. It would mean a loss, as the chairman has said, of over 1,000 Federal jobs at the Census Bureau, boots on the ground that could provide the gentleman the accurate count that he is rightfully concerned about; and it wastes the $500 million already invested on the American Community Survey and would add significant new costs to the 2010 census.

The Census Bureau, Mr. Chairman, does important work every day that keeps our economy running. It is important work to plan for the 2010 census and fully implement the ACS. We cannot eliminate this funding, and I strongly urge the House to reject this.

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

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

Mr. WEINER. First, I appreciate the gentleman's expertise on this issue. Should I take it from his concerns and comments about the undercount in New York that under his leadership he will commit to doing something the Census Bureau has refused to do, which is a statistical adjustment to take into account the undercount and adjust New York accordingly? I mean, I appreciate the gentleman's protests; but to be honest with him, it was not a shortage of data. It was a shortage of a desire on the part of the Census Bureau to use that data to enfranchise those who were disenfranchised.

Mr. PUTNAM. Mr. Chairman, reclaiming my time, the 2000 census was the most accurate census in this Nation's history. In a Nation as large and diverse as ours, we will never, ever have a perfect count, and they have been doing these since Caesar. There is yet to be a perfect count.

I acknowledge the gentleman's concern with the undercount; and I also acknowledge that gutting their budget, which is what the gentleman's amendment does, will not improve the accuracy of the 2010 census.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume. I just want to make a couple of quick points here.

Look, the problem is not that there is an undercount. The problem is they discovered the undercount and steadfastly refused to do anything about it. By the way, in the data that we are going to be accumulating over the next 10 years, we can include the number 7,300. That is the number of employed police officers in the State of Florida today as a result of the COPS program. Those are working men and women in my colleague's hometown, in the hometown of the gentleman from Virginia, in my hometown that are simply not going to be there because we are eviscerating the COPS program.

We have taken a $1.3 billion hiring program, and we propose in this budget to make it $114 million, and to say, well, the President said nothing, so we should be thrilled.

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

Mr. WEINER. I yield to the gentleman from Florida.

Mr. PUTNAM. Mr. Chairman, would the gentleman answer, for the purpose of enlightening the House, how much additional money local law enforcement New York City has received under homeland security grants?

Mr. WEINER. Under homeland security grants, well, frankly, per capita, about one-sixth the amount of Wyoming. Any other question?

Mr. PUTNAM. Mr. Chairman, if the gentleman would yield, give us the bottom line number for those who are not into per capita, how many billions of dollars has New York received since September 2001?

Mr. WEINER. Reclaiming my time, in homeland security funding? Actually, let us talk about how much is cut.

The COPS program at one time funded 7,000 police officers in the City of New York; and by the way, I can check for a moment if the gentleman gives me his hometown how many funds in his neighborhood and that has been steadily slashed.

John Ashcroft, the Attorney General of the Nation of the United States, said that this is the best program to reduce crime. Secretary Ridge said homeland security starts in our hometown. What are we doing? Slashing the COPS program.

I can assure my colleagues, Mr. Chairman, they oppose slashing the COPS program, not knowing my colleague all that well, but knowing how it has been helpful to his community. We are doing it. We are not happy about doing it.

All I am saying is let us bring it to at least last year's level. Do not bring it to what we authorized in the House, $1 billion. I am sure the gentleman voted for it, $1 billion authorization level, $113 million half of what it was last year.

Listen, I do not have any beef with the census; and as I said, the chairman and the ranking member have a Herculean task trying to make these numbers work. All I am saying is this is one program that is a dramatic step up for something that they are trying to ramp up that I think they should, but we have to be sure we do not ramp down the COPS program into the ground in the process. The COPS program will cease to exist effectively.

As of last year, 15 percent of the States that applied got the grants. Effectively, if we cut that in half, do the math, effectively the COPS program is dead.

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

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, while I am extremely sympathetic to the cause my good friend from New York supports, I cannot support this amendment. Taking money from the census planning will cripple that effort and have consequences that will damage the census throughout this decade.

All of our representation in this Congress and our local and State bodies is based on census numbers. The funding that we receive in localities across this Nation are based on census numbers. Working to make it as accurate as possible is absolutely fundamental to the fairness of our democracy.

The 2000 census was the most expensive in history and was not very much more accurate than the 1990 census. Demographic analysis failed to capture the growth in Hispanic migration and, as a result, was of little use in measuring the accuracy of the census.

□ 1745

The census annual estimates of the population were off by almost 8 million in 2000. These and many other errors were the result of a failure of Congress to adequately fund the planning for the 2000 census.

The census is an enormous management undertaking. It is the largest peacetime mobilization the government undertakes. The census requires planning to mobilize hundreds of thousands of workers for a few weeks. In 2000, it took 500 offices and 500,000 workers. The Census Bureau opens those offices, hires a staff, and closes those offices all in a few weeks. Over 100 million forms have to be printed, labeled, and mailed. Those forms have to be returned by mail and the information on them tabulated, and all of this must be done in the 9 months between April 1 and December 31, when the director must submit to the President the State numbers for apportionment.

The budget for 2005 is essential for a fair and accurate census in 2010. The cut called for in this amendment will result in a poorly executed 2010 census. That, in turn, will result in millions of errors that will distort the apportionment of the seats in this House. These cuts will result in a more costly or less accurate census or both.

In this Information Age, we need reliable information in order to make good decisions for this Nation. Without good data, we cannot administer the laws of this country fairly, and I, for one, will continue to do all I can to make sure that the Census Bureau has the capabilities to provide the Congress and the Nation with the ability to provide all of us with high-quality data needed by the public and the private sector and its elected representatives to make informed public policy decisions. Therefore, I urge a ''no'' vote on this amendment.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

I have yet to hear a single opponent of the amendment say the words ''with

full funding we will have a statistical undercount adjustment.'' And the reason we cannot is that the Census Bureau is not committed to that.

It is not a matter of collecting the information, I say to my colleagues. It is a matter of what you do with it. And simply collecting the information, as we learned in 2000, is not the problem. When you have a Census Bureau that is unwilling to make adjustments, we are arguing for the wrong thing.

I can tell you this though, in the census figures, when they do employment, they are going to have less folks for cops. It is what they will have as a result of this idea of ending the COPS program.

Let us try to remember here what we are talking about. We are talking about a program that has not only hired over 125,000 cops, not only paid overtime in over 4,000 different jurisdictions, not only bought radios and repeaters, and Sprint systems for inside cars in dozens of police forces, it has resulted in the reduction of at least 150,000 violent crimes. It is an enormously successful program. Let us keep our eyes on the ball.

We all recognize here that both programs are good. It is just a matter of whether one will be ramped up very much at the expense of the other. That is all this amendment seeks to do, is to just try to restore the COPS program to a barely living, barely heartbeating pace. If we restore it with my amendment, I want to just caution my colleagues, it will still mean that only 15 percent of the applicants are going to get grants. That is all it means. Last year, they did not accept everyone's applications because we had strangled the money so sharply. They used fiscal year 2003 applications.

If we continue on this path and halve it again, I am convinced, my colleagues, when we come here in future years, the COPS program will cease to exist on almost any level that we know it. We must not allow the structural reforms that we made here to block grant the whole program being an excuse to slash it by 50 percent.

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

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, let me make a few brief comments here. We keep talking about full funding and an adjustment to the census count. We have all been in support of that. But let us remember that perhaps the largest reason why the Census Bureau did not adjust the count was for the tremendous congressional pressure that fell upon it when it was discussing that issue.

Now, that is not going to satisfy the sponsor of the amendment. However, I would like just to alert the sponsor of the amendment that the biggest bump-up this year, or in years past, certainly since September 11 of 2001, has not been the Census Bureau. The Census Bureau is just an easy target because, supposedly, it does not have a constituency, except for poor minorities who want to get counted and do not get counted. The big bump-up has been the Department of Justice, the Department of State, and the FBI. But no one would dare take money from there to pay for cops in the city, because that has big congressional, Presidential, administration and local support.

So if we are going to talk about who to take money from, let us sometimes be courageous enough to take it from where it exists, in bundles, and not where we could cripple the future count in our communities.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume just to respond to two of the points.

First of all, it was the Census Bureau, the Secretary of Commerce, who decided not to do the undercount. You are absolutely right, some of our colleagues opposed it. It was the Census Bureau that took this to the Supreme Court, insisting they had the right, and the Supreme Court agreed with them. They did it, the administration of the agency that you are standing up for did it.

The second point I would make is that 225 Members of this House supported the reauthorization of the COPS program at $1 billion. If you think that this program is some fringe program that very few people care about, I can show you on the map how many police departments have benefited from it. This is an enormously popular program. The difference is that these are cops that go directly to our neighborhoods, directly to our districts, directly to sheriffs' offices. This even bypasses the States, this program is run so well. That is what we have reduced to virtually nothing in this, and that is what we are trying to at least bump up to last year's level. Not an overly ambitious thing, just to last year's level.

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

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Just one last point, Mr. Chairman. I am, for the record, and continue to be a strong supporter of the COPS program. I will be working with the chairman to see how we can get better in conference and will be working with the chairman next year, hopefully, or should I say that next year the chairman will be working with me to make sure that we can bump up the COPS program.

But just for the record, when President Clinton proposed to this Congress the COPS program, it was a temporary program to reach 100,000 new cops. We are at 119,000 cops. So while it is true that we want to do more, let us not paint it as a failure or a shortcoming. In fact, it has produced and accomplished quite a bit.

Mr. WOLF. Would the Chairman tell us how much time is available for both sides?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 5 minutes remaining, and the gentleman from New York (Mr. WEINER) has 4 minutes remaining.

Mr. WOLF. Who gets to close?

The CHAIRMAN. The gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume. I want to thank the chairman and the ranking member of the subcommittee, both of whom I have profound respect for and the difficulty of the job they face. But I think one thing needs to be made very clear. We have had a dramatic, precipitous drop in crime in this country under Democratic Presidents, under Republican Presidents, under Democratic Congresses, under Republican Congresses.

One thing that has been consistent is that, when that happens, although criminologists wring their hands trying to think of reasons, the bottom line is very simple. We, the Federal Government, got off the sidelines and said this is not just a local problem. This is a national priority. And we started systematically helping localities fund a COPS program. And it has worked; as hiring has gone up, crime has come down.

In the midst of all of that, September 11 happened, where we once again wrapped ourselves in the dogma of support for local law enforcement. We needed to do it. This program is the embodiment of a local law enforcement program that works. And what have we done? We have, through the course of time, virtually eliminated it. It is not hyperbole. We now have a $114 million allocation from a high of $1.4 billion. That is the fact.

What I propose to do in this amendment is frankly quite modest. It is to raise it up to last year's paltry level of $230-something million. And again to reiterate, the Census Bureau, while I have my beefs with it and I know other colleagues do, this is not intended to target them. This is intended to simply prioritize a program that we are ramping up towards a 2010 census and a program that is dying a slow death today, and also a program that I think we all agree is the front line of defense in our homeland security plan.

What we need to recognize with this amendment is that we have been given a false choice that the chairman did not choose and I did not choose. It is to take a bill that is underfunded, indisputably underfunded, take programs that are underfunded, even the census line is below the President's request, and what we are trying to do is trying to make a minor change to this one program which will allow the Census Bureau to go on. We do not touch the

personnel line at all. But more importantly, we will allow the COPS program to continue functioning until we can pump some life into it.

We started that process. This Congress authorized the COPS bill that the other body has yet to act on for $1 billion, $1 billion, which is down, but it is still, in comparison to the $114 million that we see in the chairman's mark, obviously, a dramatic increase.

What does my amendment do? It does not stop us from counting people. It does not do that. What does my amendment do? It does not cause a raft of people to be laid off. It says what we are going to do is, we are going to take this ramp-up of the census department, make it a little slower, and we are going to allow the COPS program to breathe, to see another day, in a bipartisan fashion.

The COPS program is probably the most democratic, with a small ''d'' program, that we in Congress act on each year. There is no pattern of urban and rural, no pattern of north and south. Just about every locality, every city and State, every town and sheriff's department gets funds from it. They used to get hiring funds; now they get funds to either allow backfill with overtime or provide other resources to local police departments.

If my colleagues go home today and ask your police department what program do they care most about that the Federal Government provides, they will doubtlessly say, the COPS program, because they have seen it work.

There is a directory the size of a phone book of State, cities, and localities that have gotten aid from the COPS program. We are now at the point where only 15 percent of all of the eligible applicants are getting funding. If we allow this chairman's mark to pass, that number, by theory, will reduce in half, 7 percent.

What are we going to tell our police departments and our sheriffs' offices? Well, you are eligible for the grant, you got it a couple of years ago, but I am sorry, we cannot because we are funding a ramp-up in the Census Bureau. I do not believe they will be very satisfied with that.

I urge a ''yes'' vote on the Weiner/Keller/Ramstad/Quinn/Andrews/Van Hollen/Platts amendment.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my friend, and I thank the gentleman from New York as well. He and I have talked about this amendment.

I am a very strong supporter of the COPS program, I have been and continue to be a very strong supporter of the COPS program. And what the gentleman's amendment does is dramatically point out that the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) do not have sufficient funds to properly reach the levels that would be appropriate for funding for some very, very worthwhile programs.

On the other hand, when you are in this position, obviously you have to make choices. If you are going to have a zero sum game, that is, add no additional dollars, which would not be allowed, you have to take from some place if you want to increase in another place. The problem with this amendment, as I have told my friend from New York, is not its objective, which is an excellent one, but it is the means that it employs to attain that objective, which will have very serious adverse results, in my opinion.

Now, the gentleman has indicated that he is confident it will have no adverse effect on employment levels. I think that is not the case. It is not the information I have. Now, as I have told the gentleman, obviously, I, as a matter of fact, went to high school a mile down the road from the Census Bureau, so I know something about the Census Bureau. It will, according to the Census Bureau, result in possibly as many as 1,000 RIFs. Now, that is a lot of people.

Now, in addition to adversely affecting the people, the gentleman's amendment will affect the product adversely. Now, what is the product? The product is getting ready for the census of 2010. Now, that sounds very simple, but in fact it is a multiyear process. And if you slow it down, you can never get back that time.

□ 1800

Therefore, although I strongly support the gentleman's objective, I cannot support and will therefore oppose his amendment, the means he employs to obtain that objective. I hope this amendment is defeated not because we should not be expanding the COPS program, but because we should not be doing it in this particular way.

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

I thank the gentleman from Maryland (Mr. HOYER) for his comments. He is exactly right. Also, the COPS program is not authorized. It has not passed the Senate. And as the gentleman from New York (Mr. SERRANO) said, the goal was to get 100,000 cops; and they are well beyond.

I think the important points are the reduction, as the gentleman from Florida (Mr. PUTNAM) said, will actually debilitate the 2010 census, resulting in the worse census ever. If this amendment were to pass for 1 year, we would have arguments in the future about how this count is not right and Members would be up in arms.

Secondly, once the cuts are made, there is no opportunity to restart the program.

The impact of this cut in this amendment: 1,000 jobs would be lost, no catching up, stops the census and this wastes the $500 million already spent and adds another $1 billion to the cost to the census in 2010. I urge strong defeat of the amendment.

Mr. STUPAK. Mr. Chairman, I rise in support and as a cosponsor of this very important amendment.

After 9–11, the Federal Government called upon our States and locals to be even more vigilant and prepared for possible acts of terrorism in addition to their daily responsibilities to protect their communities from routine crime.

However, it doesn't make sense to put a whole lot more on their plates and then cut off the resources to help them meet these obligations. For example, this bill cuts the COPS program by more than 50 percent to $113 million.

That's why I am a proud cosponsor of this amendment to restore funding to the 2004 level—$237 million—for the COPs grant program.

We're not talking about a lot of money. In fact that's just a fraction of the $1 billion authorized that this chamber overwhelmingly approved in the DOJ reauthorization bill.

COPs has been repeatedly slashed over the years.

Mr. Chairman, I am also disappointed with the lack of funds in COPs to provide local and State agencies assistance to upgrade their communications systems so they can talk to each other, no matter the jurisdiction or agency. The lack of interoperable communications was a key factor in why at least 121 firefighters died in the World Trade Center's Towers in 2001.

Last year, Congress provided $84 million in the COPS program for interoperability upgrades, That's not much compared to the $10 billion estimate to make our Nation's first responders fully interoperable.

But this year it was zeroed out. And that's exactly what happened in the Homeland Security appropriations bill this chamber approved last month.

Meanwhile, we know it will cost between $6 billion and $10 billion to make our Nation's public safety agencies and first responders interoperable.

Bottom line: There's an awful lot of talk around here about interoperability, but no real, reliable resources to help make that happen so agencies can talk to each other in times of a catastrophic disaster or terrorist attack.

So Mr. Chairman, I urge my colleagues to support the Weiner-Keller-Stupak amendment to at least bring us back to where were last year.

A 50 percent cut to the COPs grant program is a slap in the face to the millions of police officers who work tirelessly to protect their communities every day.

Mr. QUINN. Mr. Chairman, I rise today on a bipartisan basis to support the amendment offered by my fellow New Yorker, Mr. WEINER, and the gentleman from Florida, Mr. KELLER, that would increase funds for the COPS program to last year's enacted level from what is currently more than a 50 percent cut.

Mr. Chairman, for the past few years, I have worked with countless Members on both sides of the aisle to restore and increase Federal funding for the COPS program. There are few programs that our government funds that work better or more efficiently than the COPS program does. Every day, our police men and women are patrolling our streets, keeping our constituents safe from crime and drugs, and have served as our first responders in times of national crises. Since implementation of the

COPS program in the 90s, our Nation's violent crime rate has plummeted, and at least some of this drop must be attributed to the number of officers put on our streets through the COPS program.

The amendment we are offering today is a modest request for maintaining last year's funding level of $219 million. While the program could definitely use more money, and is actually authorized for FY2005 at $1 billion, we must as a Congress put more highly qualified men and women on our streets and at least fund COPS at last year's level.

In closing, while these are tight budgetary times, I believe that funding law enforcement programs like COPS is a justified use of our limited resources.

Thank you, Mr. Chairman. I urge my colleagues to support the Weiner-Keller-Quinn amendment.

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

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

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

Mr. WEINER. 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. WEINER) will be postponed.

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

I have an amendment that I will not be offering, and I just say to the Chairman of the Committee of the Whole and Members, I have taken a good deal of time on the previous amendment, and I will not offer this amendment. But, frankly, it goes to another real weakness that we have to address, not only in this bill but across Congress.

Last year as we pursued the effort to step up the technology of DNA, we recognized that some fundamental things have been going on in the world for the last 10 years or so. As DNA has become an important crime-solving tool, States and localities have begun the process of databasing samples of DNA of convicted offenders. All 50 States have a program of one size or another, capturing one universe or another of convicted offenders; and we need to get all of them essentially in a giant Federal database so we can solve crimes.

But according to data which was collected, a program funded by this Congress through legislation that I wrote in the Committee on the Judiciary, we have found that hundreds of thousands, in the neighborhood of 600,000, victims of crimes at whose crime scenes evidence has been collected is sitting on the shelves waiting to be analyzed for shortage of only one thing, money.

No one thinks it is good policy. In fact, many of those victims are pressing up against the statute of limitations which means their case will not be able to be prosecuted, even if we get around to testing it.

Included in the report was an assessment that there are not enough crime labs, there are not enough facilities to store samples. There is not enough money to do tests. In the committee mark, the chairman does an excellent job of funding the President's request at $175 million. It is estimated we need three times that amount to be able to start to dig out of the backlog.

There is no doubt in anyone's mind that we have a problem. Of the law enforcement agencies surveyed nationwide for this study, 61 percent said they do not have enough space to store their evidence and had to dispose of some of it; 70 percent said the need for more space is highly critical, and State crime labs have an average of a 23.9-week backlog of analyzing data.

When a detective is investigating a sexual abuse case or rape, if they have to wait 23.9 weeks on average before the evidence is returned to them, they will tell you that justice delayed is justice that is denied.

My final point, we have had 154 cold cases solved because of additional DNA testing that the City of New York has funded on its own. We have leads of 204 more cases. What have they learned as they have done these hits, they have learned what we and criminologists already know, that rape and sexual abuse is a highly recidivistic crime. Someone that goes out and does one, chances are is going to find their way back into the system, having committed the crime again and again, finding more and more victims.

In the last exchange, we talked about how crime has plummeted. The one statistic that has not dropped, rape; rape has not. That has stayed virtually level throughout this decline in crime everywhere in the country. One of the ways we can solve six, seven, eight, or perhaps 10 or 20 crimes is by investing in DNA technology. For those who it catches, it obviously finds justice for those victims; and for those whom it frees, it allows those of us who are strong law enforcement types, like myself, to say that the system is working better.

I will not offer my amendment today because I do not want to rehash the same debate we just had; but I would ask that the chairman and the ranking member strongly consider the need for additional increases, and express my gratitude to them for fully funding the President's request.

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

Mr. Chairman, I appreciate the gentleman not going through this because of the time. I thank the gentleman for that. I did not want there to be any misunderstanding. In the subcommittee mark, there is a $77 million increase over the current level. We also have gone out of our way to make sure there are earmarks.

This is the largest increase provided to any State and local law enforcement program. It is a 44 percent increase. So I do not want the record to indicate that the committee has been slacking. We have really increased it quite dramatically, even more so particularly in a tight budget. But it is an important program, which I strongly support; and I know the gentleman from New York (Mr. SERRANO) strongly supports it also.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I rise to enter into a colloquy with the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO).

Before I begin, I would like to thank the chairman and the ranking member for their support of the Legal Services Corporation. Legal Services funds 143 legal aid programs around the Nation to help poor Americans gain access to the judicial system. I appreciate the bipartisan full funding of the LSC program, and I hope we can work together in the neare future to remove some of the few remaining obstacles that are preventing this program from reaching its full potential.

My primary concern is over the "private money restriction" in this bill that applies to any nonprofit legal services organization receiving LSC funding. This restriction precludes these nonprofits from using any of their private funds—including individual donations, foundation grants, and State and local government funds—for any non-LSC-qualified services.

Non-LSC-qualified services include representing many categories of legal immigrants, including battered women and children; representing mothers in prison trying to maintain visitation and custody of their children; filing class actions to stop predatory lenders from preying on elderly homeowners; and educating people about their legal rights and then offering assistance in enforcing those rights. As a result of the private money restriction, most civil legal services providers are forced to stop providing non-LSC-qualified services altogether. Many of the most vulnerable individuals and families find themselves without access to legal services at all.

LSC recognized that this was a problem, but their attempted "fix" of this problem—allowing organizations to use their own private funds for non-LSC-qualified services only if they create physically separate nonprofits with separate staff, offices, and equipment—is prohibitively expensive and will result in fewer families being served.

There is a much simpler and more effective way to address the problem. Congress should require LSC grantees to abide by the same longstanding rules promulgated by OMB for nonprofit grantees of Federal agencies, by the IRS for all nonprofit 501(c)(3) and (c)(4) organizations, and by the Bush administration for faith-based groups. All of these rules authorize nonprofits receiving Federal funds to engage in various privately funded activities—like lobbying and praying—without requiring them to do so through physically separate entities with separate staff and equipment. I am hopeful that future conversations on LSC funding will consider similar rules so that we can remove the physical space requirement, which will make our LSC-funded providers much more effective.

My colloquy focuses on the issue of concentrated media ownership which has concerned colleagues on both sides

of the aisle. Among the leaders in this fight is the gentleman from New York (Mr. HINCHEY), who unfortunately could not join us on the floor here today.

On June 2 of last year, the FCC voted to further relax the rules on media ownership in a move which many felt threatened the core democratic values of localism and diversity in the media.

As troubling as these new ownership rules were, the process by which the FCC arrived at them was equally troubling. Despite its mandate to include the American public in its rulemaking procedures, the commission held just one public hearing as it wrote these new rules, and it did not release the rules for public comment until just before it voted on them. Our communities were given virtually no say in the type of programming they are subjected to by broadcast television and radio.

Mr. Chairman, on June 24, the U.S. Court of Appeals for the Philadelphia Circuit echoed the voice of the American people and many in Congress by reversing most of the FCC's media ownership rules. As a result, aside from the national media ownership cap that was adjusted by Congress last year, the rules in effect before the FCC's June 2, 2003, decision are again in place.

As the commission begins the process of proposing any new rules, we must make sure that the process is as open and inclusive as possible. Specifically, I believe the FCC should, first, hold a series of public hearings across the country to collect and analyze the various perspectives raised by citizens.

Secondly, allow sufficient time for public comment on the specifics of any proposed rules before the commission votes on them.

And, thirdly, take into account any independent studies of the effect of media consolidation on the level of indecent programming on the public airwaves.

I would ask my colleagues to comment on these expectations.

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

Mr. PRICE of North Carolina. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I appreciate the gentleman's comments. The gentleman from North Carolina over the past year has demonstrated that the rules governing media ownership are of great importance to the American people. I agree that the FCC's new media consolidation proceedings should be as open and as inclusive as possible and should include full periods of public comment on proposed rules and full consideration of any relevant independent studies as part of the process.

Mr. PRICE of North Carolina. I thank the gentleman from Virginia.

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

Mr. PRICE of North Carolina. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I also offer my strong support for an open, public rulemaking process that includes multiple public hearings, sufficient time for public comments, and any relevant independent studies.

The more than 2 million people who contacted the FCC to register their opposition to the rules offers clear evidence that we cannot rewrite media ownership rules without including the American public in the process. I will be monitoring the FCC's activities closely as it begins this process, and I urge all of my colleagues to do the same.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have an amendment at the desk which I will not offer, but I would ask the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO), the ranking member, if they would comment at the end of my comments.

My amendment would have increased money for ex-offender reentry by $50 million. It is unfortunate, Mr. Chairman, that our country has become the most imprisoned Nation on the face of the Earth per capita. We have about 2 million people in jails and penitentiaries in this country. Each year more than 600,000 of them return home to neighborhoods and communities. Many of them obviously have no place to go. Many of them have no programs to access.

Studies have suggested and have shown that if nothing happens with them, about 67 percent of them will have reoffended within a period of 3 years. About 53 percent of them will be back reincarcerated. In many States and localities, they cannot access jobs. For example, in my State, the State of Illinois, there are 57 job titles that an ex-offender cannot hold by State law without some kind of waiver. For example, an individual cannot cut hair, cannot get a license to be a nail technician, to be a cosmetologist, cannot work around any medical facility, cannot wash dishes in a nursing home or a hospital. So many of these individuals revert right back to whatever it was that got them incarcerated in the first place. That is, they are back on the streets in their neighborhoods hauling pills and thrills, nickles and dimes, whatever it is they have done to become a part of the underground economy.

It would seem to me that it would be far more cost effective if we were to create programs to facilitate their reentry back into society. Therefore, there is a need for far more resources to do so. I must confess I was hardened when I heard the President give his State of the Union address and suggested in that address that we needed to do something more for the more than 600,000 people who return each and every year from our Nation's jails and prisons.

Some communities are far more hard hit than others. Obviously, inner city communities that are severely depressed economically and rural depressed communities end up with the bulk of these individuals. Other communities may not feel them at all, but the reality is that if we want to have the opportunity to move freely throughout our Nation, throughout our country, then we have to do a more effective job of helping reclaim those individuals who have been incarcerated and are back trying to make a new life for themselves.

I would appreciate comments from the gentleman from Virginia (Chairman WOLF) and the gentleman from New York (Mr. SERRANO), the ranking member.

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

Mr. Chairman, I agree with the gentleman from Illinois (Mr. DAVIS) 100 percent. I was in a program called Man to Man with Charlie Harroway before I got elected to Congress. It was a prison reentry program helping men out of Lorton.

□ 1815

And I completely agree with the gentleman. I have been a great fan of Chuck Colson in Prison Ministries for that very reason. And the night the President offered that, I applauded, although I might tell the gentleman I do not think there was an awful lot of applause when he made that comment. There is $10 million in here. We have a budget problem. There is money in Labor-H. There is also money in VA–HUD.

I would urge the gentleman to also talk to the gentleman from Ohio (Mr. PORTMAN). The gentleman from Ohio (Mr. PORTMAN) and the gentleman from Indiana (Mr. SOUDER) have a very good bill. He may very well be on it, talking about re-entry. And I think it is absolutely critical. Unfortunately, we are number one in the world in the number of people in prisons per capita, and we just cannot put people in prison for years and years, no rehabilitation and no training when they come out and expect them as they get out to come back and be productive.

So I completely agree; and as we work through this process, anything I can do to help the gentleman. I just want to ask the gentleman one question: Why can they not cut hair and why can they not do those jobs that he mentioned?

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, in that particular instance, State law prohibits it. There are barriers, hundreds of them, to the successful reentry of these individuals because many people have thought that the best way to handle crime was to have the most severe punishment for individuals that they could come up with. And many of those laws are still lingering on the books in many States

throughout the Nation, and they too need to be revisited.

Mr. WOLF. Mr. Chairman, reclaiming my time, in the book of Jeremiah it talks about justice, and I think the people need justice, but it also talks about righteousness and we have to deal with those. And perhaps there is an opportunity for the Committee on the Judiciary or we would be glad to maybe sometime have a hearing on that issue because I agree with everything the gentleman has said. And I have learned most of this really through Chuck Colson. We cannot just open the gate, allow a man to walk out, and expect him to have the opportunity to make it because he goes back to the same neighborhood, the same environment; and they need training. So as we move along, if we can work with the gentleman and do that. And the Portman-Souder bill, is the gentleman on there?

Mr. DAVIS of Illinois. Yes, Mr. Chairman.

Mr. WOLF. Mr. Chairman, if we can work with him and help him, we will be glad to do that. And I appreciate his bringing up the amendment too.

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for his response.

And we are working with the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Indiana (Mr. SOUDER). We are all working on that bill.

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

Let me first say how I continue to be impressed by the gentleman's passion and ability to present this issue as he presents other issues. He speaks from the heart, and that is something that we always see. And he speaks for people who unfortunately in this society sometimes are totally forgotten. But he is speaking to the right two individuals.

First, no one, no one, does more for the concerns of those inmates than the gentleman from Virginia (Chairman WOLF). The gentleman from Virginia (Chairman WOLF) has through different approaches been careful to make sure that there is not a punishment but a rehabilitation of people, not a forgetting but perhaps a forgiving and a desire to have people be part of the society.

And, of course, as the gentleman knows, I represent an area of the Bronx that has always had an issue of crime and an issue of people wanting to come back into the community and at times being accepted and at times not being accepted.

So I assure the gentleman that we will continue to pay attention to this matter, continue to pay attention to the dollars allocated in the hope that some day this society fully understands the need to rehabilitate and welcome back people in a way that says they did what they did, they paid for that crime, now we want them to be a productive member of society. And I thank the gentleman for his work.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 47, line 5, be considered as read and printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 28, line 19 through page 47, line 5 is as follows:

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); $383,551,000 to remain available until expended, as follows—

(1) $11,484,000 for the court appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $1,925,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $983,000 for grants for televised testimony, as authorized by Part N of the 1968 Act;

(4) $176,747,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $5,200,000 shall be for the National Institute of Justice for research and evaluation;

(B) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the 1974 Act; and

(C) $15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108–21;

(5) $62,479,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(6) $38,274,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) $4,415,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) $2,950,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) $9,175,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106–386;

(10) $39,322,000 for legal assistance for victims, as authorized by section 1201 of Public Law 106–386;

(11) $4,458,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40802 of the 1994 Act;

(12) $14,078,000 for the safe havens for children pilot program as authorized by section 1301 of Public Law 106–386;

(13) $6,922,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106–386; and

(14) $10,339,000 for management and administration not elsewhere specified.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the Act''), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $349,000,000, to remain available until expended, as follows—

(1) $350,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

(2) $84,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $70,000,000 for demonstration projects, as authorized by sections 261 and 262 of the Act;

(4) $80,000,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

(A) $10,000,000 shall be for the Tribal Youth Program;

(B) $20,000,000 shall be for a gang resistance education and training program to be administered by the Bureau of Justice Assistance and to be coordinated with the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Office of Juvenile Justice and Delinquency Prevention; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) $10,000,000 for Project Childsafe;

(6) $20,000,000 for the Secure Our Schools Act as authorized by Public Law 106–386;

(7) $10,650,000 for Project Sentry to reduce youth gun violence, and gang and drug-related crime;

(8) $14,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(9) $60,000,000 for the Juvenile Accountability Block Grants program as authorized by Public Law 107–273 and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount in this section may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized, and not more than 2 percent of each amount may be used for training and technical assistance.

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), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $3,615,000, to remain available until expended for payments as authorized by section 1201(b) of said Act; and $2,795,000 for educational assistance, as authorized by section 1212 of the 1968 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 $60,000 from funds appropriated

to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 102. 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.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Authorities contained in the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273) shall remain in effect until the effective date of a subsequent Department of Justice appropriations authorization Act.

SEC. 106. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 107. Section 114 of Public Law 107–77 shall remain in effect during fiscal year 2005.

SEC. 108. The Attorney General is authorized to extend through September 30, 2006, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533).

SEC. 109. (a) None of the funds made available in this Act may be used by the Drug Enforcement Administration to establish a procurement quota following the approval of a new drug application or an abbreviated new drug application for a controlled substance.

(b) The limitation established in subsection (a) shall not apply until 180 days after enactment of this Act.

SEC. 110. The limitation established in the preceding section shall not apply to any new drug application or abbreviated new drug application for which the Drug Enforcement Administration has reviewed and provided public comments on labeling, promotion, risk management plans, and any other documents.

SEC. 111. (a) Section 8335(b) of title 5, United States Code, is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)''; and

(2) by adding at the end the following:

''(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting '65 years of age' for '60 years of age'. The authority to grant exemptions in accordance with the preceding sentence shall cease to be available after December 31, 2009.''.

(b) Section 8425(b) of title 5, United States Code, is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)''; and

(2) by adding at the end the following:

''(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting '65 years of age' for '60 years of age'. The authority to grant exemptions in accordance with the preceding sentence shall cease to be available after December 31, 2009.''.

SEC. 112. (a) Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''§ 5759. Retention and relocation bonuses for the Federal Bureau of Investigation

''(a) AUTHORITY.—The Director of the Federal Bureau of Investigation, after consultation with the Director of the Office of Personnel Management, may pay, on a case-by-case basis, a bonus under this section to an employee of the Bureau if—

''(1)(A) the unusually high or unique qualifications of the employee or a special need of the Bureau for the employee's services makes it essential to retain the employee; and

''(B) the Director of the Federal Bureau of Investigation determines that, in the absence of such a bonus, the employee would be likely to leave—

''(i) the Federal service; or

''(ii) for a different position in the Federal service; or

''(2) the individual is transferred to a different geographic area with a higher cost of living (as determined by the Director of the Federal Bureau of Investigation).

''(b) SERVICE AGREEMENT.—Payment of a bonus under this section is contingent upon the employee entering into a written service agreement with the Bureau to complete a period of service with the Bureau. Such agreement shall include—

''(1) the period of service the individual shall be required to complete in return for the bonus; and

''(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

''(c) LIMITATION ON AUTHORITY.—A bonus paid under this section may not exceed 50 percent of the employee's basic pay.

''(d) IMPACT ON BASIC PAY.—A retention bonus is not part of the basic pay of an employee for any purpose.

''(e) TERMINATION OF AUTHORITY.—The authority to grant bonuses under this section shall cease to be available after December 31, 2009.''.

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''5759. Retention and relocation bonuses for the Federal Bureau of Investigation.''.

SEC. 113. (a) Chapter 35 of title 5 of the United States Code is amended by adding at the end the following:

''SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

''§ 3598. Federal Bureau of Investigation Reserve Service

''(a) ESTABLISHMENT.—The Director of the Federal Bureau of Investigation may provide for the establishment and training of a Federal Bureau of Investigation Reserve Service (hereinafter in this section referred to as the 'FBI Reserve Service') for temporary reemployment of employees in the Bureau during periods of emergency, as determined by the Director.

''(b) MEMBERSHIP.—Membership in the FBI Reserve Service shall be limited to individuals who previously served as full-time employees of the Bureau.

''(c) ANNUITANTS.—If an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby. An annuitant so reemployed shall not be considered an employee for the purposes of chapter 83 or 84.

''(d) NO IMPACT ON BUREAU PERSONNEL CEILING.—FBI Reserve Service members reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Bureau.

''(e) EXPENSES.—The Director may provide members of the FBI Reserve Service transportation and per diem in lieu of subsistence, in accordance with applicable provisions of this title, for the purpose of participating in any training that relates to service as a member of the FBI Reserve Service.

''(f) LIMITATION ON MEMBERSHIP.—Membership of the FBI Reserve Service is not to exceed 500 members at any given time.''.

(b) The analysis for chapter 35 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

''3598. Federal Bureau of Investigation reserve service.''.

SEC. 114. Section 5377(a)(2) of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by inserting after subparagraph (F) the following:

''(G) a position at the Federal Bureau of Investigation, the primary duties and responsibilities of which relate to intelligence functions (as determined by the Director of the Federal Bureau of Investigation).''.

This title may be cited as the ''Department of Justice Appropriations Act, 2005''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $41,552,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c).

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $61,700,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard

to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $401,513,000, to remain available until expended, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $47,509,000 shall be for Manufacturing and Services; $39,087,000 shall be for Market Access and Compliance; $58,044,000 shall be for the Import Administration of which not less than $3,000,000 is for the Office of China Compliance; $230,864,000 shall be for the United States and Foreign Commercial Service of which $1,500,000 is for the Advocacy Center, $2,500,000 is for the Trade Information Center, and $2,100,000 is for a China and Middle East Business Center; and $26,009,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $68,393,000, to remain available until September 30, 2006, of which $7,128,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $289,762,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,565,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,899,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $78,211,000, to remain available until September 30, 2006, of which $2,000,000 is for a grant to the National Academy of Public Administration to study impacts of off-shoring on the economy and workforce of the United States.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $202,765,000.

The CHAIRMAN. Are there points of order to the bill?

If not, are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2010 decennial census, $399,976,000, to remain available until September 30, 2006: *Provided*, That, of the total amount available related to the 2010 decennial census, $173,806,000 is for the Re-engineered Design Process for the Short-Form Only Census, $146,009,000 is for the American Community Survey, and $80,161,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system.

AMENDMENT OFFERED BY MR. HEFLEY

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

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

Page 47, line 8, after ''$399,976,000'' insert ''(reduced by $173,806,000)''.

Page 47, lines 10 through 12, strike ''$173,806,000 is for the Re-engineered Design Process for the Short-Form Only Census,''.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 10 minutes, to be equally divided and controlled by the proponent and myself, the opponent, except that the chairman and ranking minority member may each offer one pro forma amendment for the purpose of debate.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

First of all, I would like to commend the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO), ranking member, for the very conscientious job they have done on this bill. They have had a difficult task. There is very much that is good in this bill, and I do not take away from that at all.

Also, I have sat here for an hour listening to the virtues of the Census Bureau; and, indeed, that is a very important function of our government, and I do not want to attack that.

But I do rise today to offer an amendment to reduce the budget for the Census Bureau by approximately $174 million. And the reason for that is that this is a particular thing, and let me read from the bill. $173,806,000 is for the reengineered design process for the short-form-only census. In a time of record or near-record deficits, and at any time, one wonders how in the world we can spend $173 million, almost $174 million, on redesigning a form, and a short form at that. And I think the short form probably does need to be redone, but at what cost? And I would suggest to the gentleman from Virginia (Mr. WOLF) that perhaps they could come back to us next year or the next as we get closer, and we are talking 5 years out, that they could come back to us with a little more reasonable effort about what it takes to redesign a short form. If we do not have people at the Census Bureau, and he talked about the thousand jobs lost and all of that, but if we do not have people at the Census Bureau that have the ability to redesign a form for a whole lot less than $174 million, then we need some new people.

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

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong opposition to the gentleman's amendment. The amendment would strike all funds to conduct a short-form census. In spite of the unprecedented success, as the gentleman from Florida (Mr. PUTNAM) said, in 2000, the General Accounting Office concluded that Census 2000 was conducted at a high cost and great risk. As a result, the GAO recommended extensive and early planning and testing, including re-engineering of the process.

We are already well under way in the planning for 2010 Census. This plan relies on the short-form-only census that

costs for the taxpayer. The cost of returning to the old method would cost a total of $15 billion, $4 billion more than the current plan. The White House statement on the bill states clearly that the funding provided in this bill is the minimal amount viable for the 2010 census. So I urge rejection of the amendment.

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

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

I have a lot of respect for the gentleman, but I guess today is beat-up-on-the-census day. But a very short point: it would seem to me in saving dollars, as he wishes to do, the net effect is that we cannot have a census. We cannot take away that much money from the preparation and then conduct the census.

So I am not going to repeat all of the comments I made about the importance of the census. Only one, and that is that the community that I represent in the Bronx, the only way that the poorer communities can get a piece of the pie, be counted properly, is to continue to improve the census in how it is conducted and not devastate it. And, again, I do not know and, in fact, I would venture to say that I do not think the gentleman's intent is to stop the census from taking place because that is a constitutional question; but the effect is that while there may be a census taking place, we do not know what kind of a census it would be because if we cut out all the moneys for the preparation and the setup, there is no way that we can conduct it properly.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, I rise in opposition to this amendment for many of the reasons that the gentleman from New York (Mr. SERRANO) and I gave earlier in support of having an accurate census. It takes years of planning for a census, and the funds people would cut today are the funds that pay for that planning. These cuts will result in a more costly or less accurate census or both. We need to put this funding forward now; and if we do not do it now, we will have to pay for twice the work next year, and that really does not save money.

A lot of the questions that are on the American Community Survey and on the census forms are questions that are required by law and are required by a legislative-mandated program. For example, we collect information on income to determine the number of children in poverty, and this data is used to distribute the title I education funds, and that pays for reading teachers and other specialists.

I know that every one of my colleagues has heard from their local communities when these funds are cut, and all of these funding formulas are tied to census numbers. The more accurate the numbers are, the fairer our democracy is.

So those who would cut the funding for this census and offer no replacement for the functions that the census serves, they would have us do without accurate numbers; and in the absence of accurate information, funds get distributed by those who control the purse strings, not based on the merit of the programs or the merit of the numbers.

So I would urge my colleagues to oppose the Hefley amendment in favor of directing Federal funds to where they can do the most good based on accurate census numbers. I urge a ''no'' vote on this amendment.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

I do not want to extend the debate on the virtues of the census. We have heard the same things over and over again, and all of us agree with that. And I have no desire whatsoever, as the gentleman from New York (Mr. SERRANO) said, to do away with the census. We are supposed to do the census, and we need to do it as accurately as we possibly can. And we are not with this amendment doing away with all the setup for the census. We are doing away with the engineering of one form at the expense of $174 million, the engineering of one form. And we have 5 additional years to look at this and determine what is reasonable. There is going to have to be some money to do this because the form ought to be redone.

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So we have 5 years for them to come back to us with a reasonable figure, and we will grant that figure so they can do it.

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

Mr. WOLF. Mr. Chairman, to close, I yield the balance of my time to the gentleman from Florida (Mr. PUTNAM), the chairman of the Committee on Government Reform's Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census.

Mr. PUTNAM. Mr. Chairman, I thank the distinguished chairman from Virginia, and I rise to oppose the Hefley amendment.

Mr. Chairman, it is important that we preserve the American Community Survey for a couple of reasons. One, it is optional. The controversy that has arisen over time is with the intrusiveness of the long form. The ACS replaces that.

But, secondly and even more importantly, the ACS gives communities and States and businesses and demographers annual data, good, solid, accurate annual data, not a snapshot on a decennial basis. If you look at the towns that are wiped out by tornadoes in the Midwest, they have to wait 10 years for the formulas affecting them to be updated. If you look at what has happened to midtown Manhattan since 2001, or northern Virginia, or what happened all around the country for a variety of reasons, the information is not updated until 10 years after the fact. They have to wait until the next big census.

The ACS replaces that with a shorter version that is a sampling of the Nation that is done every year. It is more accurate information, it is more helpful to the local governments who depend upon that information for the formulas that are generated by our government, and frankly, it is less intrusive to the American people.

Defeat the Hefley amendment. Protect the American Community Survey. It is a modernization of the American census.

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

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

Mr. SERRANO. Mr. Chairman, just very briefly, for instance, I just came across some information, just to give you an idea of what we are up against here.

The Naomi Berrie Diabetes Center of New York Presbyterian Hospital plans to use the American Community Survey data to identify Bronx, that is my district, neighborhoods with demographic characteristics associated with the risk of Type II diabetes in children.

I bring that up because I have been making the argument you have all day long that this information gathered by the census goes beyond what people think. It is vital information needed to provide incredible services to the community. Once they use those numbers based on the census data, they can make their argument before us at a public hearing, or at any kind of institutional hearing, saying we need this kind of help.

Who would have thought that Type II diabetes would be an issue for the census to be helpful with? That is just one of the countless items that they cover. So I say that, and I thank the gentleman for granting me this time, in agreement and in support of the gentleman's comments and words.

Mr. PUTNAM. Mr. Chairman, reclaiming my time, the gentleman's point is well taken.

The CHAIRMAN pro tempore (Mr. ISAKSON). All time having expired, the question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

The Clerk will read.

The Clerk read as follows:

In addition, for expenses to collect and publish statistics for other periodic censuses

and programs provided for by law, $171,140,000, to remain available until September 30, 2006, of which $73,473,000 is for economic statistics programs and $97,667,000 is for demographic statistics programs: *Provided*, That regarding construction of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this or any other Act under the heading ''Bureau of the Census, Periodic Censuses and Programs'' shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $15,282,000, to remain available until September 30, 2006: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $2,538,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For the administration of prior year grants, recoveries and unobligated balances of funds previously appropriated for grants are available only for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,314,653,000, which shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a fiscal year 2005 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2005, should the total amount of offsetting fee collections be less than $1,314,653,000, this amount shall be reduced accordingly: *Provided further*, That not less than 584 full-time equivalents, 602 positions and $78,450,000 shall be for the examination of trademark applications; and not less than 5,435 full-time equivalents, 5,848 positions and $866,007,000 shall be for the examination and searching of patent applications: *Provided further*, That not more than 264 full-time equivalents, 271 positions and $36,861,000 shall be for the Office of the General Counsel: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2005 for official reception and representation expenses: *Provided further*, That, notwithstanding section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

Upon enactment of authorization to increase fees collected pursuant to 35 U.S.C. 41, any resulting increased receipts may be collected and credited to this account as offsetting collections: *Provided*, That not to exceed $218,754,000 derived from such offsetting collections shall be available until expended for authorized purposes: *Provided further*, That not less than 58 full-time equivalents, 72 positions and $5,551,000 shall be for the examination of trademark applications; and not less than 378 full-time equivalents, 709 positions and $106,986,000 shall be for the examination and searching of patent applications: *Provided further*, That not more than 20 full-time equivalents, 20 positions and $4,955,000 shall be for the Office of the General Counsel: *Provided further*, That the total amount appropriated from fees collected in fiscal year 2005, including such increased fees, shall not exceed $1,533,407,000: *Provided further*, That in fiscal year 2005, from the amounts made available for ''Salaries and Expenses'' for the United States Patent and Trademark Office (PTO), the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology Office of Technology Policy, $6,547,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $375,838,000, to remain available until expended, of which not to exceed $8,982,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,000,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $43,132,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized, $2,245,000,000, to remain available until September 30, 2006: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That, in addition, $79,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further*, That, of the $2,337,000,000 provided for in direct obligations under this heading (of which $2,245,000,000 is appropriated from the General Fund, $79,000,000 is provided by transfer, and $13,000,000 is derived from deobligations from prior years), $351,000,000 shall be for the National Ocean Service, $525,700,000 shall be for the National Marine Fisheries Service, $318,500,000 shall be for Oceanic and Atmospheric Research, $698,700,000 shall be for the National Weather Service, $139,500,000 shall be for the National Environmental Satellite, Data, and Information Service, and $303,600,000 shall be for Program Support: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: *Provided further*, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $173,600,000: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $840,000,000 to remain available until September 30, 2007: *Provided*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act: *Provided further*, That none of the funds provided in this Act or any other Act under the heading ''National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with conservation and habitat restoration of Pacific salmon populations listed as endangered or threatened, $80,000,000.

FISHERIES FINANCE PROGRAM ACCOUNT

For the costs of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: *Provided further*, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed $30,000,000 for traditional loan programs, fishing capacity reduction programs, individual fishing quotas, aquaculture facilities, reconditioning of fishing vessels for the purpose of reducing bycatch or reducing capacity in an overfished fishery, and the purchase of assets sold at foreclosure instituted by the Secretary: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $52,109,000: *Provided*, That not to exceed 12 full-time equivalents and $1,621,000 shall be expended for the legislative affairs function of the Department.

AMENDMENT NO. 13 OFFERED BY MR. KUCINICH

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

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

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. KUCINICH:

Page 57, line 11, after the dollar amount, insert the following: ''(reduced by $50,000) (increased by $50,000)''.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent, except that the chairman and ranking minority member may each offer one pro forma amendment for the purpose of debate.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. WOLF) will control 15 minutes and the gentleman from Ohio (Mr. KUCINICH) will control 15 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Kucinich-Visclosky amendment corrects a significant flaw in the administration's manufacturing policy.

Let us review recent history. During President Bush's term, manufacturing has shrunk, factory jobs have decreased, steel companies have closed; 13 steel companies and 14.6 million tons of capacity have been shut down since this administration took office. Cheap foreign imports are up. The trade deficit is up. This was a $549 billion drag on the economy last year, and that is a record. In other words, on this administration's watch, the manufacturing base of our economy has eroded.

Now, it happens that much of American manufacturing occurs in a few States, and we are in an election year when those States get some attention. After ignoring the deterioration of American manufacturing for most of its term, this administration wants voters to believe that it cares, so the President announced just last month the creation of a Manufacturing Council.

The purpose of the Council, according to a news release, is to ''work with the Commerce Department to advocate, coordinate and implement policies that will help U.S. manufacturers compete worldwide.''

The Council is comprised of CEOs from a number of industries. However, it is marred by the omission of any union representative or, surprisingly, steel industry representatives. Apparently, we have to remind the administration about the importance of steel.

Steel makes the railroads, it holds up the buildings of our cities, it armors our tanks and ships, but basic steel is completely excluded from the President's Manufacturing Council.

All manufactured goods are made by people. Steel is made by people. These people form unions. Union labor built modern America. Union labor builds steel. But the President excluded union labor from his Manufacturing Council.

How can this administration be serious about manufacturing, when it ignores the basic steel industry and union workers? Does it think that buildings build themselves, that cars forge, stamp and assemble themselves, and that America can make basic steel appear by magic? Or does the administration's manufacturing plan actually consist of offshore factories, freely flowing imports and out-of-work American steelworkers?

The Kucinich-Visclosky amendment sends a clear message to the President: Congress believes that a manufacturing policy for America must include the steel industry and the participation of union labor. The amendment accomplishes this by expanding membership on the President's Manufacturing Council to include the steel industry and America's manufacturing unions. The amendment will cut a nominal amount of funding for the President's Manufacturing Council until that essential change is made, but it will have no effect on spending levels of the bill as a whole.

The Visclosky amendment is supported by the steelworkers union, and at the appropriate point in the record, Mr. Chairman, I will insert a letter from the United Steelworkers of America in favor of the Kucinich-Visclosky amendment.

Mr. Chairman, I urge my colleagues to join with me in correcting a significant flaw in this administration's vision for America's future. A ''yes'' vote on the Kucinich-Visclosky amendment will encourage a future for domestic basic steel, a future in which respect, as well as good wages, are paid to unionized American workers.

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

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. The reason is, the amendment really does not do anything. I just read the amendment. It says, ''Page 57, line 11, after the dollar amount insert the following: 'Reduced by $50,000) (increased by $50,000).' '' So I understand what the gentleman is trying to do, but this does not do it. It just really moves money around.

I understand the gentleman's concern, and I would like to bring to the gentleman's attention to page 46 of the bill, line 22. We put $2 million in the bill for a grant to the National Academy of Public Administration to study the impact of offshoring on the economy and on the workforce in the United States.

I personally believe it is a problem. We have asked the National Academy because they are not involved in the political process. We use them for the FBI reforms and others. So they will look at that issue.

But this amendment, if it had been drafted to do what the gentleman intends it to do, it would be subject to a point of order. Because of that, I object to the amendment and urge a ''no'' vote.

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

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I yield time to my good friend, the cosponsor of this amendment, the gentleman from Indiana (Mr. VISCLOSKY), I would like to respond to my good friend from Virginia that it is true that the amendment reduces the spending for the Council by $50,000 and then increases it by $50,000.

Our amendment is intended to condition $50,000 for the Manufacturing

Council on the expansion of its membership to correct a serious mistake, and that is omitting basic steel and organized labor from advising them on manufacturing. The form of the amendment has the effect of referring to floor debate to instruct the interpretation of the bill. The amendment will literally do what we say it will do.

I also want to commend the gentleman for the concern that he has expressed about offshoring of our industries. I think it is important that we pay attention to that. This amendment will help this country put a renewed emphasis on a Manufacturing Council which has a glaring omission: They do not have the steel industry represented on it.

Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. VISCLOSKY), who has been an outstanding champion of American working men and women and the steelworkers, not only in his district, but all across America.

□ 1845

Mr. VISCLOSKY. Mr. Chairman, I want to thank the gentleman for originating the idea for this very necessary amendment; and as my colleague mentioned, the purpose is to point out two very serious flaws with the President's manufacturing council and to work through the adoption of this amendment their correction.

The President in September of last year comprised his manufacturing council theoretically to work with the Commerce Department to advocate, coordinate, and implement policies that will help U.S. manufacturers compete worldwide.

As my colleague from Ohio mentioned, however, the domestic steel industry is not represented on the council. I would point out that since December 31, 1997, 40 companies, more than 40 steel companies, have entered into bankruptcy, many of which have never emerged.

Since December 2000, 35,700 individual workers who were employed in basic steel have lost their jobs. During that period of time since December 31 of the year 2000, we have also seen a decline in tonnage to be produced in the United States by 14.6 million.

We have an industry that over the last 6 years has been in crisis, despite their beginning to come out of that crisis during the last 6 to 9 months. It was a mistake, and it was wrong for the President and the Department of Commerce not to have this very vital industry of our national defense included. They should be.

Secondly, I would note that there is no representative of organized labor on the council. The fact is 2.2 million individual American workers belong to unions and work in manufacturing. We do have Karen Wright, the president of Ariel Corporation, which makes gas compressors in Mt. Vernon, Ohio, on the President's council, but we do not have a member of the Boilermakers. We have Jim Padilla, who is the chief operating officer of Ford Motor Company; but we do not have a member of the United Auto Workers. We have George Gonzalez, who is president of Aerospace Integration Corporation, which is engaged in aircraft modifications; but we do not have a member of the Machinists Union. We have Wayne Murdy, who is chairman of Newmont Mining Corporation of Denver, Colorado; but we do not have a member of the Mine Workers Union. We have Charles Pizzi, president of Tasty Baking Company, a baking corporation headquartered in Philadelphia; but we do not have one member of the Bakery, Confectionery, Tobacco Workers Or Grain Millers.

We have a lot of people making seven-figure salaries on the commission. We do not have people making five figures. We have Daniel Stowe, president of R.L. Stowe Mills, Inc., who is engaged in dyed yarn; but we do not have any members of the Union of Needle Trades, Industrial Or Textile Employees. We have Scott Thiss, who is chairman of S&W Plastics that does acrylic displays; but we do not have anyone from the Graphics Communications Workers. We do not have anyone from the Electrical Workers. We do not have anyone from the PACE Union. We do not have Sheet Metal Workers, Steelworkers, Teamsters or anyone from the United Food and Commercial Workers.

I do think it is important, given the fact that it is the workers for these very companies who are most at risk who have lost their jobs in the tens of thousands be represented on this council; and I would ask that the colleagues of this body adopt this amendment.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume to read a brief statement.

Mr. Chairman, I would like to read a brief statement and then yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

I have here a letter from the United Steelworkers of America, which says,

> The United Steelworkers of America urges your support for an amendment that will be offered by Ohio Congressman Dennis Kucinich and Indiana Congressman Peter Visclosky. The United Steelworkers of America strongly supports the Kucinich-Visclosky amendment to H.R. 4754, because it corrects two substantial omissions from the Bush administration's recently created Manufacturing Council.

They go on to point out that no one from Labor is on the council and also that no one from the steel industry is on the council.

Mr. Chairman, I include this for the RECORD as follows:

UNITED STEELWORKERS OF AMERICA,
AFL–CIO–CLC,
Washington, DC, July 7, 2004.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The United Steelworkers of America (USWA) urges your support for an amendment that will be offered by Ohio Congressman Dennis Kucinich and Indiana Congressman Peter Visclosky to amend the Commerce, Justice, State Appropriations bill. The USWA strongly supports the Kucinich-Visclosky Amendment to H.R. 4754 because it corrects two substantial omissions from the Bush Administration's recently created Manufacturing Council.

The new Council is comprised of CEO's from a number of industries, however, the steel industry was not included; and we can think of no other industry better prepared to offer constructive advice than the newly reconstituted American steel industry. The steel industry has become a national leader in such areas as technological innovation, productivity and labor relations.

The second glaring omission is that no one from labor is included on the Council. The labor movement has worked closely with all of its manufacturing companies to ensure continuing employment opportunities for American workers. The President's Manufacturing Council is seriously handicapped by not having the expertise of American labor in the important areas of health care, pensions and compensation.

The Kucinich-Visclosky amendment would cut a nominal amount of funding for the Council, but will have no effect on spending levels on the bill as a whole. We urge you to vote ''YES'' on the Kucinich-Visclosky amendment and help to ensure a manufacturing council that represents a broader cross section of American society.

Respectfully,

WILLIAM J. KLINEFELTER,
Assistant to the President, Legislative and Political Director.

Mr. Chairman, I would like to say if someone has steel in their State, if they have a mill that was closed down, if they have workers, steelworkers that have been laid off or who face layoffs, if they have a mill which is at risk of closing, if they have retirees whose benefits have been adversely affected by changes in the economy with respect to steel, this amendment is something that they are going to care about because it says that it is time to give steel full status in the direction of America's manufacturing economy.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), an outstanding voice for workers in this Congress and in America.

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

Mr. ANDREWS. Mr. Chairman, I thank my friend from Ohio for yielding me this time. I rise in strong support of his amendment.

When I was a child, the three largest employers in my district were a shipyard, a soup factory, and an electronics plant that made radios and television sets. Today, the three largest employers in my district are a mortgage company, a hospital, and the State government. I have seen what it means when your manufacturing base erodes and blows up and shrivels away.

When the country tries to solve this very important problem, we need all voices heard; and it disappoints me that the administration is trying to tackle this problem belatedly, without

hearing the two voices that are so very importantly added by this amendment: the steel industry, without which the country cannot defend itself and cannot continue as an industrial power; and the collectively bargained, duly elected voice of organized labor through labor unions.

Now, I know that sometimes the steel industry disagrees with the administration and, often, organized labor disagrees with the administration. But in our country, we do not just listen to people with whom we agree; we welcome all points of view, all interests so that we can come up with the best policy solution for the country.

The Kucinich amendment adds two very important voices: the steel industry and organized labor. Even if one does not agree with their positions on these issues, their positions ought to be heard as we approach the manufacturing atrophy of the United States of America.

So I would urge everyone who wants all voices to be heard to vote for this amendment which is so very much in the tradition of good government in this country. I urge a ''yes'' vote.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. 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 Ohio (Mr. KUCINICH) will be postponed.

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. ISAKSON) 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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4754 in the Committee of the Whole pursuant to House Resolution 701, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of the debate;

Amendments 4, 7, 8, 9, 10, and 20;

Amendments 5 and 6, each of which shall be debatable for 20 minutes;

Amendment 2, which shall be debatable for 40 minutes;

An amendment by Mr. PITTS regarding Department of State Diplomatic and Consular programs;

An amendment by Mr. WOLF regarding the Sudan;

An amendment by Mr. BACA regarding video violence;

An amendment by Mr. HEFLEY regarding an across-the-board cut of total appropriations;

An amendment by Mr. HEFLEY regarding an across-the-board cut of appropriations not required to be appropriated;

An amendment by Mr. HEFLEY regarding the Court of Federal Claims;

An amendment by Mr. BURGESS regarding the Federal Trade Commission;

An amendment by Mr. WEINER regarding Jerusalem;

An amendment by Ms. MILLENDER-MCDONALD regarding women's business centers;

An amendment by Mr. INSLEE regarding Justice Department detention of individuals;

An amendment by Mr. KING of Iowa regarding litigation support contracts;

An amendment by Mr. SHERMAN regarding enemy combatants, which shall be debatable for 20 minutes;

An amendment by Mr. WOLF or Mr. SERRANO regarding SBA microloans, which shall be debatable for 12 minutes;

An amendment by Mr. FLAKE regarding Cuba, which shall be debatable for 60 minutes;

An amendment by Mr. SMITH of Michigan regarding NIST and Contributions to International Organizations, which shall be debatable for 20 minutes;

An amendment by Mr. SHERMAN regarding preemption of State laws, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 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. 4754.

□ 1858

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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, 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 House rose earlier today, a demand for a recorded vote on amendment No. 13 offered by the gentleman from Ohio (Mr. KUCINICH) had been postponed and the bill was open for amendment from page 47, line 16, through page 57, line 13.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purposes of debate;

Amendments 4, 7, 8, 9, 10 and 20;

Amendments 5 and 6, each of which shall be debatable for 20 minutes;

Amendment 2, which shall be debatable for 40 minutes;

An amendment by Mr. PITTS regarding Department of State Diplomatic and Consular programs;

An amendment offered by Mr. WOLF regarding the Sudan;

An amendment by Mr. BACA regarding video violence;

An amendment by Mr. HEFLEY regarding an across-the-board cut of total appropriations;

An amendment by Mr. HEFLEY regarding an across-the-board cut of appropriations not required to be appropriated;

An amendment by Mr. HEFLEY regarding the Court of Federal Claims;

An amendment by Mr. BURGESS regarding the Federal Trade Commission;

An amendment by Mr. WEINER regarding Jerusalem;

An amendment by Ms. MILLENDER-MCDONALD regarding women's business centers;

An amendment by Mr. INSLEE regarding Justice Department detention of individuals;

An amendment by Mr. KING of Iowa regarding litigation support contracts;

An amendment by Mr. SHERMAN regarding enemy combatants, which shall be debatable for 20 minutes;

An amendment by Mr. WOLF or Mr. SERRANO regarding SBA microloans, which shall be debatable for 12 minutes;

An amendment by Mr. FLAKE regarding Cuba, which shall be debatable for 60 minutes;

An amendment by Mr. SMITH of Michigan regarding NIST and Contributions to International Organizations, which shall be debatable for 20 minutes;

An amendment by Mr. SHERMAN regarding preemption of State laws, which shall be debatable for 20 minutes.

□ 1900

Each such amendment may be offered only by the Member designated in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by a proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

If there are no further amendments to this portion of the bill, the Clerk will read.

The Clerk read as follows:

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 (5 U.S.C. App.), $22,249,000.

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

Mr. Chairman, I just take this time because I think it is important for Members to understand that when this bill is opened up that means that Members who think that they are protected under this unanimous consent request, they should not assume that if their amendments are at the end of the bill, they can simply come back tomorrow and they will be handled.

The Members need to protect their rights by being here at the time that the amendments need to be called up or else it is possible they could lose their right.

So I think Members needs to understand, everybody cannot go away and have a drink or supper until 9 o'clock. We are here working and if somebody needs to offer an amendment, they need to protect themselves. They cannot protect them if they are not here.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 108, line 22, be considered as read and printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 57, line 18 to page 108, line 22 is as follows:

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

SEC. 204. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds 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.

SEC. 205. Hereafter, none of the funds made available by this or any other Act for the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2005''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $58,122,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $9,979,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $22,936,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $14,888,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,177,244,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $3,471,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of

expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $676,469,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $62,800,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Department of Homeland Security, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $379,580,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $68,635,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $21,737,000; of which $1,800,000 shall remain available through September 30, 2006, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $32,000,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $2,000,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,700,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $13,304,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for Courts of Appeals, District Courts, and Other Judicial Services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

This title may be cited as the ''Judiciary Appropriations Act, 2005''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,580,000,000: *Provided*, That not to exceed 71 permanent positions and $8,649,000 shall be expended for the Bureau of Legislative Affairs: *Provided further*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, $319,994,000 shall be available only for public diplomacy international information programs: *Provided further*, That of the amount made available under this heading, $3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,426,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $658,701,000, to remain available until expended.

In addition, for the costs of worldwide OpenNet and classified connectivity infrastructure, $40,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $100,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $30,435,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $345,346,000, to remain available until expended: *Provided*, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,640,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,894,000, to remain available until September 30, 2006.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $611,680,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $912,320,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $7,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $19,482,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $132,600,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,194,210,000, of which up to $6,000,000 may be used for the cost of a direct loan to the United Nations for the cost of renovating its headquarters in New York: *Provided further*, That such costs, including the cost of modifying such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal of up to $1,200,000,000: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings, except that such restriction shall not apply to loans to the United Nations for renovation of its headquarters.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $650,000,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $26,800,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $4,475,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $9,356,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $19,097,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $13,000,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2005, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2005, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $5,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $51,000,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, and improvement of facilities for radio and television transmission and reception to Cuba, and to make and supervise grants to the Middle East Television Network, including Radio Sawa, for radio and television broadcasting to the Middle East, $601,740,000; of which $6,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization

efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $8,560,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 406 of division B of Public Law 108–7 to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 406 of division B of Public Law 108–7.

SEC. 405. (a) Subsection (b) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in paragraph (5) by striking ''or'' at the end;

(2) in paragraph (6) by striking the period and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(7) the disruption of financial mechanisms of a foreign terrorist organization, including the use by the organization of illicit narcotics production or international narcotics trafficking—

''(A) to finance acts of international terrorism; or

''(B) to sustain or support any terrorist organization.''.

(b) Subsection (e)(1) of such section is amended—

(1) by striking ''$5,000,000'' and inserting ''$25,000,000'';

(2) by striking the second period at the end; and

(3) by adding at the end the following new sentence: ''Without first making such determination, the Secretary may authorize a reward of up to twice the amount specified in this paragraph for the capture or information leading to the capture of a leader of a foreign terrorist organization.''.

(c) Subsection (e) of such section is amended by adding at the end the following new paragraph:

''(6) FORMS OF REWARD PAYMENT.—The Secretary may make a reward under this section in the form of money, a nonmonetary item (including such items as automotive vehicles), or a combination thereof.''.

(d) Such section is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection:

''(i) MEDIA SURVEYS AND ADVERTISEMENTS.—

''(1) SURVEYS CONDUCTED.—For the purpose of more effectively disseminating information about the rewards program, the Secretary may use the resources of the rewards program to conduct media surveys, including analyses of media markets, means of communication, and levels of literacy, in countries determined by the Secretary to be associated with acts of international terrorism.

''(2) CREATION AND PURCHASE OF ADVERTISEMENTS.—The Secretary may use the resources of the rewards program to create advertisements to disseminate information about the rewards program. The Secretary may base the content of such advertisements on the findings of the surveys conducted under paragraph (1). The Secretary may purchase radio or television time, newspaper space, or make use of any other means of advertisement, as appropriate.''.

(e) Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a plan to maximize awareness of the reward available under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708 et seq.) for the capture or information leading to the capture of a leader of a foreign terrorist organization who may be in Pakistan or Afghanistan. The Secretary may use the resources of the rewards program to prepare the plan.

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2005''.

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107–273, $1,200,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,831,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,900,000, including not more than $3,000 for the purpose of official representation, to remain available until expended: *Provided*, That $100,000 shall be for the Political Prisoner Database.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $334,944,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committee has been notified of such proposals, in accordance with the reprogramming provisions of section 605 of this Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $279,851,000: *Provided*, That $272,958,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the

Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at $6,893,000: *Provided further*, That any offsetting collections received in excess of $272,958,000 in fiscal year 2005 shall remain available until expended, but shall not be available for obligation until October 1, 2005.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $203,430,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $101,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That $21,901,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $80,529,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement or enforce subsections (a), (e), or (f)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note).

HELP COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the HELP Commission, $1,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $335,282,000, of which $316,604,000 is for basic field programs and required independent audits; $2,573,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,160,000 is for management and administration; and $2,945,000 is for client self-help and information technology: *Provided*, That not to exceed $1,000,000 from amounts previously appropriated under this heading may be used for a student loan repayment pilot program.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2004 and 2005, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $1,890,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, $2,000,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $913,000,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $893,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $20,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2005 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2005 appropriation from the general fund estimated at not more than $0.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 106–554, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $322,322,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

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, $14,500,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $11,400,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2005 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $4,500,000,000: *Provided further*, That during fiscal year 2005 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $12,500,000,000: *Provided further*, That during fiscal year 2005 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act: *Provided further*, That during fiscal year 2005 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $10,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $128,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, $78,887,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $117,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $108,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program to remain available until expended; and of which $8,500,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $8,500,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds 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.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation

shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds 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.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $2,227,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $3,000,000, including not more than $5,000 for the purpose of official representation.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $23,000,000.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in the Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. The Departments of Commerce, Justice, and State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 611. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2005.

SEC. 612. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds 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.

SEC. 613. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 614. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2005.

SEC. 615. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 616. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $650,000,000 shall not be available for obligation until the following fiscal year.

SEC. 617. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 618. None of the funds appropriated or otherwise made available to the Department of State shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the determination of the Secretary of State under

section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Secretary of Homeland Security has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 621. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 622. The Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities are made available to 100 percent of the eligible workforce: *Provided,* That, of the total amounts appropriated to the Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available only upon such certification: *Provided further,* That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: *Provided further,* That each Department or agency shall designate a ''Telework Coordinator'' to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 623. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 624. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 625. None of the funds made available in this Act may be used to pay expenses for any United States delegation to the United Nations Human Rights Commission if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism.

SEC. 626. Section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106–113) is amended by adding the following new subsection at the end:

''(e) CAPITAL SECURITY COST SHARING.—

''(1) AUTHORITY.—Notwithstanding any other provision of law, all agencies with personnel overseas subject to chief of mission authority pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) shall participate and provide funding in advance for their share of costs of providing new, safe, secure United States diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined annually by the Secretary of State in consultation with such agency. Amounts advanced by such agencies to the Department of State shall be credited to the Embassy Security, Construction and Maintenance account, and remain available until expended.

''(2) IMPLEMENTATION.—Implementation of this subsection shall be carried out in a manner that encourages right-sizing of each agency's overseas presence.

''(3) EXCLUSION.—For purposes of this subsection 'agency' does not include the Marine Security Guard.''.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $61,000,000 are rescinded.

The CHAIRMAN. Are there any points of order to this portion of the bill?

POINT OF ORDER

Mr. DAVIS of Virginia. Mr. Chairman, I make a point of order.

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

Mr. DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 607. This provision violates clause 2(b) of House Rule XXI. It proposes to change existing law, and therefore constitutes legislation on an appropriation bill in violation of House rules.

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

The Chair finds that this section, in part, expresses a legislative sentiment. The section, therefore, constitutes legislation in violation of clause 2 of Rule XXI. The point of order is sustained, and the section is stricken from the bill.

Are there further points of order to this portion of the bill?

If not, are there any amendments to this portion of the bill?

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

Mr. Chairman, I would urge any Members, following up what the gentleman from Wisconsin (Mr. OBEY) said, any Members that have amendments, we have been here since noon and we are waiting on them, so I would urge them, if they are listening, to come to the floor and offer the amendments so we can move the process along. So if Members can hear and are available, we would encourage them to come so amendments could be offered.

AMENDMENT OFFERED BY MR. PITTS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PITTS:

Page 67, line 19, after the dollar amount, insert the following: ''(reduced by $25,000) (increased by $25,000)''.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Pennsylvania (Mr. PITTS) and a Member opposed each will control 5 minutes.

The gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

Mr. PITTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to commend the gentleman from Virginia (Mr. WOLF) on his leadership in the human rights issues around the world. It is because of his leadership on these issues that I offer my amendment.

Mr. Chairman, the human rights organizations that have produced myriad accounts of torture in detention facilities and prisons around the globe, our own State Department in the annual Country Reports, the Human Rights sections, reports on the use of torture in each nation covered by the report, and our Congress has passed the Torture Victims Relief Act of 1998 to fund recovery programs for victims of torture, both in the United States and abroad.

Men, women, even children have endured torture at the hands of government officials around the world. Although it is difficult to find exact figures, Amnesty International estimates that 117 countries worldwide still practice torture.

My amendment provides $25,000 for the State Department's Bureau of Democracy, Human Rights and Labor to compile and publish a list of foreign government officials who order the use of, are involved in, or engage in torture as defined by the United Nations

against torture and other cruel, inhumane and degrading treatment or punishment.

I have had the privilege but heartwrenching experience of hearing about torture from firsthand accounts of the victims, from a woman in North Korea to firsthand reports in Egypt. We remember one case in Al Qush where a government official, in order to find a criminal, arrested and tortured many of the 1,100 Coptics in order to find someone to confess committing the crime.

In China, there are numerous reports of Tibetan Buddhists, Falun Gong members, house church pastors and congregants, democracy activists who spent time in prison reform camps where they endured torture by communist officials. A recent account, Pastor Gong Shengliang, who may die in prison because of the effects of torture, is ongoing.

In May of last year, the Washington Post detailed a story of Concei da Silva who was brutally tortured in Angola. While in prison, officials hung him upside down, his veins were slashed, chunks of flesh were carved out of his chest with a machete, electricity applied to parts of his body, teeth removed. Awful things have happened.

In Latin America, terrible stories of torture. Sister Dianna Ortiz has spoken out strongly regarding her horrible kidnapping torture at the hands of the Guatemalan security forces.

The torture is horrifying, deeply affecting victims' lives. And those responsible for these crimes should be brought to justice. Unfortunately, in many countries the perpetrators will not be punished for their crimes as torture is systemic.

I and many of my colleagues strongly believe that publicizing the names of those involved in torture, government officials, can help in the campaign to end the use of torture by government officials; and I urge my colleagues to support this amendment that provides $25,000 to the Bureau of Democracy, Human Rights and Labor to compile and maintain a public list of individuals involved in torture.

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

Mr. WOLF. Mr. Chairman, I rise in support of the amendment. I want to thank the gentleman for offering it.

This really follows the principle that was used during the Carter administration and during the Reagan administration by keeping lists. Therefore, if you happen to be going to a country, when you go to China you are able to check to see that X and Y have been tortured, so when you meet with government officials, you can raise those cases. This is the way it was done in the Carter administration and in the Reagan administration.

This is a very good amendment, and I thank the gentleman for offering it, and I rise in strong support of it. I urge that we accept it.

Mr. SERRANO. Mr. Chairman, I join the gentleman from Virginia (Mr. WOLF) in strong support. This is an issue that the chairman has been very strong on. We all are.

The whole situation, however, brings up a question, and I ask the gentleman not to take this as a sarcastic statement; I just need clarification. Does this include any ordering of torture used by a government near to us, like our own government, or is this just for foreign governments?

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

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

Mr. PITTS. The gentleman knows that our policy is not to torture. Our system is progressing in the light of day with the investigations and the prosecution of torture, but this would apply to any government officials who use torture.

Mr. SERRANO. But it would be any foreign government official? I know this sounds like some sort of a sarcastic comment, but I am really trying to get to the bottom of this. Are you only applying this to foreign governments, or could this, in fact, be a question of our own government if, in fact, somebody ordered torture on some people in recent times?

Mr. PITTS. We do not specify, we do not say ''foreign.'' We specify that the State Department compile a list of any government officials who use torture.

Mr. SERRANO. Reclaiming my time, the gentleman does open up an issue which is greater perhaps than what he intended to do, but the possibility exists that if the State Department did its job properly, and in this case it probably will not, we will never get to the bottom of the issue of who ordered torture on some people that we may be dealing with in this country. But, nevertheless, I think it is a great thought and a great idea, and I support it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

So the amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. PAUL

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

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PAUL:

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 for the American Community Survey.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment that denies all funding for the American Community Survey. And if anyone has been listening to the debate early on, the Census has come up numerous times already, and much of what I have to propose here has in many ways has been debated. But I do want to bring it up one more time dealing specifically with the American Community Survey.

One of the reasons why it came to my attention is just recently I received this survey in the mail here in my temporary residence in Virginia. It is rather intimidating and it is rather threatening when you receive this in the mail. And I have the envelope here and right up on the front they have warned me. They said ''The American Community Survey form enclosed. Your response is required by law.''

This was the second time. Evidently, I missed it the first time, so the second time around I have been threatened by the census police that I better jolly well fill it out or the police will be knocking on the door. And that does happen because I have known other individuals who have not filled out the long form, and they come to the door, the police are there deciding they want this information.

It was stated earlier in the discussion about the census that this was certainly the law of the land. The law of the land is very clear that the Congress gave the authority; the Census Bureau certainly does not do this on its own. We, the Congress, gave it the authority to do this. But it just happens to be an authority that we had no right to give. We have no right to give this authority to meddle into the privacy of American citizens.

Article 1, section 2 of the U.S. Constitution mandates a national census every 10 years. I am in support of that, and I vote for funding for a national census every 10 years for the sole purpose of congressional redistricting. But, boy, this is out of hand now. We are talking about hundreds of millions of dollars and it is perpetual. The argument earlier was, we have to have to survey continuously because we save money by spending more money. Ask people a lot of questions, personal questions about bathrooms and incomes and who knows what.

This survey I have got here, here is a copy of it. It is called the American Community Survey. And it says the Census Bureau survey collects information about education, employment, income, housing for the purposes of community uses so that they can do community economic planning.

How did we ever get involved in all of this? It is almost sacred now that we fund these programs and they are going to be perpetual, perpetual meddling in the personal lives of all American citizens, 24 pages here.

I got to wondering, I did not fill it out the first one. I got the second one, and they are threatening me. I know I

did not vote for it, but you who did means, you are ready to send the census police out to get me.

□ 1915

I am getting worried about this. I mean, what is the penalty? So I looked it up, and it is not insignificant. Do you know what my colleagues have done and threatened me with? A $1,000 penalty for every question I do not answer. Wow, that is scary stuff. I had a friend that he did not answer the long form, after a couple of requests, the census police came and knocked on his door and said you better, you better answer all these questions or you are going to be penalized.

So that is the kind of thing that we do and everybody talks about all these wonderful advantages, but it is stuff we do not need. I mean, if we want this information, if people need this information in the communities, they ought to get it themselves. This whole idea that we have to collect all this information for the benefit of our communities to do all this economic planning, I mean, it is just so much more than we need, and we are not talking about 10 or $15 million. We are talking about hundreds of millions of dollars, and it is not just every 10 years.

It is continuous with this perpetual threat, you tell us what we want to know and we are going to put it into the record, and if not, for every question you do not answer, we can fine you $1,000 if you do not tell us your age and where you work and how far you have to go to work and how long it takes you to go to work.

I mean, this is way too much of Big Brother. Let me tell my colleagues, I think the American people cannot be very happy with all this meddling.

So my proposal is let us at least get rid of the American Community Survey, which is the ongoing nuisance that we put up with, and limit what we do here to what the Constitution has told us we can do and what we should do, and that is, count the people every 10 years for the purpose of redistricting. But big deal, who cares. For all we do around here, how often do we really pay attention to the details of the Constitution?

So I ask my colleagues to support this amendment and cut this funding.

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

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition. The census is one of the oldest civic functions of our Nation. Article I of the U.S. Constitution requires enumeration of the population every 10 years. The census is the largest peacetime mobilization of our government personnel.

The American Community Survey is designed to replace the long-form portion for future decennial censuses, therefore leaving only the short-form portion.

Many Americans found that filling out the long-form survey to be burdensome, and many said this contributed to the declining response rate of the long form, therefore costing the American taxpayer more money to have census takers returning to the nonresponding households.

The Committee on Government Reform and the Committee on Appropriations have worked to ensure that the Census Bureau has the necessary funding to carry out its mission and to ensure that for 2010 there will only be a short form census.

The question of constitutionality of the American Community Survey is not new. On April 4, 2002, the General Accounting Office responded to the vice-chairman of the Committee on Government Reform's request for an opinion. The GAO stated, ''Census clearly has authority to conduct the ACS.'' There is sufficient legal authority.

If we do not fund the ACS, we will ensure we have a two-form census in 2010, which will cost an additional $4 million for the taxpayer.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today in opposition to the Paul amendment. This amendment would kill funding for the American Community Survey, which is one of the most exciting and innovative improvements to the Census in decades.

The American Community Survey is a new approach for collecting accurate, timely information needed for critical government functions such as funding highway planning, school lunch programs, and community block grants.

The decennial census used to have two parts: (1) it counted the population for reapportionment and redistricting purposes; and (2) it obtained demographic, housing, social, and economic information by asking one out of every six households to fill out a "long form."

This data has been used for the administration of Federal programs and the distribution of billions of Federal dollars funding.

Planners and other data user had to rely on long form information that was only gathered every ten years to make decisions that were expensive and affected the quality of life for thousands of people.

In a nation changing as rapidly and profoundly as ours, using eight, nine or even ten-year-old data was simply unacceptable.

Starting in 1996 the Bureau began developing the American Community Survey to replace the long form. It had three main purposes:

1. To provide Federal, state, and local governments an accurate information base for the administration and evaluation of government programs.

2. To improve the 2010 Census by allowing everyone to only be required to fill out the short form, and

3. To provide data users with timely demographic, housing, social, and economic data updated every year that can be compared across states, communities, and population groups.

In order to insure that the data are available for use in time for the 2010 Census we must fund as completely as possible the ACS for this next fiscal year.

It is also important to point out that Congress mandates every question asked by this survey.

If this amendment were to pass, every one of these questions would still be asked, but the Census would have to use the old-fashioned, less effective long form method.

Finally, I want to take notice of the fact that there have been several amendments offered today which reduce or zero out funding for various aspects of the 2010 Census development. Members need to understand that funding cut today cannot just be added in three or four years from now. It takes time to develop an excellent Census and Congress should give the Bureau the time it needs to create that Census.

I urge my Colleagues to stand up for our communities and states and oppose the amendment to kill the American Community Survey.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WOLF

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

Page 92, line 16, before the colon insert the following: '', of which $13,000,000 shall be available for microloan technical assistance, and of which $1,000,000 shall be transferred to and merged with appropriations for 'Business Loans Program Account' and shall remain available until expended for the cost of direct loans''.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. WOLF) and a Member opposed each will control 6 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of the amendment. We worked with the gentleman from New York (Mr. SERRANO), the ranking member, on this amendment. It restores the microloan program. We are in agreement, and I ask that the amendment be approved.

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

The CHAIRMAN. Does the gentleman from New York (Mr. SERRANO) rise to claim the time in opposition, even though he is in favor?

Mr. SERRANO. Mr. Chairman, let me first clarify something. Am I correct in that there has been a mix-up here and I am no longer allowed to strike the last word on a pro forma basis?

The CHAIRMAN. The pro forma amendments are in order on the bill and not to the amendments.

Mr. SERRANO. Mr. Chairman, I should have read the small print.

Mr. WOLF. Mr. Chairman, would it be possible to reclaim my time?

The CHAIRMAN. Without objection, the gentleman from Virginia (Mr. WOLF) reclaims his time.

There was no objection.

Mr. WOLF. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 5½ minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I just want to thank the chairman for this amendment. This amendment is one that committee members and other Members had asked for, and it is important that we move ahead on it.

We had a long discussion before on the 7(a) loan, and we passed an amendment. We needed to take care of this one which we already had agreed on in order to really move ahead the support that we put forth for the SBA and for the various loans, and so I am a full supporter, and I thank the chairman for bringing it forward.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

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

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding time to me, and Mr. Chairman, I rise in strong support of this bipartisan amendment which the gentleman from Virginia (Mr. WOLF) has offered to restore funding for the Small Business Administration's microloan program, and I want to thank the gentleman from Virginia (Chairman Wolf) and the gentleman from New York (Ranking Member Serrano) and both of their staffs for their good work in bringing the amendment to the floor.

The SBA microloan program began as a 5-year pilot in 1991; and throughout its existence, the program has had strong bipartisan support in both Chambers.

The Small Business Programs Reauthorization Amendments Act of 1997 made the microloan pilot a permanent program, and the accompanying House report in 1997 stated: ''Begun in 1991, this program has served the smallest and often least noticed section of the small business community. The committee has recognized the efficacy of this program and changed it from demonstration to permanent program status.''

Today, 170 microloan intermediary lenders nationwide provide loans to our smallest businesses whose financial needs can often not be met by traditional lenders.

Since its creation, the program has provided $213 million in loans, as well as technical assistance to 19,000 microenterprises; and in the process, it has created 60,000 jobs. We should remember that the average loan here is about $12,000, well below other SBA programs and far below conventional business loans by banks.

Most importantly, microloans have assisted large numbers of women- and minority-owned businesses, rural businesses and start-up businesses.

The microloan program is the only SBA program to offer both loans and technical assistance to small businesses, a combination that enables an entrepreneur with a good idea to become a businessperson with a good bottom line.

In my district, one intermediary, the Western Massachusetts Enterprise Fund, has made 113 loans totaling over $1.4 million, and that program has made a difference for many entrepreneurs, providing the financing and technical assistance necessary to launch or expand their businesses.

If we fail to restore funding for the microloan program, we will hamper the efforts of small entrepreneurs nationwide. Small businesses bring innovative ideas to market and create much-needed jobs.

I urge a "yea" vote on the Wolf-Serrano amendment.

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

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

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. PAUL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PAUL:

Insert before the short title at the end of the bill the following title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) None of the funds made available in this Act to the Department of Justice may be used—

(1) to take any legal action against a physician for prescribing or administering a drug not included in schedule I of the schedules of controlled substances under section 202(c) of the Controlled Substances Act for the purpose of relieving or managing pain; or

(2) to threaten legal action in order to prevent a physician from prescribing or administering such a drug for such purpose.

(b) None of the funds made available in this Act to the Department of Justice may be used—

(1) to take any legal action against a person for acts relating to the prescribing or administering by a physician of such a drug for such purpose; or

(2) to threaten any legal action against a person in order to prevent the person from engaging in acts relating to the prescribing or administering by a physician of such a drug for such purpose.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. PAUL. Mr. Chairman, what this amendment does is it denies funding to the Department of Justice to prosecute doctors for prescribing legal drugs.

The reason I bring this up is to call attention to the Members of a growing and difficult problem developing in this country, and that is, that more and more doctors now are being prosecuted by the Justice Department under the laws that were designated for going after drug kingpins, for illegal drug dealers; but they are using the same laws to go after doctors.

It is not one or two or three or four. There are approximately 400 doctors who have been prosecuted, and I know some of them, and I know they are good physicians; and we are creating a monster of a problem. It does not mean that I believe that none of these doctors have a problem. As a physician, I know what they are up against and what they face, and that is, that we have now created a system where a Federal bureaucrat makes the medical decision about whether or not a doctor has prescribed too many pain pills. I mean, that is how bureaucratic we have become even in medicine; but under these same laws that should be used going after kingpins, they are now being used to go after the doctors.

As I say, some of them may well be involved in something illegal and unethical; and because I still want to stop this, this does not mean I endorse it, because all the problems that do exist with some doctors can be taken care of in many different ways. Doctors are regulated by their reputation, by medical boards, State and local laws, as well as malpractice suits. So this is not to give license and say the doctors can do anything they want and cause abuse because there are ways of monitoring physicians; but what has happened is we have, as a Congress, developed a great atmosphere of fear among the doctors.

The American Association of Physicians and Surgeons, a large group of physicians in this country, has now advised their members not to use any opiates for pain, not to give adequate pain pills because the danger of facing prosecution is so great. So the very people in the medical profession who face the toughest cases, those individuals with cancer who do not need a couple of Tylenol, they might need literally dozens, if not hundreds, of tablets to control their pain, these doctors are being prosecuted.

Now, that is a travesty in itself; but the real travesty is what it does to the other physicians, and what it is doing is making everybody fearful. The other doctors are frightened. Nurses are too frightened to give adequate pain medications even in the hospitals because of this atmosphere.

My suggestion here is to deny the funding to the Justice Department to prosecute these modest numbers, 3 or 400 doctors, leave that monitoring to the States where it should be in the first place, and let us get rid of this

idea that some bureaucrat in Washington can determine how many pain pills I, as a physician, can give a patient that may be suffering from cancer.

I mean, this is something anyone who has any compassion, any concern, any humanitarian instincts would say we have gone astray; we have done too much harm; we have to do something to allow doctors to practice medicine. It was never intended that the Federal Government, let alone bureaucrats, interfere in the practice of medicine.

So my suggestion is let us take it away, take away the funding of the Justice Department to prosecute these cases, and I think it would go a long way to improving the care of medicine. At the same time, it would be a much fairer approach to the physicians that are now being prosecuted unfairly.

□ 1930

And let me tell you, there are plenty, because all they have to do is to be reported that they prescribed an unusual number of tablets for a certain patient, and before you know it, they are intimidated, their license is threatened, their lives are ruined, they spend millions of dollars in defense of their case, and they cannot ever recover. And it is all because we here in the Congress write these regulations, all with good intentions that we are going to make sure there is no abuse.

Well, there is always going to be some abuse. But I tell you there is a lot better way to find abusive doctors from issuing pain medication than up here destroying the practice of medicine and making sure thousands of patients suffering from the pain of cancer do not get adequate pain medication.

Mr. WOLF. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume. At this point I just want to say that my mom died of cancer, my father died of cancer, and I would have done anything to help them, and OxyContin can make a big difference. But there has been a lot of abuse. There have been a lot of doctors that have been doctor factories that are just prescribing this.

There were some in my area, and I have seen families that have been devastated in southwest Virginia. I understand what the gentleman from Texas (Mr. PAUL) is saying, but in southwest Virginia, in the rural areas down in Lee County, there is probably not a family that has not been impacted by the abuse of prescriptions. So it is a balance.

I understand the gentleman, being a doctor, how he feels, but there are cases where there is tremendous abuse. That is why I think we have to keep monitoring this.

Mr. SOUDER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas, Mr. PAUL. This amendment would have the practical effect of putting doctors above the law. It would prevent the federal government from taking action against a doctor who abused his privilege of issuing prescriptions for controlled substances, including addictive and dangerous drugs like Oxycontin. While I have great respect for doctors, and I know that the vast majority of them are honest, law-abiding and motivated solely by their concern for their patients, we can't exempt them from our drug laws.

First, there is no evidence that the federal government is "persecuting" doctors for prescribing pain killers. Last year, in fiscal 2003, only 50 doctors nationwide were arrested for illegal prescriptions. That is only five one-thousandths of one percent (.005%) of all the doctors who have DEA licenses to write prescriptions. No one can seriously argue that the DEA is engaging in some kind of campaign to stop doctors from writing prescriptions for pain killers.

Second, the tiny number of physicians who were arrested were not arrested just because they prescribed pain medication. They were arrested because they abused the public trust and the clear standards of the profession set by their peers. These were essentially drug dealers hiding behind a white coat. They used their professional status to obtain sexual favors, drugs, and money.

Last year, six doctors were arrested for trading drug prescriptions for sex. Twenty-three doctors were arrested for writing prescriptions in exchange for money, four doctors were arrested for issuing prescriptions in exchange for other illegal drugs, and seventeen were arrested for writing prescriptions to obtain drugs to feed their own drug habits. (I am attaching a listing of those arrests, provided by the DEA, to my statement for the RECORD.)

Let's take a look at some examples. Dr. Bernard Rottschaefer was convicted last March for writing 153 illegal prescriptions for painkillers; five women testified that he demanded sex in exchange for those prescriptions, usually for Oxycontin. Another doctor wrote them in the dressing room of an adult nightclub, and another issued prescriptions for sex, firearms, lawn and farm equipment, and labor on his personal property. I don't think anyone in this House would want to give people like that a blanket immunity from the law.

Now, it may be argued that the amendment would only prohibit enforcement when drugs are prescribed "for the purpose of relieving or managing pain". But this distinction is meaningless—because anyone who uses a narcotic can argue that it is to relieve pain. When dealing with problems like drug trafficking and abuse, we can't just rely on the word of drug dealers and addicts. Instead, current law already recognizes a reasonable judge of the conduct of doctors—the professional standards set by their peers. I would like to note that the American Medical Association, the largest professional organization in the country representing doctors, has itself refused to support this amendment—precisely because it would immunize the few bad apples who abuse their professional trust.

In closing, I'd like to point out that this amendment would seriously undermine our goal of reducing Oxycontin and other prescription drug abuse. As President Bush stated in the National Drug Control Strategy for 2004, the problem of prescription drug abuse is a growing threat that needs to be addressed. The misuse of prescription drugs was the second leading category of illicit drug use after marijuana, with an estimated 6.2 million Americans having used prescription drugs for nonmedical, illegal purposes. Oxycontin was abused in 2002 at a rate ten times higher than in 1999. Abuse by high school seniors of Vicodin is more than double their use of cocaine, ecstasy or methamphetamine. Meanwhile, Internet pharmacies (which frequently rely on illegal prescriptions), "doctor shopping" and other illegal drug diversion tactics are presenting new challenges to law enforcement and the community. Those few doctors who contribute to this problem must be held accountable for their actions. I urge my colleagues to oppose this amendment.

DEA ARRESTS OF PHYSICIANS—FISCAL YEAR 2003

SUMMARY

Prescriptions in exchange for sexual favors—6; prescriptions in exchange for drugs—4; prescriptions for money—23; obtaining drugs by fraud/personal abuse—17. Note: 50 arrests reported for Fiscal Year 2003 which includes 2 separate arrests of the same physician.

PHYSICIANS OF NOTE

Two physicians, Dr. H and Dr. S, maintained medical practices specializing in the treatment of chronic pain. While both physicians treated some legitimate pain patients, they both also practiced outside the scope of legitimate medical practice by prescribing OxyContin for other than legitimate medical reasons. These illegal activities led to their investigation and subsequent arrests. Two individuals died from overdoses of the OxyContin prescribed by one of the physicians. One physician has been convicted of conspiracy to distribute controlled substances. The other physician is awaiting trial.

PRESCRIPTIONS IN EXCHANGE FOR SEXUAL FAVORS

Dr. R—Pittsburgh—provided prescriptions for controlled substances in exchange for sex. Date opened: 4/16/01; date of arrest: 6/3/03; conviction date: pending; charges: unlawful distribution of Oxycodone, Fentanyl, & Xanax.

Dr. W—Washington—wrote prescriptions to female members of motorcycle gangs in exchange for sex. Date opened: 6/10/03; date of arrest: 6/10/03; conviction date: 1/14/04; charges: unlawful distribution of Percocet.

Dr. D—St. Louis—wrote prescriptions in exchange for sex, firearms, lawn and farm equipment and labor on his personal property. Date opened: 4/12/00; date of arrest: 11/25/00; conviction date: pending; charges: unlawful distribution of CS.

Dr. L—Indianapolis—traded prescriptions for sex and stolen property. Entertained juveniles at his home and arrested for sodomy, firearms charges and public intoxication. Date opened: 12/2/87; 6/9/03; date of arrest: 5/30/03; conviction date: pending; charges: unlawful distribution of Hydrocodone.

Dr. O—Hartford—forced patients to have sex with him in exchange for prescriptions (2 arrests in FY 2003). Date opened: 1/30/03; date of arrest: 2/20/03; 5/1/03; conviction date: pending; charges: unlawful distribution of Percocet & Xanax.

PRESCRIPTIONS IN EXCHANGE FOR DRUGS

Dr. P—Kansas City—had friends and other individuals return the prescription medication to him. Continued to write controlled substances after surrendering DEA registration. Date opened: 6/25/01; date of arrest: 5/2/03; conviction date: 10/20/03; charges: conspiracy/obtaining CS by fraud.

Dr. B—St. Louis—wrote prescriptions to individuals who returned the drugs to him. Subsequently overdosed and died. Date opened: 5/22/03; date of arrest: 5/22/03; conviction date: deceased (OD); charges: unlawful distribution of CS.

Dr. S—Tucson—pediatric ophthalmologist who wrote prescriptions in names of patients to procure the drugs (Ritalin and Vicodin) for personal use. Continued to operate on children while abusing drugs. Date opened: 8/8/01; date of arrest: 10/8/02; conviction date: 1/6/04; charges: conspiracy, acquiring CS by fraud.

Dr. E—Detroit—wrote prescriptions to U/C in shopping mall parking lot and required the U/C to split the drugs with him. Date opened: 10/10/02; date of arrest: 11/8/02; conviction date: pending; charges: unlawful distribution of OxyContin.

PRESCRIPTIONS FOR MONEY

Dr. U—Los Angeles—sold prescriptions for cash and allowed others to write prescriptions for controlled substances. U/C agents made several buys from doctor. Date opened: 2/7/03; date of arrest: 2/5/03; conviction date: 7/29/03; charges: unlawful prescribing of CS.

Dr. H—Washington—wrote prescriptions to 45 street level drug dealers in exchange for money. Date opened: 12/7/99; date of arrest: 9/24/03; conviction date: pending; charges: conspiracy; unlawful distribution; health care fraud; CCE.

Dr. C—Tampa—wrote prescriptions for money from the dressing rooms of adult night clubs. Date opened: 6/11/01; date of arrest: 9/9/03; conviction date: pending; charges: trafficking; delivery of a CS.

Physician Assistant—Tampa—P/A for Dr. C. Wrote prescriptions for money from the dressing rooms of adult night clubs. Date opened: 6/11/01; date of arrest: 5/9/02; conviction date: pending; charges: trafficking; delivery of a CS.

Dr. T—Dallas—wrote prescriptions for patients without medical exam and for drugs specifically requested by patient on the Internet. Date opened: 4/4/00; date of arrest: 12/19/02; conviction date: 5/28/03; charges: conspiracy to distribute Hydrocodone.

Dr. O—Dallas—wrote prescriptions for patients without medical exam and for drugs speicifically requested by patient on the Internet. Date opened: 2/15/00; date of arrest: 12/19/02; conviction date: 10/1/03; charges: conspiracy to distribute Hydrocodone.

Dr. S—Dallas—wrote prescriptions for patients without medical exam and for drugs specifically requested by patient on the Internet. Date opened: 2/15/00; date of arrest: 12/9/02; conviction date: 10/1/03; charges: conspiracy to distribute Hydrocodone.

Dr. C—Dallas—wrote prescriptions after his state medical license was suspended. Date opened: 8/23/01; date of arrest: 4/23/03; conviction date: 10/29/03; charges: fraudulent use of DEA registration.

Dr. M—Newark—wrote prescriptions for $75/Rx. Date opened: 1/6/03; date of arrest: 1/30/03; conviction date: deceased; charges: unlawful distribution of CS.

Dr. D—Newark—used DEA registration to fraudulently purchase Hydocodone tablets for illegal distribution. Date opened: 8/25/03; date of arrest: 8/18/03; conviction date: pending; charges: possession w/intent to distribute Hydrocodone.

Dr. M—Orlando—wrote prescriptions to U/C agent in exchange for money. Date opened: 9/18/00; date of arrest: 7/29/03; conviction date: pending; charges: trafficking in Oxycodone and Methadone.

Dr. M—Tampa—wrote prescriptions to drug dealers in exchange for money. U/C buys made in exchange for money. Date opened: 8/19/02; date of arrest: 1/30/03; conviction date: pending; charges: trafficking in Oxycodone and Methadone.

Dr. B—Merrillville—73 U/C buys of prescriptions made in exchange for money. Date opened: 2/16/02; date of arrest: 8/25/03; conviction date: pending; charges: conspiracy to distribute CS.

Dr. M—Puerto Rico—22 U/C buys of prescriptions made in exchange for money. Date opened: 12/3/01; date of arrest: 9/18/03; conviction date: pending; charges: unlawful distribution of CS.

Dr. R—Phoenix—U/C obtained Percocet prescriptions after telling the doctor they made her feel good. Date opened: 10/26/99; date of arrest: 2/25/03; conviction date: pending; charges: unlawful distribution of Percocet.

Dr. L—Hartford—wrote prescriptions to U/C, gave controlled drugs to friends, wrote prescriptions at parties all in exchange for money. Also abused drugs himself. Date opened: 7/2/01; date of arrest: 12/20/01; conviction date: 2/28/03; charges: Unlawful distribution of OxyContin.

Dr. P—Tampa—prescribed drugs to female U/C so she could enhance her performance when she ''performed for men''. Date opened: 12/2/02; date of arrest: 8/26/03; conviction date: pending; charges: Unlawful distribution of Vicodin.

Dr. H—Albuquerque—prescribed large numbers of narcotics to drug abusers in exchange for money. 10 deaths resulted from his prescriptions. Date opened: 6/7/02; date of arrest: 6/5/03; conviction date: pending; charges: racketeering, conspiracy to distribute, conspiracy to commit murder.

Dr. W—New York—Prescribed large quantities of narcotics to a patient between 1992 and 2001. Patient died of overdose of Dilaudid. Doctor submitted fraudulent bills to Medicare in name of the patient and provided the patient with $700/month in payback money during this period. Date opened: 1/31/03; date of arrest: 6/24/03; conviction date: pending; charges: conspiracy to distribute Hydromorphone.

Dr. G—Louisville—psychiatrist who wrote prescriptions in names of friends who she fraudulently listed as patients. Pre-signed prescriptions for office assistants to fill in and dispense to certain patients. Date opened: 9/25/03; date of arrest: 9/25/03; conviction date: pending; charges: unlawful prescribing of OxyContin & Hydrocodone.

Dr. K—San Francisco—dentist who prescribed narcotics for addiction treatment. Date opened: 11/26/02; date of arrest: 12/02/02; case dismissed: 12/02/02 for further investigation; charges: unlawful distribution.

Dr. S—Columbia—prescribed narcotics to drug addicts in exchange for money. Member of the Caroline Pain Management Clinic. Date opened: 4/2/00; date of arrest: 12/23/02; conviction date: 2/17/04; charges: conspiracy to distribute CS; acquiring CS by fraud.

Dr. B—Detroit—wrote prescriptions for money for over 3 years after his DEA registration was retired. Date opened: 2/25/03; date of arrest: 5/7/03; conviction date: pending; charges: unlawful prescribing of CS.

OBTAINING DRUGS BY FRAUD AND DECEIT/ABUSE OF DRUGS

Dr. O—Buffalo—abused crack cocaine as well as prescription drugs that he obtained through his DEA registration. Date opened: 11/5/02; date of arrest: 7/28/03; conviction date: 10/10/03; charges: acquiring CS by fraud.

Dr. P—Phoenix—used DEA registration to write prescriptions for personal abuse. Date opened: 9/10/01; date of arrest: 10/23/02; conviction date: 11/25/02; charges: acquiring CS by fraud (OxyContin).

Dr. S—Denver—used DEA registration to write prescriptions for personal abuse. Date opened: 7/3/03; date of arrest: 6/29/03; conviction date: pending; charges: acquiring CS by fraud (Hydrocodone).

Dr. W—Phoenix—used DEA registration to write prescriptions for personal abuse. Date opened: 8/10/02; date of arrest: 2/11/03; conviction date: pending; charges: acquiring CS by fraud (Hydrocodone).

Dr. R—Scranton—used DEA registration to write fraudulent prescriptions in other individual names for his own personal abuse. Date opened: 4/29/03; date of arrest: 8/14/03; conviction date: pending; charges: failure to maintain records (in lieu of fraud charges).

Dr. K—St. Louis—arrested for possession of cocaine and marijuana. Date opened: 5/5/03; date of arrest: 3/19/03; 4/30/03; conviction date: pending; charges: possession of cocaine & marijuana.

Dr. R (DVM)—Denver—used DEA registration to order fentanyl Duragesic patches for personal abuse. Date opened: 12/16/02; date of arrest: 12/20/02; conviction date: 7/9/03; charges: unlawful use of Fentanyl.

Dr. R—Utah—used DEA registration to fraudulently obtain drugs from wholesalers and also wrote prescriptions in other individuals' names. Date opened: 2/3/03; date of arrest: 3/29/03; conviction date: 7/3/03; charges: acquiring CS by fraud.

Dr. C—Denver—used DEA registration to write fraudulent prescription for personal abuse. Date opened: 2/12/02; date of arrest: 2/28/02; conviction date: 2/25/03; charges: acquiring CS by fraud.

Dr. N—Phoenix—removed Hydrocodone from hospital for personal abuse. Date opened: 1/29/01; date of arrest: 5/9/03; conviction date: 8/11/03; charges: unlawful possession of CS (Hydrocodone).

Dr. W—Cleveland—used DEA registration to purchase controlled substances for self abuse. Also wrote fraudulent prescriptions for personal abuse. Date opened: 7/5/02; date of arrest: 3/14/03; conviction date: 3/14/03; charges: theft of CS (Alprazolam).

Dr. A—Puerto Rico—wrote prescriptions after losing state license. Also health care fraud charges surrounding prescriptions. Date opened: 6/26/03; date of arrest: 7/11/03; conviction date: pending; charges: unlawful distribution of CS.

Dr. C—Colorado Springs—diverted fentanyl from hospital for personal abuse. Admitted to being addicted and performing anesthesiology while under the influence. Falsified dispensing records. Date opened: 6/20/02; date of arrest: 1/28/03; conviction date: 10/16/03; charges: unlawful possession of CS (Fentanyl).

Dr. A—Dallas—obtained morphine through fraudulent use of another physician's DEA registration. Date opened: 12/19/02; date of arrest: 12/30/02; conviction date: 4/24/03; charges: acquiring CS by fraud (Morphine).

Dr. T—Greensboro—used hospital DEA registration to write prescriptions in phony names for self abuse. Date opened: 4/8/03; date of arrest: 7/17/03; conviction date: pending; charges: acquiring CS by fraud.

Dr. J—Kansas City—diverted Fentanyl from hospital for personal use and falsified patient records to cover up the diversion. Date opened: 12/14/02; date of arrest: 4/1/03; conviction date: 6/18/03; charges: unlawful possession of CS.

Dr. R—Kansas City—used DEA to fraudulently obtain Hydrocodone for personal use. Date opened: 4/8/02; date of arrest: 12/2/02; conviction date: 11/13/03; charges: acquiring CS by fraud (Hydrocodone).

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of Rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law. The amendment imposes additional duties.''

So I ask for a ruling of the Chair.

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

The Chair finds that this amendment includes language requiring a new determination, namely the purpose for which certain controlled substances were prescribed. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 9 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer amendment No. 9.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PAUL:

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 to pay expenses for any United States contribution to the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

This amendment denies funds to UNESCO, and it is an amendment that is identical to what I brought up last year and got a recorded vote on and had a debate on last year.

Last year, I brought it up because we were just getting back into UNESCO. President Ronald Reagan, in 1984, had the wisdom of getting us out of UNESCO because of its corrupt nature, not only because it had a weird, false ideology, contrary to what most Americans believed, but it was also corrupt. He had the wisdom to get us out of it, yet last year we were put back in UNESCO, and I was hoping that we would not fund it.

Last year, the Congress approved $60 million for this purpose, which was 25 percent of UNESCO's budget. Does that mean we have 25 percent of the vote in UNESCO? Do the American people get represented by 25 percent? How much do we get out of it? What is the American taxpayer going to get? The American taxpayer gets a bill, that is all. They do not get any benefits from it.

And there is one part of UNESCO that is particularly irritating to me, and it is called the Cultural Diversity Convention. This is an organization that actually is very destructive and will play havoc with our educational system. It also attempts to control our education through the International Baccalaureate Program, and that, too, introduces programs and offers them to our schools. It is not forced, but there are already quite a few schools that have accepted these programs.

Now, let me just give my colleagues an idea of the type of philosophy they are promoting, but what we as the Congress promote with what the American taxpayers are paying for. Here it is:

''The international education offers people a state of mind, international mindedness. We are living on a planet that is becoming exhausted. And now listen to this, this is what the U.N. UNESCO people are saying about education in the various countries, including ours. Most national educational systems at the moment encourage students to seek the truth, memorize it and reproduce it accurately.'' Now, one would think that is not too bad of an idea. ''The real world is not this simple,'' so says UNESCO. ''International education has to reconcile this diversity with the unity of the human condition.''

I mean, if those are not threatening terms about what they want to do, and yet here we are funding this program and the American taxpayers are forced to pay for it. Now, there are a few of us left in the Congress, I see a couple on the floor tonight, that might even object to the Federal Government telling our States what to do with education, and of course there is no constitutional authority for that. We have the Leave No Child Behind, but it looks like everyone is going to be left behind before we know it.

But here it is not the Federal Government taking over our Federal education system; this is the UNESCO, United Nations, taking over our educational system. It does have an influence. Sure, it is minimal now, but it will grow if we allow this to continue.

So I ask my colleagues to please vote for my amendment, and I sure hope they allow a vote on this amendment. It was permitted last year, so it surely would be permitted this year.

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

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, when we had a vote on the floor, the gentleman from Illinois (Mr. HYDE) offered the amendment to not join UNESCO. I supported the amendment. I did not believe that we should have joined UNESCO. The decision was made by the Bush administration. Also, on that vote, if my memory serves me, I was on the losing side. I think it may have been Lantos v. Hyde. I voted with the gentleman from Illinois (Mr. HYDE), and we were on the losing side. History will have to check the exact timing of that vote.

The bill includes $71.9 million for the U.S. share of funding for membership in UNESCO, and I have had serious questions about UNESCO. UNESCO was rife with corruption and problems. The Bush administration, who wanted to join, has a very good and a very tough ambassador, a kind of a no-nonsense person. I have met her and think highly of her. The President announced 2 years ago at the United Nations, and I remember seeing the speech, that the U.S. would rejoin UNESCO. The First Lady, Mrs. Bush, addressed the UNESCO plenary session in Paris, France, last year.

The U.S. withdrew from UNESCO in 1984 when the organization was rife with corruption and anti-Western bias, and I think the current ambassador, I have spoken to her, is going to make sure they do not go back to the corruption and anti-Western bias. It was mismanaged, and she has pledged that she would stay after that.

Since that time, they have undergone reforms and the current leadership is committed. They say it stands for fundamental human rights and democratic principles; and participation in the UNESCO, many say, will allow us to be engaged as international partners in a number of issues. This year, the U.S. was elected to the UNESCO legal committee, the intergovernmental biotechnics committee, and other committees.

I think now, although I do tend to agree with the gentleman, I think it is a fact and I think he raises some very, very valid points, but to strike funding for UNESCO just after the Bush administration has joined, just after President Bush's wife, Mrs. Bush, has spoken at a plenary session, I think would send a wrong message. So I reluctantly rise in opposition to the amendment out of respect to the Bush administration, having been on the losing side.

But we are going to watch this. We are going to watch and see what UNESCO does, and I am glad this issue was raised by the gentleman from Texas (Mr. PAUL). But in light of the vote on the floor and in light of the Bush administration request and the President's speech, and in light of the First Lady attending and addressing the plenary session, I would ask defeat of the amendment.

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

Mr. PAUL. Mr. Chairman, how much time do I have?

The CHAIRMAN. The gentleman from Texas has 1 minute remaining.

Mr. PAUL. Mr. Chairman, I yield myself the balance of my time and conclude with another statement from a director of UNESCO, who further explains exactly what they are up to. He said in June that ''the program remains committed to changing children's values so they think globally rather than in parochial national terms from their own country's viewpoint''. So if we talk about an attack on national sovereignty starting at the lowest level through an educational system, it is right here.

The chairman, obviously, is not very enthusiastic about this. But my job as a representative is not to follow what other people tell me. My job is to read these bills and to know what they say

and to represent my district. Because somebody asks us to finance this and our instincts tell us there is something very sinister about this, I would say that that is not a very strong reason to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

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

Mr. WOLF. 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 Texas (Mr. PAUL) will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TANCREDO:

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 for the State Criminal Alien Assistance Program under the heading ''DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume, and I rise once again this evening to propose an amendment similar in some respects to one I have proposed in the past and different in others, that is to say, it is similar in that it does this: It says we have a law on the books, it was passed in 1996, and the law says that all States and localities therein are prevented from impeding the flow of information to the Immigration and Naturalization Service. The successor agency is, of course, BICE. They are also prevented by the law from actually stopping any information from coming from the old INS and now BICE.

That is what the law says. It is there, on the books, and every single time I offer this amendment the other side gets up and starts arguing the law as to whether or not we should have the law, why it should be in place, would we not be better off without a law? But that is not the purpose of my amendment, of course, to repeal the law. It is to enforce the law. That is all I ask.

We are a body that makes laws. We should, of course, also encourage the enforcement of those laws or we should repeal them. That is what we should be doing here. It is, I suggest, quite inappropriate in a way for us to pass laws and then essentially tell the country and the people out there that we should wink at them; pretend they do not exist; pretend they are really not on the books, because enforcing them would be problematic from certain standpoints, especially politically.

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Now, what kind of message does that send every time we do this? But every time there is a vote against my amendment, that is essentially what we are saying, that even though we have laws on the books, we will ignore them.

My amendment is designed to prevent those local governments from obtaining SCAAP funding if they violate the law. That is it. If they are in line with the law, doing what the law requires of them to do, no problem. Presently, the law does not have any sort of mechanism that would suggest we are enforcing it. There is no penalty, and so we have got cities, counties, that are in fact violating the law. They are doing that with impunity. We should not allow that to continue. We should either repeal the law if we do not like it, or we should have some sort of mechanism to enforce it.

I have proposed time and time again that we should try and enforce the law. That is all this amendment does.

If State and local governments violate the Federal law and pass sanctuary policies that encourage illegal aliens to come here, why should any American taxpayer be asked to absorb these costs? That is what we are doing. SCAAP funds are funds that we provide to cities and counties for the purpose of reimbursing them for the costs of keeping people in their prisons who are here illegally. They are illegal aliens, and there are costs involved.

On the one hand, we have counties submitting bills to the Federal Government for the incarceration of some of these folks, but on the other hand refusing to provide that information to the Bureau of Immigration Control and Enforcement, BICE. They want the money for what they say they are putting out for enforcement of the law, but then they refuse to actually give that information to BICE. It is not a situation that is sustainable and certainly not one that we should countenance. We should at least say if you are not going to abide by the law of the land that requires you to provide this information, you cannot get the money from the SCAAP funds. That is all it is.

Again, I know we are going to get into this argument about whether or not we should have the law on the books. That is a different argument. Let us just argue whether or not once we have the law on the books we should not try to enforce it.

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

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

A similar amendment was offered on DHS, and it failed by a vote of 148 to 259, so we are back to exactly the same thing. SCAAP funds are not available to States that violate current law, and the Justice Department tells us the gentleman's amendment would have no impact.

I understand what the gentleman is trying to do. In the State of Virginia, we have a program where our State police are basically deputized to in essence enforce the immigration laws. But it is like Don Quixote. So what I would recommend the gentleman to do, and I mentioned this to the gentleman from Iowa (Mr. KING) earlier, the gentleman and the gentleman from Iowa (Mr. KING) and others ought to sit down with the administration, with the Department of Justice and also with the Department of Homeland Security and fashion a regulation in that sense. I think there are other ways of doing this. I think you are just sort of coming up against it. My sense may be wrong. Maybe the 148 will go to 152, I do not know.

But I think the gentleman really wants to be successful and do something. However, the Department of Justice says the Tancredo amendment would have no effect on those who receive SCAAP grants. I am not going to take a lot more time, but I would urge the gentleman, and I will be glad to help the gentleman set up a meeting with BICE and with the Department of Homeland Security and the Department of Justice to see how to do this. But since it does nothing and says nothing and is in essence the same amendment I believe was offered on homeland security, I think the gentleman from Kentucky (Mr. ROGERS) defeated by 148 for and 259 against, for that reason I urge a ''no'' vote on the amendment, and offer to work with the gentleman, BICE, and the gentleman from Iowa (Mr. KING) to set up a meeting.

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

Mr. WOLF. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for extending his offer in helping the gentleman from Colorado (Mr. TANCREDO) on his amendment.

I think the gentleman has made a very clear point about the Tancredo amendment. I rise to oppose it because it is a law that is already in force; but more importantly when it comes to local and State governments and first responders and people dealing with homeland security, it is threatening to deny them funds because of some inadvertence that might occur as relates to Federal immigration laws.

We recognize what the laws are in this land. We recognize the responsibilities of Federal law enforcement on immigration issues. But if we begin to start cutting resources from local communities, we can be assured that national security will be jeopardized, and that is what the Tancredo amendment does. It makes communities less safe.

Let me say, for those of us who come from very diverse communities, it is particularly difficult for the police to establish relationships that are the foundation of successful police work if the impression is that resources are going to be cut if they do not do the work of the Federal Government. That means they are going to create an atmosphere of fear and intimidation and an attitude that anyone who has a different surname or looks differently is under the scrutiny of local law officials.

I would hope that this amendment would not be supported, and of course recognize that in the exploitation possibilities you also have the potential of criminals exploiting the fear of immigrants by forcing local law enforcement authorities to be immigration officials. I would hope that this amendment would not be supported. It has been defeated, as the gentleman from Virginia (Mr. WOLF) said earlier, earlier in the year, in the homeland security legislation.

I can tell Members it makes it very difficult for communities who are working toward better relationships with our immigrant communities. Might I say to my colleagues, this is not the way to enforce immigration laws. The way to do it is to have real immigration reform that will help secure the homeland and balance the rights of individuals within this country. I think we can do that by not having this amendment which then would further divide Federal and local officials by cutting funds which are so desperately needed for homeland security.

Mr. Chairman, I rise in opposition to Representative TOM TANCREDO's amendment to the Commerce, Justice, and State Appropriations Act for FY2005. The effect of this amendment would be to enact a provision from the CLEAR Act (H.R. 2671) and its Senate counterpart (S. 1906). These bills compel State and local police officers to become Federal immigration agents by denying them access to Federal funds they are already receiving if they refuse these additional duties. Specifically, the Tancredo amendment would deny funds to any State or local government that limits disclosure of immigration status.

We count on State and local governments and law enforcement authorities as first responders when national security is threatened. Since 9/11, they have taken on significant new duties and are facing dwindling resources. Further cutting their resources is not going to help enhance national security, and, in fact, the Tancredo provision could make our communities less safe.

In immigrant communities, it is particularly difficult for the police to establish the relationships that are the foundations for successful police work. Many immigrants come from countries in which people are afraid of police, who may be corrupt or even violent, and the prospect of being reported to the immigration service would be further reason for distrusting the police.

In some cities, criminals have exploited the fear that immigrant communities have of all law enforcement officials. For instance in Durham, NC, thieves told their victims—in a community of migrant workers and new immigrants—that if they called the police they would be deported. Local police officers have found that people are being robbed multiple times and are not reporting the crimes because of such fear instilled by robbers. These immigrants are left vulnerable to crimes of all sorts, not just robbery.

Many communities find it difficult financially to support a police force with the personnel and equipment necessary to perform regular police work. Having State and local police forces report immigration status to the Bureau of Immigration and Customs Enforcement, ICE, would be a misuse of these limited resources.

ICE also has limited resources. It does not have the resources it needs to deport dangerous criminal aliens, prevent persons from unlawfully entering or remaining in the United States, and enforce immigration laws in the interior of the country. Responding to every State and local police officer's report of someone who appears to be an illegal alien would prevent ICE from properly prioritizing its efforts.

Local police can and should report immigrants to the immigration service in some situations. The decision to contact the immigration service, however, should be a matter of police discretion.

I urge you to vote against this amendment.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Tancredo amendment. The gentleman from Colorado (Mr. TANCREDO) stands in front of us today, as he has in the past, as a strong voice to try to gain the attention and support of Members of Congress towards a problem that we refuse to deal with. This Congress is refusing to deal with one of the greatest threats to the well-being of our people. In California, our education system is going down. The health care available to our people is being diluted and people are dying because of this. Our criminal justice system is breaking down. People are being murdered because we are not dealing with this issue. The issue, of course, is illegal immigration. We have to do something about it.

In this case, the gentleman from Colorado (Mr. TANCREDO) is simply saying the cities or States that will not help us enforce the laws that already exist, they should not be getting government money in the name of that enforcement.

If we do not handle this situation, our people are going to pay an even heavier price. I can see a day when the Social Security system totally falls apart because we have not dealt with this issue. It is a disgrace that Congress is refusing to act upon this. At least support this issue which is very reasonable.

Mr. TANCREDO. Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I would like to tell the gentleman from California that he left out in blaming immigrants the Chicago fire and the San Francisco earthquake, which they probably were also responsible for.

It is amazing in 2004 we continue this immigrant-bashing situation. The fact of life is the gentleman read off a list of things that are falling apart in California somehow because people are not being reported or because local police departments are not engaging in activities that local police departments do not want to engage in.

We had 24 discussion before, and it is a simple issue. Local law enforcement does not want to be involved in this issue. Regardless of what we like to see here and how much we would like to bash these folks, local law enforcement does not want to do it. Let me try to say once more why, because no one seems to be paying attention to this issue.

Local law enforcement wants to be able to have a person, regardless of their immigration status, come to them and report a crime, come to them and participate in solving a crime. If they now feel that the local police officer, the local sheriff, has been deputized, if you will, as an immigration officer, we are never going to get any help from the local community.

Now, one issue is the fact that we may have people in this country who are not here with documents. That is one issue. But since they are here, what are we going to do, ignore them, ignore their ability to help us and solve a local crime, ignore their ability to help us be involved in the community?

My God, we talk so much here about how much we want to help local law enforcement and how we stand for them and how much money we want to give them, and now we want to burden them with a situation that they, I repeat for the last time, do not want to be involved with. This amendment should be defeated for what it is, a Latino outreach program that will fail miserably.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Once again I keep thinking when I hear these arguments that somehow we have not gotten the point across of what exactly this is doing. I wish we had a big sign that said: This is the law and this is my amendment. This is the law that is on the books. This is not debatable at this point, or at least it is not part of my amendment.

If the gentleman does not like the fact that we have a law on the books saying that the people of the cities and counties should help, or let me put it this way, there is a law that says that

they should not actively oppose our attempts to actually enforce immigration law, that is what it is. It does not require anything. It does not require deputization of more people or to get them involved with the actual immigration enforcement. It just says you cannot take an action that prevents the flow of information or the acceptance of information. That is it. That is the law that is on the books. What we are trying to do is assess a penalty.

The idea that local law enforcement, they do not want this because somehow people will not come forward, the reality is this, their task is to enforce the law also. They take an oath to do that, just as we do. Here we sit debating as to whether or not we should enforce a law we have already passed. That is the bizarre nature of this debate. It has nothing to do with immigrant bashing or any of the other stuff that gets brought up in this discussion.

It has to do with whether or not the law on the books should be enforced. It is a simple measure that should not be clouded with all of the kind of rhetoric and epithets that are thrown around every time we start to debate this. It is the law. Should we have it? If we should not, let us repeal it. As long as it is there, let us enforce it.

Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, let us note we are not talking about legal immigrants. Over a million people are permitted in this country legally every year. We can be very proud of that. In fact, the people most concerned about illegal immigration in this country are the million legal immigrants every year who obey the rules and stand in line and who we are slapping in the face by permitting millions of illegals to come into our country.

Trying to blur the distinction between legal and illegal is not an honest way of presenting the case. The bottom line is we are only talking about illegal immigration. We are not talking about local crime. I am not in favor of having the local judiciary to enforce criminal matters that are made criminal by the Federal Government. I am, however, in favor of the Federal Government presiding over its constitutional authority and obligation to control immigration policy in this country. And if States and cities want money from the Federal Government concerning illegal immigration and the incarceration of illegal immigrants, they will have to go along and enforce that Federal law because immigration is the rightful authority of the Federal Government.

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Mr. ROHRABACHER. Mr. Chairman, let me just note this. We can make light of the fire that has swept through Chicago and destroyed homes and natural disasters. This is not a natural disaster that is befalling our people, and it is not funny. The fact is our health care system is breaking down in California and people are losing their lives. It is breaking down in other parts of the country. Our criminal justice system is breaking down. People are being murdered. Our citizens are losing their lives because we refuse to deal will illegal immigration.

The Social Security System could fall apart in 10 years if this illegal immigration continues to overwhelm us. What are we doing? Why are we permitting our children to go into our educational institutions to have a diluted education? This is ridiculous.

Mr. WOLF. Mr. Chairman, I yield to the gentleman from New York (Mr. SERRANO) 30 seconds.

Mr. SERRANO. Mr. Chairman, the gentleman from California knows me well and knows I was not being funny when I mentioned the fact that the gentleman left out the Chicago fire and the San Francisco earthquake. My point was that the gentleman is blaming immigrants for everything that is wrong in this country. The fact of life is that that is what we do, and the fact of life is that sometimes we look at people who bash immigrants on a daily basis, and then when an amendment comes before us, we cannot believe that it is anything else. But more of the same, which is immigrant bashing, that is what it is. That is what it looks like, that is what it smells like, and that is how I see it.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a difficult issue, because I want to respond to my friend, my colleague's advice and his willingness to work on this issue, and that is a strong allure, because number one, I know he is a gentleman of great integrity, and I do want to do more than just simply make a statement to, as he said, be a Don Quixote. I do want to in fact move this issue forward; and if that is the best way to do it, then perhaps what I will do is withdraw this amendment, but I will do so only after I once again state that it is important for this body to make laws and then enforce them.

We call ourselves a Nation of laws ruled by law. There is only one way we can actually prove that. It is to stop this ridiculous winking at the laws we make. Enforce them or repeal them. That is all I ask, and that is what I hope that we will do. And I will work with the gentleman and take him up on his offer.

Mr. Chairman, I withdraw my amendment.

AMENDMENT NO. 6 OFFERED BY MR. FARR

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FARR:

Insert before the short title at the end the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

The CHAIRMAN. Points of order are reserved, and pursuant to the order of the House today, the gentleman from California (Mr. FARR) and the gentleman from Virginia (Mr. WOLF) each will control 10 minutes.

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

Mr. FARR. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. FARR. Mr. Chairman, the purpose of this amendment is very straightforward. In simple terms, the Farr-Rohrabacher-Hinchey-Paul amendment prohibits the use of funds in the bill from preventing States that have medical marijuana laws from implementing them.

As a result, the States have medical marijuana laws on the books they can implement, regulate and enforce them, just like now. States that do not have medical marijuana laws on the books remain subject to the overarching Federal law.

This amendment does not stop law enforcement officials from prosecuting illegal use of marijuana. This amendment does not encourage the use of marijuana. This amendment does not encourage the use of drugs in children. This amendment does not legalize any drugs. This amendment does not change the classification of marijuana. This amendment is recognized as States' rights to oversee the medical scope of practice of doctors in their States, to prescribe drugs as doctors see as necessary for medical conditions.

Today's Los Angeles Times points out that the Justice Department's medical marijuana war seems increasingly out of step with the whole country. Last fall, the Supreme Court upheld a lower court ruling barring Federal officials from prosecuting doctors for their recommendations.

Just 2 weeks ago, the United Methodist Church, the Presbyterian Church, the Evangelical Lutheran Church in America and other mainstream religious groups supported doctors' rights to prescribe pot as a when-all-else-fails treatment for the seriously ill. The best way to thwart casual use of this drug is to let doctors prescribe it in closely circumscribed and regulated ways such as the States do.

Now, there are nine States that have passed these laws. The voters are speaking, and they are doing it more in every State. Just recently Vermont. Alaska, California, Colorado, Hawaii, Maine, Nevada, Oregon, Vermont, and Washington have enacted State medical marijuana laws. Because of these State laws, thousands of patients are able to alleviate their pain and suffering without fear of arrest by State or local authorities.

The threat of arrest by Federal agents, however, still exists. In the past, the Federal Government has impeded research on medical use of marijuana, even though thousands of patients have testified, explained, and acknowledged that it helps relieve some of the debilitating symptoms, such as nausea, pain, loss of appetite associated with serious illness.

Despite Federal admonitions against marijuana, the American people support medical marijuana and pretty overwhelmingly. Most national polls show the support around 70 percent.

This amendment is not necessarily about the actual medical purpose of marijuana, though I know scores of doctors have attested to marijuana's medical benefits. In States where medical marijuana is legal, thousands of licensed physicians have recommended marijuana to their patients. This amendment is not about legalizing drugs, though some will argue that it should be.

No. What this amendment is about is States rights. In so many areas we trust States rights. And I think of us here in the United States Congress. We allowed States to draw our district boundary lines.

We allow States to set the fee we have to pay to run for office. We allow the States to create the primary procedures for getting elected to Congress. We allow the States to fashion Medicaid packages. We allow States to license doctors to practice. We trust the States to do what is best for their residents of that State. When it comes to health care policy or palliative care, the care of alleviating pain, nine States of the United States have determined that it is appropriate public policy to allow the use of marijuana as a prescribed treatment.

If Congress respects States rights in so many other areas, why does it not respect it with regard to medical marijuana?

Mr. Chairman, this amendment would prevent the Federal Government from interfering with state medical marijuana laws. It would end the DEA raids on medical marijuana patients and caregivers who are acting in accordance with state law. It would not—let me repeat—it would not prevent the DEA from arresting individuals who are involved in marijuana-related activities unconnected to medical use.

Here is the simple question posed by this amendment: Should the Federal Government arrest individuals who are trying to alleviate their own suffering or the suffering of others in compliance with state law?

I am only too familiar with the tension between DEA law enforcement and state and locally-sanctioned marijuana cooperatives in California. On September 5, 2002 in Santa Cruz, California—my district—dozens of heavily armed DEA agents stormed into the home of Valerie and Mike Corral where the cooperative garden of the Wo/Men's Alliance for Medical Marijuana (WAMM), a medical marijuana hospice, is tended by collective members. They destroyed 167 plants, which would have been distributed—free of charge—to more than 200 seriously and terminally ill WAMM members. Although the Corrals did not resist, the agents pointed loaded rifles to their heads, forced them to the ground, and handcuffed their hands behind their backs. The DEA agents kept them handcuffed in their home for 4 hours before taking them 30 miles to the Federal courthouse in San Jose where they were eventually released without being charged. Meanwhile, Federal agents handcuffed the Corral's over-night guest, Suzanne Pfeil, a WAMM member who was disabled by polio, and detained two other members, one with AIDS and a caregiver. Pfeil happened to be sleeping when the raid occurred. Despite the fact that her leg braces and crutches were in plain sight, the agents demanded she stand, which she was unable to do with her hands cuffed. Pfeil's blood pressure shot up and she experienced chest pains. Agents then refused to call an ambulance. All this pain, confusion and fear—yet WAMM was operating with the full knowledge and consent of state and local authorities.

Many people who oppose medical marijuana say that there is only anecdotal evidence of its effectiveness. But these anecdotes cannot be simply dismissed; they are the stories of real people who are suffering. Just this morning in Roll Call, there was a powerful example of this. Talk show host Montel Williams discussed his struggle to live with excruciating pain caused by multiple sclerosis. Montel Williams, a former Marine and decorated naval officer, who made anti-drug PSA's for the White House drug czar's office, explained in this article that marijuana is the "only" drug that allows him to function on a day-to-day basis. Now if he is using marijuana with his doctor's advice and is following state law, why on earth should we waste Federal resources trying to prevent him from alleviating his own pain? And taking it a step further, if someone else is growing that marijuana for him and is following state law why should we take that medicine away from him by interfering with the grower?

The answer most opponents of this amendment will give is that marijuana simply is not a medicine. But this had become an absurd claim. First of all, both the Netherlands and Canada have enacted medical marijuana laws, with marijuana available at pharmacies in the Netherlands. In the United States, nine states have medical marijuana laws that allow doctors to recommend marijuana to their patients. And in those states, hundreds of doctors have recommended marijuana to thousands of patients.

Even our Federal Government has acknowledged the therapeutic benefits of marijuana. In 1999, the National Academy of Sciences' Institute of Medicine conducted a study funded by the White House Office of National Drug Policy. The principle investigator from the study said upon its completion, "We concluded that there are some limited circumstances in which we recommend smoking marijuana for medical use." An even stronger endorsement came from the DEA in 1988. Then, Administrative Law Judge Francis Young, after an exhaustive, 2-year study of marijuana, called for its rescheduling on the grounds that "marijuana, in its natural form, is one of the safest therapeutically active substances known to man." He concluded, even 60 years ago, that marijuana offered a "currently accepted medical use in treatment."

Over the past year, medical marijuana has gained even wider acceptance. It has been endorsed by the American Nurses Association, whose 2.6 million members care for the Nation's most seriously ill patients; by the United Methodist Church, the Nation's third largest religious denomination; by the New York and Rhode Island Medical Societies; and by many other health care organizations. Other longtime supporters of medical marijuana include the New England Journal of Medicine, the American Bar Association, and the American Public Health Association.

Do opponents of this amendment honestly believe the American Nurses Association, the New York State Medical Society, United Methodist Church, the Episcopal Church, and others are supporting this issue because they hope to legalize marijuana for all purposes? Of course that isn't the reason. These organizations support legal access to marijuana for medical purposes because they know one simple fact: it helps sick people.

Other opponents of this amendment say that they will not support medical marijuana until more research is complete. The problem is that the Federal Government has effectively blocked research. To cite just one example, in July 2001, the University of Massachusetts applied to the DEA for a license to manufacture marijuana for medical research. This is the same kind of license a company called GW Pharmaceuticals applied for in England a few years ago. While GW Pharmaceuticals has now concluded Phase III trials and is nearing market approval for its marijuana spray, the DEA—3 years later—has not even bothered to deny the University of Massachusetts' license. Of course, they have not granted it, either. They have just let the application sit in limbo.

Antoher application to the Federal Government, requesting permission to import just 10 grams of marijuana for research has languished for 10 months. Does our government think 10 grams of marijuana is going to increase the drug problem in this Nation? Of course not. The Federal goal seems to be to purposely to block research that would prove—or disprove, once and for all—that marijuana has therapeutic benefits.

But let's assume for a minute that all of the obstacles to research were suddenly removed. That does not get us past the immediate question: Should the Federal Government, over the course of the next year, while research is proceeding, arrest patients and caregivers who are complying with state law in order to alleviate their own suffering or the suffering of others?

Another objection raised by opponents of this amendment is that passing it would send the wrong message to children. It would make children think that marijuana is not dangerous. Let me tell you something. Children know how dangerous marijuana is already. Allowing seriously ill patients to use it will not change that. And associating the use of marijuana with AIDS and chemotherapy is not likely to increase its appeal. On the other hand, if you deny cancer, AIDS, and MS patients the opportunity to use this drug to alleviate their pain—while permitting the medical use of powerful addictive drugs like vicodin and oxycontin—the only message you are sending to children is that you are intellectually dishonest and completely lacking in compassion.

The truth is, where medical marijuana is legal, there has been no increase in marijuana

use among teens. In fact, in my home state of California, teen use of marijuana has dropped 34 percent among 7th graders, 44 percent among 9th graders, and 21 percent among 11th graders since the California medical marijuana initiative passed in 1996. The same Institute of Medicine study described earlier noted, "there is no evidence that the medical marijuana debate has altered adolescents' perceptions of the risks associated with marijuana use." Listen closely today to hear whether opponents of this amendment back their warning about sending the wrong message to children with any evidence demonstrating that medical use has caused a change in attitude about recreational use; I doubt there will be any with any scientific weight.

Mr. Chairman, this amendment is reasonably drafted and built on scientific evidence, judicial review, and medical studies. It reflects the grass roots demand and legislative will of nine of our United States. It is time for Congress to recognize the powerful dynamics of this issue and adopt my amendment.

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

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in strong opposition to this amendment. This is a bad amendment. It will be bad for the country.

Marijuana is the most abused drug in the United States. According to the Department of Health and Human Services, more young people are now in treatment for marijuana dependency than for alcohol or for all other legal drugs combined. The amendment does not address the problem of marijuana abuse and possibly, perhaps probably, makes it worse by sending a message to young people that there can be health benefits from smoking marijuana.

In testimony before the Committee on Government Reform, the DEA provided an example of how marijuana trafficking is occurring under the guise of medicine. And there is so much more I could say, and we have the gentleman from Indiana (Mr. SOUDER) here and the gentleman from California (Mr. OSE). This is not a good amendment. The message that this sends to the young people is absolutely wrong. This was overwhelmingly defeated the last time it came up. I urge defeat of the amendment.

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

Mr. FARR. Mr. Chairman I yield 3 minutes and 15 seconds to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, today I call for a broad coalition of my colleagues to support the Hinchey-Rohrabacher amendment to H.R. 4754, introduced by the gentleman from California (Mr. FARR).

Over the past 8 years, 10 States have adopted laws that decriminalize the use of marijuana for medical purposes. These States have passed these laws to allow the use of marijuana to relieve intense pain that accompanies several debilitating diseases, including AIDS, cancer, multiple sclerosis, and glaucoma. In seven of these States, such as my own State of California, these laws were adopted by a direct referendum of the people.

The Federal Government, however, has made it nearly impossible for these States to implement their own laws, the laws that the people voted for. The DEA has conducted numerous raids on homes of medical marijuana users, prosecuting patients who were using marijuana in accordance with State law to relieve intense pain and other symptoms caused by a variety of illnesses. Despite these State laws, the Justice Department is working overtime to put sick people and those who would help them in jail.

It is time for the Federal Government to respect the rights of individual States to determine their own health and criminal justice policies on this matter. A growing movement of Americans from conservative to liberal is calling for the Federal Government to keep its hands off the States that wish to allow their citizens to use marijuana for medical purposes. In my State, the people have spoken overwhelmingly. Both Republican and Democrat counties voted for medical freedom. Our new Governor, Arnold Schwarzenegger, has made it clear in regard to the Federal Government's interference with California's medical marijuana policy in his message to Washington, and what is it? It is "Hasta la vista, baby." Even more poignant, Tom McClintock, Arnold's leading conservative opponent in the recent recall election, has spoken out even more strongly against the Federal interference with California's medical marijuana laws. The Governor of Maryland also, our former Republican colleague, Robert Ehrlich, has signed Maryland's new medical marijuana law and has lobbied Members of Congress on this issue.

As a conservative, I am increasingly troubled by the federalization of criminal law that has occurred in recent years. It seems that more and more crimes are being declared to be Federal crimes. While sometimes this is appropriate, for example in immigration law, which is a federally mandated issue by our Constitution, but criminal justice constitutionally is the domain of the State and local government. This is especially true when the people of these many States determine by their own vote the policy concerning this specific personal behavior.

It is time for the conservatives and liberals to join together in calling for the Federal Government to keep its hands off. Liberals, moderates, and conservatives should unite in order to protect the freedom of our people. This is a freedom issue, and it is also a humanitarian issue. We should make sure that the local people have a right to determine if the doctors in their community, and that is what we are talking about, the doctors are able to prescribe marijuana for people who are suffering from AIDS and suffering from cancer and other types of diseases. This is not fair, and it is not humane to go the other way; and it is un-American to centralize this type of criminal justice matter in the hands of Federal bureaucrats rather than the people who vote in our specific communities.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I would just like to point out that as a physician before I came to Congress, medical marijuana is actually not necessary because the active ingredient in medical marijuana is delta-9-tetrahydrocannabinol. This is a compound that is readily available not in a handful of States as medical marijuana is, but in every State of the Union. It is legal today. It is called Marinol. It is a pill. It is easy to take. And people who suffer from cancer, people who have anorexia from chemotherapy, people who suffer from AIDS may use Marinol today to their benefit.

Mr. Chairman, it just challenges the imagination. As a physician, I wrote a lot of prescriptions for morphine for patients who were in pain. I would have never recommended to a patient that they go home and score some opium and smoke it. That would be an inappropriate way for them to deliver the drug.

□ 2015

This drug is delivered in a humane and compassionate way. It is delivered in a way that deals with the symptoms it is designed to deal with, and we do not explode the drug culture in this country by doing so.

Mr. FARR. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I, too, am a physician from Texas, but I have a little different opinion about Marinol. No doctor that I know of ever prescribes Marinol.

I think marijuana is a helpful medical treatment for the people who have intractable nausea. I would like to point out this is not something strange that we are suggesting here. For the first 163 years of our history in this country, the Federal Government had total hands off, they never interfered with what the States were doing. They interfered only after 1938 through tax law. So this is something new.

The States' rights issue is almost a dead issue in the Congress, but we ought to continue to talk about it, and I am delighted somebody has brought this up.

But if you do have compassion and care for patients, they ought to have a freedom of choice. I think that is what this is all about, freedom of choice.

I would like to point out one statistic. One year prior to 9/11 there were 750,000 arrests of people who used marijuana; there was one arrest for a suspect that was committing terrorism.

Now, that, to me, is a misdirected law enforcement program that we could help address here by at least allowing the States to follow the laws that they already have on the books.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Chairman, in 2001, the FDA approved the pain killer OxyContin, knowing that it had a high probability of being diverted for illicit use. We felt that the gain was worth the risk. The abuse, unfortunately, of OxyContin is now a nationwide epidemic.

In spite of the fact that, unlike OxyContin, there are safe and effective and legal alternatives to smoking pot for pain relief, we are now considering the use of marijuana for its medical purposes.

The active ingredient, as the gentleman from Texas (Mr. BURGESS) pointed out, is readily available in an FDA-approved capsule. This pill delivers THC, it does not carry the dangers inherent with smoking marijuana, nor does it undermine the law enforcement efforts that fight illegal drug use.

Mr. Chairman, the legalization of medical marijuana is simply the first step in a scheme to overturn all the substance abuse laws that we work hard to enforce today. We need to vote ''no'' on legalization of marijuana and its use in America.

Mr. WOLF. Mr. Chairman, I yield 1 minute of the 3 minutes to the gentleman from California (Mr. OSE)

Mr. OSE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in absolute, 100 percent opposition to this amendment. I have listened to the arguments of my friends from Texas and my friend from California in one case and my friend from California in the other, and I have to say that their argument on States' rights is a unique application as it relates to so-called ''medical marijuana.'' But I have not yet heard a single bit of testimony dealing with whether or not there is any medical value to the application of marijuana in this case.

Now, the so-called phrase ''medical marijuana'' is a misnomer. It was invented by the people who passed the proposition in California that, frankly, hoodwinked the voters of California into voting in favor of it. But I just want to run through a couple of things here.

The FDA looks at all sorts of prescription drugs and pharmacological treatments, and they have looked at marijuana, and by and large, we have deferred to the FDA on all these analyses. But, all of a sudden, when it comes to so-called ''medical marijuana,'' the FDA is no longer competent. But I do want to enter into the RECORD that the FDA, in fact, did look at marijuana as a medical substance and found absolutely no value whatsoever to its use.

Now, the FDA has, in fact, looked at Marinol, in which the active ingredient in so-called ''medical marijuana'' is present, THC, and has approved that for use in treating nausea and pain and the like, and it is readily available by prescription, a true prescription, from a doctor.

Let us dwell for a minute in California, which I am familiar with, on this so-called ''medical marijuana'' and the facade that people go through to obtain it.

First of all, the referendum requires that a doctor issue a so-called prescription. However, the doctor refuses to issue a prescription on a prescription form for so-called medical marijuana. They write it on a piece of blank paper, because the doctors know that it is not a prescription, it is a facade perpetrated upon the people of California that this has any medical qualities whatsoever.

Now, my friend from Indiana is going to share with you the story of a tragic occurrence in San Francisco, and I am not going to jump the gun on him, because this is absolutely heartbreaking, what he is going to tell you. But I do want to tell you, that incident is not singular in nature.

The fact of the matter is we have children, young people across this country, watching you and me and our peers across this country as it relates to the use of so-called medical marijuana, and if you think for one minute that they are going to turn a blind eye to our acquiescence, that just because it happens to be a little bit difficult to tell people ''No, you are not going to be able to smoke dope,'' just because it happens to be a little bit difficult to tell people that, that we are going to roll over and pass this prohibition on funds, just begs the imagination about what leadership really constitutes.

Mr. WOLF. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Virginia has the right to close.

PARLIAMENTARY INQUIRY

Mr. FARR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FARR. Mr. Chairman, I thought the author of the amendment has the right to close.

The CHAIRMAN. The chairman of the subcommittee, controlling time in opposition to the amendment, has the right to close.

The gentleman from California (Mr. FARR) has 1¾ minutes remaining, and the gentleman from Virginia (Mr. WOLF) has 4 minutes remaining.

Mr. FARR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of this amendment because my mother had glaucoma and we bought her marijuana because it was a relief, and that was before this bill was passed in the State of California.

I support this amendment because it respects State authority, because the people in our State believe medical marijuana is a way to relieve those suffering from cancer, from glaucoma, from AIDS, from spastic disorders and other debilitating diseases.

This amendment will do only one thing: It will stop the Justice Department from punishing those who are abiding by their State laws. It changes no law.

Mr. Chairman, I ask my colleagues, support this amendment so that those who suffer from debilitating diseases can get the relief that they need, and they can get it without fear of the Federal Government.

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

Mr. Chairman, I would like to respond to the comment of the gentleman from Virginia (Mr. WOLF). I am going to read here that in the State of California, teen use of marijuana has dropped 34 percent among seventh graders, 44 percent among ninth graders and 21 percent among eleventh graders since the California medical marijuana initiative passed in 1996.

Also, I would like to point out that this is not such a radical amendment. It only affects the States that have State laws, that have the enforcement. We have not heard from law enforcement opposing this. We have heard from the American Nursing Association, the United Methodist Church, the New York Medical Society, the Rhode Island Medical Society, the New England Journal of Medicine, the American Bar Association, the American Public Health Association and the Episcopal Church. They all support this amendment.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. SOUDER).

The CHAIRMAN. The gentleman is recognized for 4 minutes.

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

Mr. SOUDER. Mr. Chairman, first, do not let any Member kid themselves; if you cannot enforce a Federal law, you do not have a Federal law. This would eliminate our ability to enforce marijuana laws in States that have passed this.

My friend from California alluded to a very sad case in the State of California. When we as Members use phrases like ''medical marijuana'' and responsible officials imply that drugs like marijuana are medical, tragedies like this happen.

Irma Perez, age 14, the late Irma Perez, was overdosing on Ecstasy. Her friends had heard that marijuana was medical, and instead of getting her to a doctor, where they said she would have been saved, they gave her marijuana on top of her Ecstasy and she died.

When we have silly debates like this, quite frankly, we bear responsibility. Yesterday, in Ohio, six people died, including a family of four, two adults and two children, when a young person on marijuana and alcohol collided into a truck that hit two other vehicles and killed six people.

If you have medical marijuana laws, like has happened in a court case in the State of Oregon, drug testing laws for truck drivers have been thrown out. It is now being appealed higher, but it is not even clear that you can be assured that our congressional drug testing law for truck drivers will stand up, given the way the courts are interpreting this.

In California, we have a doctor that has given 348 patients under this medical marijuana, including for anxiety and restless leg syndrome. In Oregon, we have a doctor who gave it to 4,000 people over the last few years. We have another doctor in California who uses it, we actually had this person at our hearing, for ADD and hyperactivity, even though she admitted she has no evidence that it worked for those things, but she felt it would make them feel better.

You either believe you have an FDA or you do not have an FDA. We hear about all kinds of other things that FDA cracks down on. Either you have a national FDA or you do not have an FDA.

Furthermore, just last week in Oakland, California, they pulled over a group of guys with about 66 pounds of marijuana. They said it was for medicinal purposes. They found where it was coming from, and they found a warehouse. In this warehouse, they found millions of dollars of marijuana where the people started fleeing, and then these advocates of medical marijuana in California said, Oh, it was so medical.

The person who owned the building had already been busted for transporting illegal drugs. He had lost his license as a pawnbroker. But, no, this was medical marijuana. Some estimate that up to 90 percent of the cases, this is the pro-medical marijuana cases, of marijuana use in California, would be classified as medical.

That is why we have letters, and I will include these in the records, from the Community Antidrug Coalition, and Dr. Dean, who coordinates these efforts, says he opposes it; the Fraternal Order of Police; the Partnership for a Drug-Free America, who plead on behalf of the drug treatment and prevention groups in America to oppose this; the Drug-Free America Foundation; and the U.S. Department of Justice, which is concerned that they will not be able to enforce any drug laws if we do not allow the Federal Government to enforce.

We need to defeat this amendment because it is the wrong message to our youth, it is the wrong message to our law enforcement, it is the wrong message to our drug treatment people, it is the wrong message to the people in the streets of their neighborhoods trying to reclaim their often crime-ridden neighborhoods from drug dealers and addicts in their areas, and it is, quite frankly, unconstitutional.

We fought a Civil War over nullification. States do not have the right. If we can have States nullify an existing Federal law, then on what grounds can this not happen under the same precedent, a lack of enforcement on environmental laws, of civil rights laws, of the Americans with Disabilities Act, of any law? Because once a State can nullify a Federal law by saying, We cannot enforce it, you do not have a Federal system.

This is an amendment fraught with difficulties and should be overwhelmingly defeated by both sides for a multitude of reasons.

Mr. Chairman, I include for the RECORD the letters referred to earlier in my statement.

COMMUNITY ANTI-DRUG
COALITIONS OF AMERICA,
Alexandria, VA, July 1, 2004.

Hon. MARK SOUDER,
House of Representatives, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Rayburn House Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 5,000 coalition members that Community Anti-Drug Coalitions of America (CADCA) represents, I am writing to strongly urge you to oppose an amendment to be offered by Representative Maurice D. Hinchey (D–NY) to the Commerce, Justice, State, Judiciary and Related Agencies FY 2005 Appropriations bill which would effectively prohibit enforcement of Federal law with respect to use of ''medical'' marijuana. I strongly urge you to oppose this amendment not only because marijuana is an illegal, addictive Schedule I drug, with no medicinal value, but also because this sends the entirely wrong message to the youth of America.

Marijuana is not a harmless drug: it is the most widely abused illicit drug in the nation. According to the Substance Abuse and Mental Health Services Administration's Treatment Episode Data Set, approximately 60% of adolescent treatment cases in 2001 were for marijuana abuse. Research shows that the decline in the use of any illegal drug is directly related to its perception of harm or risk by the user. Advertising smoked marijuana as medicine sends the wrong message to America's youth—that marijuana is not dangerous. Congressman Hinchey's amendment goes even further by removing the ability of law enforcement officials to enforce Federal law. The efforts of the drug legalization movement, to promote the myth of ''medical'' marijuana and to stifle the efforts of law enforcement agencies to enforce Federal law severely dilutes the prevention efforts that community anti-drug coalitions across America are undertaking to communicate marijuana is dangerous, it has serious consequences, and is illegal.

Congressman Hinchey's amendment is offered under the guise of compassion towards seriously ill patients, when in reality it is a ''Trojan horse'' to legalize marijuana. To date, the FDA has not approved nor has it found any medicinal value in smoked marijuana, which is why it remains a Schedule I controlled substance. Furthermore, in the States that have legalized marijuana for so-called ''medicinal'' purposes, seriously ill, elderly patients are not the only patients receiving marijuana—children are also. At a hearing before your Subcommittee on Criminal Justice, Drug Policy and Human Resources, Dr. Claudia Jensen, of Ventura, California, testified that she prescribes marijuana as medicine for adolescents under her care who have been diagnosed with Attention Deficit Disorder (ADD). In a policy statement from the American Academy of Pediatrics stating their opposition to the legalization of marijuana, they state that ''Any change in the legal status of marijuana, even if limited to adults, could effect the prevalence of use among adolescents.'' What kind of a message are the youth of America receiving when doctors willingly give children marijuana—it tells children that marijuana is not a dangerous drug.

Mr. Chairman, I strongly urge you to help us protect our nation's youth and oppose any and all amendments limiting the enforcement of the Federal law pertaining to marijuana use. Thank you for considering my views.

Sincerely,

ARTHUR T. DEAN,
Major General, U.S. Army, Retired,
Chairman and CEO.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, July 6, 2004.

Hon. MARK SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our strong opposition to an amendment which may be offered to H.R. 4754, the appropriations measure for the Departments of Commerce, Justice, State and the Judiciary, which is scheduled to be considered on the House floor this week. The amendment, which was offered last year by Representative Maurice D. Hinchey (D–NY), would effectively prohibit enforcement of Federal law with respect to marijuana in States that do not provide penalties for the use of the drug for so-called ''medical'' reasons.

In these States, Federal enforcement is the only effective enforcement of the laws prohibiting the possession and use of marijuana. Federal efforts provide the sole deterrent to the use of harder drugs and the commission of other crimes, including violent crimes and crimes against property, which go hand-in-hand with drug use and drug trafficking. Federal investigations of marijuana producers also serve to disrupt larger drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals for methamphetamines, and in the Sate of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin on many of our nation's streets.

Such an amendment threatens to cause a significant disruptive effect on the combined efforts of State and local law enforcement to reduce drug crime in every region of the country. On behalf of the more than 318,000 members of the Fraternal Order of Police, we urge its defeat. If I can be of any further help on this issue, please feel free to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

PARTNERSHIP FOR A
DRUG-FREE AMERICA,
New York, NY, July 7, 2004.

Hon. FRANK WOLF,
Chairman, House Subcommittee on Commerce, Justice, and State, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is to express our opposition to an amendment being proposed to the Commerce, Justice, State FY 2005 appropriations bill, scheduled for consideration today. Congressman Maurice Hinchey is proposing an amendment that again seeks to prohibit the enforcement of

federal law pertaining to marijuana in states that have decriminalized the use of marijuana for medicinal application. The proposed amendment is likely to have the unintended effect of handicapping federal law enforcement agents from enforcing all laws pertaining to marijuana use and trafficking. Therefore, we encourage you and members of the committee to oppose this amendment.

The issue of medical applications of smoked marijuana is one for the medical and scientific communities to evaluate. As you know, state-based referenda on this issue are not homegrown initiatives, but rather are being driven and financed by a handful of national organizations that seek to legalize marijuana and other drugs. The position of the medical community is quite clear on this issue. The American Medical Association, for example, calls for further adequate and well-controlled studies of smoked THC for serious medical conditions, but the AMA recommends that marijuana be retained in Schedule I of the Controlled Substances Act pending the outcome of such studies.

The last thing we need to do is making marijuana more available on the streets of America. Please ensure that federal law enforcement officials can enforce federal laws relevant to marijuana.

Thank you for your consideration.

Sincerely,

STEPHEN J. PASIERB,
President, Chief Executive Officer.

NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS COALITION,
West Covina, CA, July 1, 2004.

Hon. MARK SOUDER,
Chairman, Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SOUDER: I am writing on behalf of the forty state narcotic officers associations and more than 60,000 state and local law enforcement officers that are represented by the National Narcotic Officers' Associations' Coalition (NNOAC) to offer our strong opposition to an amendment that will be offered in the United States House of Representatives that would effectively prohibit the enforcement of Federal marijuana laws in states that do not provide penalties for the use of what has been deemed ''medical'' marijuana.

As you know, despite opposition by the American Medical Association and other credible medical and health organizations, drug legalization activists have chosen to seek the medicalization or legalization of marijuana by relying on the emotions of local voters rather than science based data and the recommendations of the medical community. This reckless approach has resulted in several states adopting medical marijuana laws and relying on public emotion rather than science to approve crude, smoked marijuana for medical use. This action has circumvented the patient protections provided in the Pure Food and Drug Act, which have served to keep Americans safe from dangerous or untested remedies since it was enacted in 1906.

Because marijuana enforcement by Federal officials is now the only effective enforcement of the marijuana laws in several states where medical initiatives have all but legalized the drug, the passage of this amendment would have disastrous results. This enforcement of marijuana laws provides a strong deterrent to the use of marijuana, which also helps reduce the use of hard drugs and the resulting property and violent crimes. Enforcement also sends a strong message to our young people that marijuana use is dangerous and unacceptable. And finally, law enforcement provides a social stigma to marijuana use that helps to prevent the normalization of drug use. Without this enforcement, many people will be lured into believing that marijuana use is safe and poses no threat of addiction.

Federal investigations of marijuana cultivators also serve to disrupt larger drug trafficking organizations, particularly in the state of California, where marijuana is sometimes traded for precursor chemicals for methamphetamine into the state of Washington, which is a significant gateway for high potency marijuana that can sell for the same price as heroin. The HINCHEY Amendment threatens to cause a significant disruptive effective on state and local law enforcement of both drug laws and of other crimes affecting public safety in states where it would apply.

The members of the NNOAC strongly encourage you and your colleagues in the Congress to support their local law enforcement officers, health-care workers, educators, and community anti-drug activists, who are dedicated to working towards safe drug free communities by vigorously opposing this dangerous amendment. The passage of the HINCHEY Amendment would have a catastrophic effect and would result in increased drug use and related violence, marijuana related DUI collisions, lost productivity and work place accidents.

Please accept the thanks of our 60,000 members for all that you and your colleagues do to support law enforcement and to help us keep this great nation safe and drug free.

Sincerely,

RONALD E. BROOKS,
President.

JULY 6, 2004.

DEAR REPRESENTATIVE: I have dedicated the past three decades to fighting the war on drugs and as such, I am urging you to oppose the Hinchey-Rohrabacher amendment because of the staggering effect it will have on society.

I have helped form public policy in the United States' campaign against drugs through participation in the White House Conference for a Drug Free America, as a member of the Governor's Drug Policy Task Force in Florida and as a board member of DARE Florida (Drug Abuse Resistance Education.) I presently reside in Rome while my husband serves as the United States Ambassador to the Republic of Italy.

With this experience, I can tell you that drug legalization efforts abound today in the United States with deceptive campaigns that exploit the sick and dying. Medical excuse marijuana is the most common tactic used by legalization proponents. This new amendment intends to prohibit the U.S. Justice Department (including the DEA) from interfering with state medical excuse marijuana laws. If passed, the pro-drug lobby will once again undercut the federal government.

In reference to using the medical marijuana excuse, there has never been controversy about the use of purified chemicals in marijuana to treat any illness; however, marijuana cigarettes are not medicine. The false portrayal of smoked marijuana as a helpful medicine has contributed to the increased use of marijuana and other drugs by young people. Sixty percent of youths in drug treatment today are there for marijuana addiction.

In areas where medical excuse marijuana is legal, people are toking up under the guise of treating conditions such as premenstrual syndrome, athlete's foot and migraines. The Institute of Medicine (IOM), found marijuana effective in addressing symptoms of nausea, appetite loss, pain and anxiety. However, the same report concluded that, ''smoked marijuana is unlikely to be a safe medication for any chronic medical condition.''

Our nation is under attack by extremely well-financed groups, whose sole intention is to profit from drug legalization. They don't care about civil liberties or our nation's children. They only care about getting rich at the cost of a deteriorated society. They frequently use compassion for the sick and dying as one of their manipulative tactics to normalize drug use. These groups would like nothing more than to eliminate governmental regulation. It is imperative that state government be accountable to federal government, especially when it comes to drug policy.

As a drug prevention and policy expert, caring mother and grandmother, I urge you—do not vote for the Hinchey-Rohrabacher amendment.

Sincerely,

BETTY S. SEMBLER,
Founder and Chair,
Drug-Free America Foundation.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 7, 2004.

Hon. FRANK WOLF,
Chairman, Subcommittee on Commerce, Justice, State, and the Judiciary, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice would oppose any amendment to appropriations legislation preventing the Justice Department or the Drug Enforcement Administration (''DEA'') from enforcing the Controlled Substances Act with respect to marijuana either generally or in specified States. Any such limitation would interfere with the protection of public health and safety against marijuana, which is dangerous to both users and non-users and is the most widely abused illicit drug in America. Moreover, a provision applying only to certain States would unfairly and inappropriately prevent uniform enforcement of Federal law nationwide.

Marijuana is a widespread health and social concern. More young people are currently in treatment for marijuana dependency than for alcohol and all other illegal drugs combined, and mentions of marijuana use in emergency room visits have risen 176 percent since 1994, surpassing those of heroin. Marijuana also can have a dangerous impact on non-users, as demonstrated by the problem of drugged driving. Marijuana affects alertness, concentration, perception, coordination, and reaction time—skills that are necessary for safe driving. Use of marijuana and other illicit drugs also comes at significant expense to society in terms of lost productivity, public health care costs, and accidents. Accordingly, the Justice Department and the DEA continue to vigilantly enforce Federal laws against marijuana trafficking. Any limitation on enforcement of the Controlled Substances Act with respect to marijuana would jeopardize our efforts to continue reducing youth drug use and to protect the public.

The same considerations are important for persons who, contrary to controlling Federal law, would use smoked marijuana for purported medical purposes. States are free to define criminal acts and impose corresponding penalties, under State law, in the manner they see fit. However, it does not follow that the absence of penalties in a particular State for marijuana use in these circumstances ''legalizes'' conduct that remains clearly illegal under the Controlled Substances Act. Moreover, this issue is not only one of legal form; it also is a compelling problem of public health and safety. Smoked marijuana has not been approved for use

under the rigorous Federal drug approval process conducted by the Food and Drug Administration (''FDA''), which prohibits drugs from being sold or distributed in interstate commerce as medicine unless they have been proven in sound clinical studies to be both safe and effective for their intended use. To date, no sound scientific study has shown that smoking marijuana is safe and effective for any disease or condition. The Institute of Medicine has concluded that ''[t]here is little future in smoked marijuana as a medically approved medication,'' and the British Medical Association linked its use to greater risk of heart disease, lung cancer, bronchitis, and emphysema. The DEA, in conjunction with the FDA, has approved and will continue to approve research into whether discrete ingredients of marijuana can be adapted for medical use. However, with respect to smoked marijuana, the clear weight of evidence is that it is not medicine—it is harmful.

Finally, any amendment that would restrict enforcement and prosecution in certain specifically named States, but not in others, would prevent the Department of Justice from uniformly enforcing the law throughout the United States. As a practical matter, residents of States listed in such an amendment would be exempted from Federal enforcement and persecution for cultivation, distribution, and use of marijuana in certain circumstances, while residents of other States would continue to face potential criminal liability for precisely the same conduct. We also note that the amendment would effectively establish a classification among residents of different States with respect to the enforcement of the Federal drug laws. Consequently, Federal persecution of persons in non-covered States for marijuana-related drug violations potentially could be subject to challenge under the equal protection requirements of the Due Process Clause of the Fifth Amendment, particularly in States that may enact future medical marijuana laws that are not covered by the language of this provision.

Again, the Department of Justice opposes any amendment restricting enforcement of the Controlled Substances Act. We appreciate your continued support of our efforts to continue meeting the goals of the President's strategy to reduce youth drug use in America.

If we may be of further assistance in this matter, please do not hesitate to contact us. The Office of Management and Budget has advised that there is no objection to this report from the standpoint of the Administration's program.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Ms. PELOSI. Mr. Chairman, I rise in support of this amendment offered by my colleagues SAM FARR, DANA ROHRABACHER, MAURICE HINCHEY, AND RON PAUL, and I salute their courage in bringing it to the House floor.

This amendment to the Fiscal Year 2005 Commerce, Justice, State, and Judiciary Appropriations bill would prohibit the Justice Department from spending any funds to undermine state medical marijuana laws. It would leave to the discretion of the states how they would alleviate the suffering of their citizens.

Eleven states, including my home state of California, have adopted medical marijuana laws since 1996. Most of these laws were approved by a vote of the people. More than 70 percent of Americans support the right of patients to use marijuana with a doctor's recommendation.

I am pleased to join organizations that support legal access to medical marijuana, including the American Academy of Family Physicians, the American Bar Association, the American Nurses Association, the American Public Health Association, and the AIDS Action Council.

Religious denominations supporting legal access to medical marijuana or state discretion on this issue include the Episcopal Church, the Evangelical Lutheran Church, the National Council of Churches, the National Progressive Baptist Convention, the Presbyterian Church, the Union for Reform Judaism, the United Church of Christ, the Unitarian Universalist Association, and the United Methodist Church.

Proven medicinal uses of marijuana include improving the quality of life for patient with cancer, multiple sclerosis, and other severe medical conditions.

In my city of San Francisco, we have lost nearly 20,000 people to AIDS over the last two decades, and I have seen firsthand the suffering that accompanies this awful disease. Medical marijuana alleviates some of the most debilitating symptoms of AIDS, including pain, wasting, and nausea.

In 1999, the Institute of Medicine issued a report that had been commissioned by the Office of National Drug Control Policy. The study found that medical marijuana ''would be advantageous'' in the treatment of some diseases, and is ''potentially effective in treatment pain, nausea, and anorexia of AIDS wasting and other symptoms.''

To fight the war on drug abuse effectively, we must get our priorities in order and fund treatment and education. Making criminals of seriously ill people who seek proven therapy is not a step toward controlling America's drug problem.

Again, I commend Mr. FARR, Mr. ROHRABACHER, Mr. HINCHEY, and Mr. PAUL for their leadership on this issue, which affects the health and well-being of so many Americans.

Mr. KUCINICH. Mr. Chairman, I rise to support the Farr/Rohrabacher/Hinchey amendment, which will end federal raids on medical marijuana patients and providers in states where medical marijuana is legal.

Despite marijuana's recognized therapeutic value, including a National Academy of Sciences' Institute of Medicine report recommending its use in certain circumstances, federal law refuses to recognize its medicinal importance and safety. Instead, federal penalties for all marijuana use, regardless of purpose, includes up to a year in prison for the possession of even small amounts.

But since 1996, eight states have enacted laws to allow very ill patients to use medical marijuana in spite of federal law. The present administration, however has sought to override such state statutes, viewing the use of marijuana for medicinal purposes in the same light as the use of heroin or cocaine. In 2002, federal agents raided the Wo/Men's Alliance for Medical Marijuana or WAMM, an organization that under California state law legally dispensed marijuana to patients whose doctors had recommended it for pain and suffering. Eighty-five percent of WAMM's 225 members were terminally ill with cancer or AIDS.

The federal government should use its power to help terminally ill citizens, not arrest them. And states deserve to have the right to make their own decisions regarding the use of medical marijuana. I strongly urge my colleagues to support this amendment.

The CHAIRMAN. All time has expired on this amendment. The question is on the amendment offered by the gentleman from California (Mr. FARR).

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

Mr. FARR. 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 California (Mr. FARR) will be postponed.

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. OSE) 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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER PRO FORMA AMENDMENT BY CHAIRMAN AND RANKING MEMBER TO EACH AMENDMENT MADE IN ORDER DURING FURTHER CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4754 in the Committee of the Whole pursuant to House Resolution 701 and the order of the House of earlier today, the chairman and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to each amendment for the purpose of further debate.

□ 2030

The Speaker pro tempore (Mr. OSE). 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, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 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. 4754.

□ 2031

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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, 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 House rose earlier today, a demand for a recorded vote on amendment No. 6 offered by the gentleman from California (Mr. FARR) had been postponed, and the bill was open for amendment from page 57, line 18 through page 108, line 22.

Pursuant to the order of the House of today, the chairman and the ranking minority member of the Committee on Appropriations or their designees may offer one pro forma amendment to each amendment for the purpose of further debate.

AMENDMENT OFFERED BY MR. FLAKE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

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 to implement, administer, or enforce the amendments made to sections 740.12 of title 15, Code of Federal Regulations (relating to license exemptions for gift parcels and humanitarian donations for Cuba), and 740.14 of such title (relating to license exemptions for baggage taken by individuals for travel to Cuba), as published in the Federal Register on June 22, 2004 (69 Fed. Reg. 34565–34567).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Flake-Davis-Emerson-Delahunt amendment simply prohibits the enforcement on the new Department of Commerce restrictions published June 22 of this year.

These new restrictions added to the list of items prohibited in the sending of gift parcels, namely, clothing, personal hygiene items, seeds, fishing equipment, soap-making equipment, and veterinary medicine and supplies. As I read through the new list, it occurs to me that these items would promote self-sufficiency among Cubans.

The rationale in the new regulations, however, seems to promote a dependency of Cubans on their oppressive government, the same government that has deprived them of freedom for the past 45 years. To quote the Federal Register that contains these new restrictions: ''Such parcels decrease the burden on the Cuban regime to provide for the basic needs of its people.'' By prohibiting these items from being sent to Cuba, we are, in fact, promoting dependence of these people on a dictator.

This amendment would simply take us back to June 21 of this year, at which point several restrictions were already in place.

The message of this amendment is that it is unreasonable for our government to prevent Americans from sending clothes, personal hygiene items, seeds, et cetera to people in Cuba who are struggling under the dictatorship of Fidel Castro. Withholding of such items will have little affect on Castro and a significant effect on individuals who already struggle for the basics.

This amendment would also prevent the enforcement of the new restriction that says gift parcels can only be sent once a month per household instead of once a month per individual. Again, why should we limit the help that Cuban Americans can send to their families?

Finally, it would prevent the enforcement of the new restriction that says travelers are only allowed to carry 44 pounds of luggage, another way to limit the amount of help that can be sent to struggling families.

In Cuba, the average salary is about $10 a month. When a Cuban family receives simple household items in a parcel, it can save its limited income and spend it on food and other necessities. It is hard to think of an economic sanction that does more harm to the welfare of families in Cuba or does more to make the United States seem mean-spirited towards families who already have the misfortune to live under Communism.

We Republicans have diverse views on the Cuban embargo, but we are united on family values; and we should stand up for them here.

As President Reagan said in 1984, ''We must be careful, in reacting to actions by the Soviet Government, not to take out our indignations on those not responsible.'' I would submit, Mr. Chairman, that that is what we are doing here. We are taking it out on those who are not responsible.

The United States should not be targeting economic sanctions directly against Cuban families, nor should we take away from Cuban Americans the right that all immigrants have, to help loved ones who are left behind.

I urge support of the Flake-Davis-Emerson-Delahunt amendment.

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

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. Still allowed is food, medicine, medical supplies, equipment; receive only radio equipment for reception. It does not eliminate humanitarian aid. So the amendment prohibits implementation of a regulation that is still under development. This regulation, as I understand it, would provide several categories of items that BIS has approved for export to Cuba, the eligibility requirements for gift parcels that can be sent to Cuba without a license.

The Commerce Department had told us that based on input from the public since they published the regulation and in consultation with the State Department, the Department is revising the rule.

Castro has a number of people that are in prison today, many speaking out for human rights; and I think it would be important to send a message; and, as a result of that, I rise in strong opposition to the amendment.

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

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I respectfully disagree with the distinguished chairman of the subcommittee. I think this is a human rights issue.

This is not an issue about whether the embargo is going to stand with Cuba. This is a more fundamental issue about the human rights of Cuban-Americans living in the United States: in my home, the Tampa Bay area of the State of Florida, throughout the country, and their families who have been left behind in Cuba.

As the gentleman from Arizona (Mr. FLAKE) alluded to, under the new restrictions that have been announced by the State Department that have taken effect, we now as a country prohibit Cuban-Americans from sending to their own family members, soap, toothpaste, or underwear. Those will no longer be allowed to be mailed by family members in the United States to their families in Cuba. On top of that, these regulations specifically prohibit United States citizens from sending anything to family members other than their mother, father, brother, or sister. In other words, if you had a cousin or an aunt or uncle in Cuba that you care about and are trying to help, under this rule which has now taken effect, you can no longer send to them medicine or food or medical supplies.

This is tragic. This is absurd. This is unforgivable. This is something that we should not countenance as a House. This is not a policy we ever would have adopted as a Congress.

There are a few things that I believe people on both sides of this amendment agree upon: first, that the conditions under the horrific Fidel Castro regime are insufferable for Cubans and their families living down there; secondly, that for years, this government has done very little to help their people and will continue to do very little. We can also agree that one of the few sources of hope and comfort that families in Cuba have is the hope that their own family members will try to help them. I know from visiting Cuba 18

months ago with the gentleman from Arizona (Chairman KOLBE), I saw for myself the horrific, intolerable, unmerciful conditions this regime has inflicted on its own people. There are people walking around without adequate clothing, without adequate food, without adequate medical supplies.

Now, we are telling those people that we are going to take away one of the last sources of hope and support they have: their own family members who are trying to assist them by mailing to them food, medicine, clothing, toothpaste, soap. I represent a lot of people who work very hard so they can set aside money to buy the things that we take for granted every day in our own homes; and they mail it, they used to mail it to their family members, their aunts, their uncles, their cousins, their parents, their children. They can no longer do so under these regulations that are not in development; these regulations are in effect.

This is having an impact today on the lives of people here in the United States and in Cuba who are hanging on for dear life. We all know there are times in our lives where the only person you can count on to help you is your own family because the government lets you down, other people cannot or will not help you. This is one of those times in the horrific history of Cuba where family members are there. They are the only thing that is there to keep people alive, to keep them healthy, to keep them from starving; and we as a government have stepped in, through a rule that was developed very quickly without a lot of public discussion and debate, and we have cut off that family support.

This is not who we are as a country. This is not what we stand for. These are not our values. They are also not the values of these people in Cuba who are fighting to maintain their dignity and their health. We should adopt the Flake-Davis-Delahunt-Emerson amendment. We should repeal these rules. This is a mistake. I urge my colleagues to adopt the amendment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I asked to go to Cuba. The gentleman from New Jersey (Mr. SMITH) and I asked to go. We were denied. We were denied by Castro for the ability to go visit church leaders in Cuba. Yet, I constantly see, and I guess we are not supposed to mention the names of those in the other body, different members of the other body sort of floating into Havana and coming back out. We were not given the ability to go. The State Department was not able to help us. Castro would not let us go. So it would be a little more objective and a little more fair if those who are opposed to what Castro stands for who basically are taking the Reagan doctrine that he took to Eastern Europe there were able to go.

Even in the Soviet Union under the dark days of Krushchev, we were able to go; and when we went, we brought computers in and different things.

So I just want the record to show there has not been a case that I know of of any Member in this body, and there are good people on both sides, I know both sides do not favor Castro, but I have never seen a Member from this body who strongly opposes and speaks out against Castro to ever be given a visa to visit. You even have to go through the pro-Castro groups to ask for an opportunity to go.

So I think the record ought to show that I want to go. And for those of my colleagues who have been and feel that they speak a little bit and have some influence, pick a time and the gentleman from New Jersey (Mr. SMITH) and I will go and we will go into the prisons; we will go into the churches. But the gentleman from New Jersey (Mr. SMITH) and I have never been able to go.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

As a matter of fact, when Castro denied the authority, because he knows very well who he does not want to allow from this body to enter Cuba, he called the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH) provocateurs for having sought permission to enter, because the dictator knows that the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH) would go and try to visit Dr. Oscar Elias Biscet and the other political prisoners, the thousands of political prisoners in Cuba. That is their attempt, and the dictator knows.

The issue here, Mr. Chairman, is very simple. The people who have family in Cuba, Cuban-Americans who send aid to family members in Cuba, are in our districts, in the district that I am honored to represent, in the district of the gentlewoman from Florida (Ms. ROS-LEHTINEN), of the gentleman from Florida (Mr. MARIO DIAZ-BALART), and of the gentleman from New Jersey (Mr. MENENDEZ). But this amendment says, our constituents cannot know what is right for their families. This amendment says, we know better.

By the way, the gentleman from Florida made a series of statements that were factually untrue. He said that the new regulations that have just come into effect promulgated by President Bush prohibit humanitarian aid of food and medicine. I believe the gentleman from Florida said that. That is untrue.

The gentleman also said that the new regulations promulgated by President Bush prohibit family members from sending such humanitarian aid to immediate family members. He said that. That is factually untrue.

□ 2045

So I would recommend to the gentleman from Florida (Mr. DAVIS) that he read the new regulations.

Mr. DAVIS of Florida. Mr. Chairman, will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I think the gentleman should read the regulations first.

Mr. DAVIS of Florida. I have read the regulations.

Mr. LINCOLN DIAZ-BALART of Florida. Well, then why would the gentleman say that immediate family members would not be able to receive food and medicine?

Mr. DAVIS of Florida. If the gentleman would yield, I would be happy to answer his question.

Mr. LINCOLN DIAZ-BALART of Florida. Why would the gentleman say that if he had read the regulations?

Mr. DAVIS of Florida. Because under the regulations, if you are trying to send something down to your cousins, to your aunts——

Mr. LINCOLN DIAZ-BALART of Florida. That is not what the gentleman said.

Reclaiming my time, Mr. Chairman, the new regulations, this gentleman said and it is on the record, that food and medicine is prohibited to, he said, children and fathers and sons. So anyway, that is factually incorrect.

I am glad that he said he read the regulations, but obviously he did not understand them. Maybe he should read them again.

Now, Mr. Chairman, prodemocracy leaders inside of Cuba, the gentleman from Virginia (Mr. WOLF) just mentioned that he sought to visit with them, risking their lives, have sent us a statement that we received just a few days ago, supporting President Bush's measures, stating, ''These measures of the United States Government are designed to bring about democracy in Cuba. These measures will not only benefit the Cubans who live on the island, but also those in exile, leading Cuba to a peaceful transition, and the people themselves will claim their legitimate rights which were stolen from them by the Communist dictatorship in 1959. The dollars that enter the country go directly into the coffers of Castro's Communist system, allowing them to continue enjoying the goods and pleasures that are denied to the Cuban people. They will continue to live above Cuba's working and exploited class, without even thinking of the common Cuban.''

Now, they signed this. They risked their lives to send us this statement. Numerous prodemocracy activists. They are not, by the way, the so-called ''dissidents'' that are allowed by the regime to travel the world to get awards or to come here to Congress to lobby against sanctions on the dictatorship. These are people in the political prisons or risking their lives because they know that at any moment they could be thrown into those totalitarian gulags and given sham trials where they are sentenced to decades in the gulag.

But this amendment, Mr. Chairman, says, We know better than those people. This amendment, Mr. Chairman, is

dishonest. This amendment is condescending. It seeks to undermine an entire policy that President Bush has just implemented to serve the interest of a brutal dictatorship.

The Democratic Party November 30 ''Frank País'', along with the November 30 Movement in Exile, after debating the pros and cons of the new measures that will be enforced beginning June 30, 2004 state the following consensus:

As far as we are informed, we agree to accept the measures imposed by the United States government. We know that they are designed to bring about democracy in Cuba.

We recognize that many common Cubans will be severely affected and specially the children, the elderly and the ill but we, as members of the Cuban opposition, will try to care for those families as best we can, relying on the unconditional assistance of the Exile community.

On the other hand, there are tens of thousands of Cubans who live off the remittances sent to them by their families in the United States. They even travel to the United States and do nothing to help improve the situation of common Cubans.

We believe, and are almost certain that these measures will not only benefit the Cubans who live on the island, but also those in Exile, leading Cuba to a peaceful transition and the people themselves will claim their legitimate rights, which were stolen from them by the communist dictatorship in 1959.

It is important that the people know that the government of Fidel Castro, as a decaying system, no longer has anywhere to purchase goods because it is in debt to the entire World and the dollars that enter the Country go directly into the coffers of Castro's communist system, allowing them to continue enjoying the goods and pleasures that are denied to the Cuban people. Furthermore, they will continue to live above Cuba's working and exploited class, without even thinking of the common Cuban.

Many families live off the clothes and shoes that their families in Exile work so hard to send them, but the Cubans over there, just like the ones here, must remember that the first one who separated the Cuban family was Castro's communist government, who forbade the people from receiving even a single letter from relatives. Many Cubans—far from going out on the streets in protest—chose to settle in Exile and now they protest against whom they should not protest. They should come and protest against Fidel Castro who is the only one responsible for all these measures.

The double standard must cease, they must go out into the streets if they wish to receive remittances to change the grey and sad destiny of the homeland of Martí. Let no one doubt it, victory is closer each day. We only need the unity of all, and with all, of all and by all, therein lies the success of victory against the dictatorship that for 45 years has sunk the people of Cuba into mud and misery.

We are counting on you, our Cuban brothers and sisters in Exile and within Cuba.

Long Live a Free Cuba!

Havana, June 27, 2004.

Mirta Villanueva.

Reinaldo Gante Hidalgo—activist of the November 30 Movement; Ernesto Medina Pascual—activist of the November 30 Movement; Camilo Pérez Villanueva—activist of the November 30 Movement; Afredo Vapán Márquez—activist of the November 30 Movement; Luis Almansa Veleta—activist of the November 30 Movement; Victor Junier Fernández Martinez—activist of the November 30 Movement; Ada Kaly Márquez Abascal—National Coordinator for functions of the Democratic Party November 30 ''Frank País'' and correspondent for the Oriental Zone of the Information Bridge Cuba-Miami.

Statement given via telephone by Ada Kaly Márquez Abascal—National Coordinator for functions of the Democratic Party November 30 ''Frank País'' and correspondent for the Oriental Zone of the Information Bridge Cuba-Miami, for the Information Bridge Cuba-Miami and Net For Cuba on the 27th day of June, 2004.

I would ask all of our colleagues to reject this amendment, to support President Bush's policy to hasten the democratic transition in Cuba. Oppose the Flake amendment.

Mr. FLAKE. Mr. Chairman, I feel compelled to say again, this is not about travel. This is about the freedom of Cuban Americans to send packages of soap and clothing and personal hygiene items to their families in Cuba.

Mr. Chairman, I yield 5½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me time. I yield to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. I just want to further respond to the gentleman's comments because I agree, we need to be clear on the facts. We will disagree on the policy. The rule specifically states that if you are sending something to a spouse, a child, a parent or a grandparent, you can send down food and medicine. But if you are sending something to an aunt, uncle or cousin, you cannot, and that is what the regulations say. And with respect to anybody in your family, you are prohibited from sending down soap, toothpaste or clothes. So I think that sets the record straight.

Mr. DELAHUNT. Mr. Speaker, in a recent interview, the chief of staff of Secretary of State Colin Powell said that the U.S. embargo has not worked for 40 years. ''It is crazy,'' he said. And, again, I am quoting the chief of staff to Secretary Powell. He went on to say, ''It is the dumbest policy on the face of the Earth.'' That is his language.

Well, let me suggest now it just got dumber. Several weeks ago, as the others have said, these new regulations were implemented by the administration. Allegedly they are designed to hasten Cuba's transition to a free and open society, which I think we all agree is a worthy goal. But, tragically, the impact of these changes fall heaviest on Cubans on the island and their families here in the United States who want to help them, to assist them.

It is as if 45 years of this tough approach has not already been proven to be an abysmal failure. So today's debate on this moment focuses clearly on one of the most absurd of the new provisions. The regulation of the Department of Commerce that takes the existing restrictions on the contents of gift packages to their relatives from Americans to their relatives in Cuba, and narrows the list even further.

The new rule would make it illegal for U.S. citizens to send Cuban relatives clothing, soap, shampoo, and other personal hygiene items. And furthermore, since June 30 it is now illegal to send parcels to cousins, aunts, nephews, anyone who is not a member of your immediate family. It is also illegal to send more than one nonfood gift parcel each month to a household, for up until now you could send a monthly care package to each individual in a household. But that is over.

So now it is U.S. foreign policy to prohibit American citizens from sending their relatives soap and shampoo and clothes. I would suggest this hardly constitutes weapons of mass destruction. And the U.S. government is breaking new ground, because it is now in the business of defining family for its own citizens.

Under these regulations, grandparents trump uncles and sisters beat out cousins. In past debates in this Chamber about restrictions on the right of Americans to travel to Cuba, I have referred to the travel police. Well, now we have the shampoo police. We have the soap police. We have the deodorant police. We have the clothing police guarding, at taxpayers' expense, against the possibility that these items might make it across the Florida straits.

This is just as much folly as the fact that the Treasury Department now has more people tracking grandmothers bicycling in Cuba than it does looking at the finances of Osama bin Laden and Saddam Hussein. What in the world are we doing? What have we come to?

You might want to review some of the other new regulations, two announced at the same time, like limiting family visits to once every 3 years with no humanitarian exceptions such as the occasion of the death of a mother, the death of a father, the death of a daughter or the death of a son.

President Bush got it right 2 years ago when he went to Miami and said, I love being with my family. There is nothing more important than family in my life. But he got it dead wrong when he announced these regulations. They are antifamily, they are mean-spirited, and they are un-American; and I urge support for this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, sometimes our speeches get away with us and trivialized. The oppression of people in Cuba, sometimes in making a speech we joke about what is going on in Cuba as if it does not even exist. I think that is pretty unfortunate.

People are dying in Cuba. They are imprisoned in Cuba. The entire island

is nothing but a prison of a Communist dictator. The author and proponent of the Flake amendment does not intend to help Fidel Castro's brutal regime grind its boot heel of tyranny deeper into the necks of Cuban people, but that is exactly what this amendment will do.

The premise upon which the Flake amendment is based is that gift packages sent from the United States to Cuba will be delivered to their addresses by some chipper little mailman with a wink and a smile.

No, Mr. Chairman, it works more like this:

A family of refugees in Miami hears that their relatives in the proletarian paradise that is modern Cuba are short on capitalist luxuries like clothing or soap. So this family gathers together a package of supplies to help their relatives get through the month.

The U.S. Postal Service delivers the package to Cuba where it is taken to a central depository. Once the package is secured by Castro's goon squads, the relatives are notified of its arrival and of the price that they must pay to have it released.

More than a billion dollars of charitable goods are given to the Cuban people by their friends and families from America every year, either in gift packages or personal deliveries by relatives. That is $1 billion that Castro does not have to spend on government services but instead can spend on overtime for his secret police.

Meanwhile, under this arrangement, Castro's regime has pocketed more than $36 million over the last 2 years in revenues from ''delivery fees.''

Now, whether this $36 million went to fund international terrorism, more efficiently torture political prisoners, or simply put in an Olympic-size jacuzzi in Castro's rec room, we do not know. What we do know, however, is that Fidel Castro gleefully, gleefully, profits off the generosity of Cuban-Americans and the desperation of the Cuban people.

This is Totalitarian Dictatorship 101, Mr. Chairman. There is practically a chapter on it in the Communist Manifesto. And it is the very arrangement that our Commerce Department will curb with these new regulations. The new regulations ensure, I say to the gentleman from Massachusetts (Mr. DELAHUNT), ensure that the goods sent to Cuba are truly humanitarian. They will thereby cut into Castro's profits. They are supported by the Cuban-American community and, given the chance, they will work.

The Flake amendment, however innocuous it would seem, would undo those regs, further underwriting Communist oppression and welcome Castro's vile snout back to the trough of American charity.

That is why this amendment will not do. And that is why I urge my colleagues to stand with the Cuban people and vote no.

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, the Flake amendment is very simple, and I will repeat what my colleagues have heretofore said. It prevents the Department of Commerce from carrying out new misguided regulations, further restricting gift parcels and personal baggage going to Cuba.

Now, the stated purpose of these regulations, as my colleagues have said, is to prevent gift parcels sent to Cuba from supporting the Castro regime.

□ 2100

In reality, we all know that these regulations will have little effect on the Cuban regime and, instead, will seriously hinder the ability of Cuban-Americans to send critical humanitarian aid to their family members in Cuba.

I want to examine, if I could, Mr. Chairman, again some of the supposedly regime-supporting items that these Commerce Department regulations would prohibit Cuban-Americans from sending to family members in Cuba as a gift parcel.

Seeds, so that a family might plant vegetables or flowers; clothing; personal hygiene items; fishing equipment; soap. Now, do those sound like items that if withheld from the Cuban people are going to bring down Castro's regime? I do not think so. There will be an impact, and there is no question that Cuban families will suffer.

Mr. Chairman, imagine living with the knowledge that a member of your family residing in Cuba cannot afford adequate clothing, and we all know that the Castro regime makes it almost impossible to afford clothing, new items; but imagine that you could not send him or her this very basic item. Oh, you could send them a receive-only short-wave radio, but you cannot send them clothing or Kleenex, toilet paper? Come on. This is absolutely ridiculous.

I know personally that if I had distressed family members in Cuba or any other country, that this country might prohibit me from sending items to them, that I would use every tool available in order to assist them. Securing travel to Cuba, I might try to pack as many essential items for my family that I could fit into my luggage; but then again, my efforts would be in vain because I would run into these restrictive Commerce Department regulations. These regulations would keep me from bringing more than 44 pounds of luggage per passenger, including my own personal clothing for the trip.

By the way, as my colleague, the gentleman from Massachusetts (Mr. DELAHUNT), said, thanks to the new regulations issued by the Treasury Department, I could only visit family in Cuba once every 3 years. It is kind of hard to pack 3 years of assistance to your family in 44 pounds of luggage. In this situation, how am I supposed to send my family clothing and other essentials?

These regulations, Mr. Chairman, do not reflect this Nation's family values. I think, Mr. Chairman, that family values mean letting family members help each other.

The Cuban people have experienced enough oppression. Let us not fund policies that cut them off from their families, intensifying their hardship. Vote for commonsense policies that reflect our values. Vote ''yes'' for the Flake amendment.

Mr. WOLF. Mr. Chairman, I yield 7 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my wonderful friend, the gentleman from Virginia (Mr. WOLF), for his steadfast leadership throughout the years in favor of human rights; and that is really what is before us today.

I know that it is tempting to make quips and jokes about this situation. It is not very funny to the Cuban people. It goes at their expense, but I want to point out some of the facts that have been misrepresented on the other side.

There will be no soap police. There will be no deodorant police. I know this is so funny. There is not much laughter in Cuba since Castro took office illegally. There will be no shampoo police because of these regulations, no toothpaste police. Call the Commerce Department and find out what the regulations say. All of those goods will be allowed to go into Cuba. Call the Commerce Department tomorrow and my colleagues will read what the regulations say. Please read them.

I rise in strong opposition to the Flake amendment. Mr. Chairman, after the deplorable attacks against our Nation on September 11, we committed ourselves to denying terrorists and their sponsors the financial resources to threaten the United States and our allies and our interests, and this became the pillar of our foreign and our domestic policy in our war against terrorism.

Yet, when President Bush takes steps to deny more than $1 billion annually to the Castro regime, a rogue regime that has been repeatedly classified by our own State Department as a state sponsor of terrorism, the President is rebuffed and undermined.

After reviewing the evidence of how the Castro regime has manipulated U.S. regulations to fill the coffers of his regime, the President was compelled to act firmly and expeditiously, and what was this evidence? I will tell my colleagues, Mr. Chairman.

More than $1 billion annually in funds and goods are sent to Cuba from those living outside the island through the shipments of gift parcels, remittances, and from vacations. In the year 2002 to 2003, the Castro regime received over $36 million in revenues from delivery of gift parcels. He is making a lot of money.

The regime earns another $20 million per year from excess baggage fees and customs duties, and the proponents of this amendment would ask us to ignore these facts, and they will claim that they would justify their positions using

humanitarian claims, while Castro becomes one of the richest men in our hemisphere.

The facts are the following: the new regulations continue to allow gift parcels for humanitarian reasons. That is the truth. That is the fact, but focus these gift parcels to include truly necessary items such as medicines, medical supplies and devices and unlimited food, just to name a few; and the fact is that gift parcels can be sent to immediate family members. This will ensure that the senior regime and Communist Party officials are not the beneficiaries.

Again, I ask my colleagues, what is wrong with a policy that seeks to deny the Castro dictatorship millions and billions in hard-earned currency? This Castro dictatorship is a regime that just a few days ago, just a few days ago from today hosted the foreign minister of Iran and other Iranian regime officials. What happened there?

The Iranian officials thanked the Cuban dictator for the regime support for Iran's nuclear quest, and he indicated that Iran and Cuba must stand together against U.S. efforts to deny Iran access to nuclear technology.

The Iranian foreign minister underscored the significance of sharing expertise and technical knowledge between two countries in various enterprises.

He said he ''conveyed the warm greetings'' of Ayatollah Khomeini and Khatami to Castro for ''resisting the political and economic pressure'' from the U.S.

What pressure was he referring to, Mr. Chairman? The very regulations and policies that we are debating today, that the proponents of this amendment seek to revoke.

The Iranian foreign minister also referred to Castro's 2002 visit to Iran. He called it a turning point in relations between the two countries, leading to stronger Cuba-Iran ties; and notably, it was during this visit that Fidel Castro, with the Ayatollah, stated, ''Together, Cuba and Iran can bring America to its knees.''

So this stronger Cuba-Iran relationship that the foreign minister was referring to is built on this mission, this shared goal of destroying the United States.

So I ask, why would we want to assist the Castro regime, a regime that seeks to destroy our country? Why would we want to assist this regime? What is wrong with trying to deny the Castro regime the financial means to pursue this goal of bringing America to its knees?

The facts speak for themselves, Mr. Chairman. The new regulations implemented by the President are in keeping with our global anti-terrorism efforts, specifically targeting terrorism financing. They do not affect true humanitarian flows between the U.S. and the Cuban people. They do not, and as our dear former President Ronald Reagan would say, toward those who would export terrorism and subversion in the Caribbean and elsewhere, especially Cuba, we will act with firmness.

So I hope that our colleagues will act with firmness, will follow the Reagan example and act with firmness against the Castro regime because the Commission for Assistance to a Free Cuba has given us a mandate to identify measures that are going to help the Cuban people bring an end to the Castro dictatorship, and this is an element of a plan for U.S. assistance to a postdictatorship Cuba.

Castro has exploited U.S. humanitarian policies to shift burdens that should be assumed by the Cuban state; and instead, he has used it to generate hard currency that he uses to maintain the regime's repressive apparatus. These families can continue to send on a monthly basis medicine, medical supplies, food, personal hygiene products to their immediate family members, and also, and we have not talked about it, but nongovernmental organizations are providing humanitarian support and assistance to civil society groups in Cuba, and they will continue to do so with the President's recommendations.

I thank the chairman again for his time.

Mr. FLAKE. Mr. Chairman, may I inquire as to the time remaining.

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 13½ minutes remaining. The gentleman from Virginia (Mr. WOLF) has 14 minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume before yielding to the gentleman from Massachusetts.

I just wanted to clarify what the rule actually says. The rule we are seeking to amend states this rule removes seeds, clothing, personal hygiene items, veterinary medicine and supplies, fishing equipment and supplies, and soap-making equipment from the list of commodities that may be sent to Cuba in gift parcels.

Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in support of the Flake-Davis amendment. This amendment will help not the Cuban regime, but this is an amendment that will help the Cuban people.

Mr. Chairman, for the past 5 years, this House and the other body have voted time and time again to lift various U.S. restrictions on travel and on commercial food and medicine sales. Yet this administration has moved with ruthless determination to tighten and increase restrictions on heretofore legal interactions between Americans and Cubans.

Who have they targeted to be most affected by these new rules and regulations? Who is so subversive, so threatening to our national security that they must face tighter and tighter and tighter restrictions on their activities? Well, it is not members of the Cuban Government. Mr. Chairman, it is Cuban families that will suffer as a result of these new policies.

The Bush administration has even gone so far as to redefine what the word ''family'' means for Cuban-Americans; and it does not include uncles or aunts or cousins or nephews or nieces, let alone your godparents or godchildren or any other member of your extended family. As far as the Bush administration is concerned, if these extended family members are beloved by a Cuban living in America, too bad.

As the sponsors of this amendment have already described, the new Commerce Department policies demand that Cuban-Americans in the United States restrict humanitarian or gift parcels to just one per household in Cuba once a month, rather than a parcel once a month to each individual family member, and while the package may include food, it cannot include seeds so that the family might grow more of their own food or fishing equipment so that they might catch their own food or veterinary medicines and equipment so that a family might care for animals that help them supplement their diet or income.

While the parcel may include medicines, it cannot include personal hygiene items or soap-making equipment; and I would say to my colleagues here, I have the regulations. They are right here in black and white. I am happy to show them to my colleagues and give them to them so they can read.

While Cuban-Americans can send their family members receive-only radios, they cannot send them clothing. Clearly, in the minds of officials at the Commerce Department, listening to Radio Marti is a greater priority for Cuban families than adequate clothing.

Mr. Chairman, our Nation has always placed an emphasis on families, on family values, on the reunification of families. As a Nation of immigrants, we have thrived on supporting our extended families, both those living in the United States with us and family members still struggling to survive in their mother countries.

The new restrictions issued by the Commerce Department make a mockery of this common heritage that binds all Americans together. No matter what any Member of this body believes about the rightness or wrongness of our current policy toward Cuba, and for the record, Mr. Chairman, I believe that our policy is a miserable failure, but no matter what one believes, we should not place the burden and price of those beliefs on Cuban-Americans and their relatives still living on the island.

No constituency in America has fought more fiercely for a free Cuba. Yet, these are the very families Commerce is going to punish.

□ 2115

These new policies were specifically made to isolate Cubans on the island

from their relatives in the United States. They were specifically made to increase the hardships faced by those families.

Mr. Chairman, these new policies are cruel, these new policies are inhuman, and these new policies are cold-hearted and their enforcement should not be funded.

Mr. Chairman, I urge my colleagues to vote in support of the Flake-Davis amendment.

Mr. WOLF. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Virginia has 14 minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong opposition to this amendment, which would weaken the pressure on Castro's gangster regime. Yes, Cuban families will be suffering. Yes, Cuban families will suffer more than they suffer now. But they are not suffering because of the United States of America. No.

It is always America's fault, right? It is always America's fault whether the Cuban people are suffering or any of the people who live under tyranny are suffering anywhere in the world. It is always our fault.

No, the people of Cuba are suffering, as they have for the last 3 and 4 decades, because of the Castro regime. It is a brutal dictatorship that has suppressed the people, that has eliminated freedom, that has permitted the economy, that once-proud economy, one of the most prosperous economies of the hemisphere, to go right down the tubes.

The people of Cuba know why they are suffering. It is not because of the people of the United States. And, in fact, we should have policies that differ between democratic countries and dictatorships. If we have the same policies, what pressure are we going to be able to put on these dictatorships to change? That leaves us with only the military option. We should have an economic policy that will pressure this hemisphere's most brutal dictatorship, and we should make sure that we do not relieve that pressure at this moment.

It is important that the people of Cuba fully understand the consequences of Castro's dictatorship. It is not the fault of the people of the United States, as we have heard here. It is not the fault of this administration. It is the fault of this bearded dictator who has murdered all of his opposition in Cuba. That is why there is no prosperity. That is why the people are living in misery. It is not because of anything we are doing here.

Yes, we should put economic pressure on Cuba to get rid of Castro. Castro has not only a dictatorship that oppresses his people, he supports insurgents and terrorists throughout this hemisphere. He uses his territory as a base of operations that is designed to hurt the people of the United States of America.

Fidel Castro rules with an iron fist. Yes, you do not grow much food when you have iron fists on your hands. That is right, you do not grow much food and you do not have a high standard of living when you spend all your money subsidizing terrorists and a heavy military regime, as Castro has. That is why the people of Cuba are suffering.

The best thing we can do right now is continue the pressure on Castro until he is gone. That is what we can do for the people of Cuba. And if we right now take the measure that is being suggested by the Flake amendment, it will be seen as a weakness on the part of the United States towards this hemisphere's most brutal dictatorship. It will not encourage change for the better, it will encourage intransigence on the part of dictators and terrorists like Fidel Castro.

It is time for us to oppose any type of suggestion like that proposed by the Flake amendment today.

Let us be for Cuba and the people of Cuba, for freedom and democracy, and say, yes; Cuba, si; libertad, si; Castro, no mas.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume before yielding to the gentleman from Idaho.

I would just say that let us do stand for freedom, let us allow Cuban Americans to observe the freedom that they have to send personal hygiene items and food, medicine, and clothing to their family members in Cuba.

Mr. Chairman, I yield 3½ minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I thank the gentleman from Arizona (Mr. FLAKE) for his leadership and once again for bringing forth, I think, a very important doctrine relative to our policy here in the Western Hemisphere.

I rise today in support of this amendment, with great concern about the more than 40 years of failed American policy towards Cuba.

We talk a lot about bringing democracy to Cuba and other parts of the world, especially for those who have suffered under the cruel fist of Communist tyranny for decades. Yet for decades we have worked to shut off their access to their very best hope for freedom, and that is to experience it by conversing with people who are free, or at least were free up until June 30, when once again we adopted another tyrannical national policy toward Cuba.

Instead of bringing about positive change for the people of Cuba, this decrepit policy has hurt ordinary Cubans. It has hurt their families and has deprived ordinary Americans of the opportunity to become ambassadors of freedom. The new restrictions that were put into effect last month only cripple our ability to see change come to the Cuban people.

We say we are trying to help the Cuban people, but by imposing even stricter limits on how Cuban Americans can help their family members in Cuba, these changes hurt not only the Cuban Government but ordinary Cuban citizens who are struggling under that very dictatorship that we try now to depose.

These new restrictions and the underlying policies are unreasonable and fly in the face of what everyone knows is the best way to make people hungry for change, and that is to show them the benefits of what they are missing and the benefits of what they will gain by changing.

Is anyone surprised, then, that in 4 decades we have seen little change in the Cuban political climate? How can we claim to support families while our policies encourage the breakdown of family units by limiting the support of Cuban Americans that can provide family members while they struggle in Cuba? How can we claim to value our God-given freedoms, while denying American citizens the right to move about the world as they please? And how can we claim to want a free and democratic Cuba while refusing the Cuban people the opportunity to see freedom in action and at its best?

Our failed Cuban policies toward Cuba cannot continue. Making them tougher only makes them worse. If we truly seek to end ruthless and brutal human rights violations in Cuba while showing the Cuban people the way toward social and economic freedom, we must begin by changing our own policies of restriction and denial. I urge the support of this amendment.

And let me just say in closing, Mr. Chairman, that I wonder, because I have heard tonight about the iron fist, the restrictions, the suppression, and government directed. Is that not what we are talking about in our directions toward Americans and their want of travel to Cuba? Is that not what we are talking about in our government restricting the activities and relationships between families? Is that not what we are talking about with our religious associations and the lack of our ability to have our religious associations go to Cuba? Is that not what we are talking about when we are afraid, for some reason, to expose the Cuban people to another form of political thought?

I wonder from where that iron fist and that tyrannical hand comes into play?

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I have the greatest respect for my good friends, but as a naturalized American, as a political refugee from an enslaved Communist regime, I would hope that my colleagues would never compare this greatest Nation on Earth, the United States of America, the beacon of hope and democracy for oppressed people everywhere, to what is going on 90 miles from my constituency, the beast of Fidel Castro, who enslaves his

people and who denies his people basic liberties.

Please do not insult my adopted country in that manner.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, it is an important night tonight, because I find myself in between a fight with two sets of freedom fighters, two groups that care deeply about freedom. But the suggestion made by the last speaker, who is a dear friend of mine, that we are interrupting relations between families, in my view, is a little bit like saying that somehow the United States was responsible for a catastrophe visited upon us by Hitler because we refused to give Anne Frank lunch buckets before the Holocaust.

My colleagues, there is way too much at stake here to sit back and say that this is a totalitarian regime that we are going to do business with. I have freedom fighters, including the sponsor of this amendment, who is a hero of mine, the gentleman from Arizona (Mr. FLAKE), who believes deeply in limited government. He believes deeply in free trade. He believes deeply in the things that make our country and free nations great. But I have to say that the question before us tonight is, are we going to accommodate, will we appease, will we compromise with, will we do business with, will we facilitate, will we provide basic resources to a dictator that has put his own people in jail, under the knife in prison, who has basically undermined every single basic liberty we have ever experienced?

Our own State Department has identified, as one of the sixth major exporters of terrorism, the Cuban government. Are we going to recognize that, or are we going to reward that and facilitate that? That is the question here tonight. The question is what Lady Freedom would do here tonight.

I have freedom fighters on both sides of this argument and people I respect. But fundamentally if we send the message to Castro that he and whoever replaces Castro can stay forever and punish freedom, throw 70 reporters in jail on an annual basis simply for reporting the truth, if they will constantly undermine what is good about our free world, then we have got to live with ourselves as the price comes due for allowing freedom to be undermined.

It is true that this is a policy that for some 45 years has not worked. The first 35 the Soviets supported them. With the last 10 years, we have had a chance to undermine Castro. Mr. Chairman, I ask my colleagues to please oppose the amendment.

Mr. FLAKE. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 5½ minutes remaining and the gentleman from Virginia (Mr. WOLF) has 8 minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding me this time. I think we have to stop and listen and look at what is going on here. What we are talking about is regulations that went into effect 7 days ago. These are new regulations. There was no oversight by Congress. We are providing the opportunity here to give that oversight and to do the checks and balances.

The regulations are anti-American because they only affect us. They do not affect Cubans. We are the ones that cannot do this. Our government is telling us that we cannot be compassionate Americans. We cannot send seeds, cannot send clothing, cannot send fishing equipment, cannot send soap to people in another country. And we are going to have to have a police force that goes out and enforces that? That is not a compassionate America.

We cannot be a country that says that we can leave no child behind when we cannot even send hygiene products to this country. We cannot. Americans cannot. We can send to every other kid in the world something that we cannot send to Cuba. That is not leave no child behind.

What are we afraid of? What are we so afraid of that we have to make these regulations so restrictive that we Americans just cannot send a goodwill package to people? How are we going to have friendships? How are we going to instruct about democracy? How are we going to talk about this great country?

This country is turning into the ugly American, the really ugly American by making these really dumb and anti-American restrictions; and we in Congress should lift them by voting for this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to this amendment. We all know that Castro was kept alive for decades by the Soviet regime, and they have collapsed. So how does he stay alive? One of the things he is doing is he is making a lot of money from people that are going back and forth and back and forth.

□ 2130

There are Americans essentially vacationing down there, and to say, You cannot send packages, you cannot go at all, I mean, these are gross exaggerations.

This is a very well-thought-out policy of the President of the United States, and we should support our President in this. And the Cuban Americans in my district, it amazes me for people to get up and say the Cuban Americans do not like this. The Cuban Americans in my district like this. They think it is a very good thing to do, that Castro is being helped by the previous policy and that this policy will be much, much better for our foreign policy interests, which happen to be to support freedom.

And I think this is a very poorly thought out amendment. Vote against it. Support the gentleman from Virginia (Mr. WOLF) in this.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support for this amendment. This, to me, is a freedom issue, as the gentleman from Florida has indicated. I think everyone in this body is concerned about freedom in Cuba, and we should be, and we should do whatever we can to encourage it, but obviously some believe you can encourage freedom by sanctions, which has not worked very well, but it seems to boggle my mind that if we restrain freedom here, that we help freedom there.

This is what we are doing. We are restraining the freedom of our people to send a package, and of course not dealt with in the amendment, but travel as well.

The founders of this country gave strong advice to us, and for 100 years or so we followed it. They said friendship and trade with everyone who is willing, alliances with none; and that is pretty good advice. But what have we done in recent years? We have a hodgepodge when we deal with other countries.

Just think of what has happened recently. We took the gentleman from Libya, the so-called gentleman Omar Qadhafi, who is now scheduled to shoot four nurses and a doctor, and we have given him normal trade sanctions, and we are going to subsidize trade with him. And here he admits to having shot down one of our airplanes or blown up one of our airplanes. He is a terrorist, but here we are dealing with him in that way.

We have trade with China. Things have gone better with China, not worse.

Where are the free traders? It really bothers me when I hear the free traders who promote free trade in every other area except the freedom of an American citizen to send a package to Cuba.

I do not believe you can enhance freedom in Cuba by limiting the freedom of American citizens. We must be more open and more confident that freedom of choice by American citizens is worth something to defend; and I stand strongly for this amendment and I compliment the gentleman from Arizona (Mr. FLAKE) for bringing it to us.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to this amendment, and I will tell you why. Ask the Cuban exiles if they support this amendment. Every single one of them in my district says no. They know what Castro represents. Ask Cuban exiles all over.

I want to be able to walk into a free Cuba with the gentlewoman from Florida (Ms. ROS-LEHTINEN), with the gentlemen from Florida, the DIAZ brothers, and the millions of people that

have been exiled out of Cuba. What is helping the Cubans is to get rid of Castro.

Mr. Chairman, this is also personal. Here sat the gentleman from Texas (Mr. SAM JOHNSON) tortured, tortured brutally by Castro interrogators. They took a pistol and blew the head off of one of our Americans that was a prisoner of war in Vietnam. Remember Elian Gonzales? Remember them shooting down an American airplane that was along their coast?

You know, I do not forget things. Look at the movie Hanoi Hilton. It is not made up. I see people shaking their heads. A Castro torturer stood and held a gun to an American prisoner of war and blew his head off. Ask SAM JOHNSON. He was there. And it is appalling.

Now, there are American stakes. Some of my friends said, Well, DUKE, we are trying to open up agriculture trade. We represent agriculture districts in the opening up of sanctions to Cuba. Sometimes things are worth fighting for. Sometimes things are worth giving up.

Let us give up a little bit so that the Cuban people can be free and that Castro dictator can be eliminated. God bless this country. To hell with Castro.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank the gentleman for yielding me this time and for his leadership in sponsoring this very common-sense amendment.

The point is very simple and clear. Not one dime, not one penny of U.S. tax dollars should be spent to regulate how much soap and toothpaste Cuban Americans can send to their loved ones. Very basic.

I know that many want to topple the Castro government. Regime change, of course, has been central to United States foreign policy under the Bush administration. I happen to believe, however, that we should end the embargo, allow Americans the right to travel, which is their right, and also allow families to embrace each other. Forty-five years of an embargo against an Afro-Hispanic country 90 miles from our shores is fundamentally wrong and immoral.

The United States has normal relations with China. Even the Cuban dissidents believe that ending the embargo makes sense for that cause. This amendment does not even do that. All it does is allow soap and toothpaste and gift boxes to be sent to Cuban people. We should support this modest amendment and stop punishing ordinary people because of a backwards foreign policy.

Mr. WOLF. Mr. Chairman, I yield 3½ minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I just heard that the dissidents in Cuba do not support the sanctions. That is just not correct. As a matter of fact, yesterday, Mr. Antunes, a black Cuban leader who has been in prison since he was 16 years old, imprisoned by that white Spanish son, and grandchildren of Spanish people, Spanish white people who have imprisoned mostly blacks, and again the blacks in prison like Dr. Biscet, like Mr. Antunes, all support these sanctions.

Let me just tell Members who do not support the sanctions: Castro himself does not support sanctions, he supports this amendment as a matter of fact. But the primary reason we have heard today for this amendment, and we have heard it time and time again, is that the Cuban Americans are going to suffer. Those of us who represent the Cuban Americans do not know. The Cuban Americans, you see, according to this amendment, do not know what is right for them. No, those people, we have heard that before, those people do not know what is right for them. So, therefore, this amendment sponsored by people from Arizona and Massachusetts, very far-away places, this amendment knows what is best for that group of Hispanics and their families.

There are two words for what this amendment is, Mr. Chairman, two words for an amendment that says those people, those Hispanics do not know what is right for them, so this amendment has to tell them what is right, two words, ''patronizing'' and ''racist''; you see, because the Cuban American people do know, Mr. Chairman, what is right for themselves and their families. The Cuban American people do know what is the right thing to do, which is why they do not support this amendment. They overwhelmingly support the President's smart, well-thought-out, responsible measures.

Let us oppose this amendment that again tries to tell that group of Hispanics what is right for them, what is right for Cuban Americans. We who represent the Cuban Americans can tell you, they know what is right for them and their families, and they will tell Members to vote ''no'' on this amendment.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, up until most recently, this has been an enlightening discussion. I think it is unfortunate that those who seek to enhance the freedom of individuals to decide whether or not they can send their families services or goods, that is considered racist or that is considered patronizing or condescending. Nothing can be further from the truth. We are simply allowing freedom.

It would be the ultimate irony if we allow Fidel Castro, as William F. Buckley said in a column today, it would be the ultimate irony if we allow Fidel Castro to impinge on the rights of Americans.

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

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

Mr. Chairman, I am somewhat surprised at some of the supporters of this amendment and the way that they are supporting the amendment, as I will. They actually sound like this is on the level. They actually debate this like this is for real.

Let me refresh Members' memories, those who support my position in favor of the Flake amendment on how this happened. A group of Florida legislators wrote the White House and said, if you do not tighten up on Cuba, you are going to lose votes in Florida. That is what happened. That is the truth. So I am surprised that some of my colleagues would actually debate this as if this was real and on the level. This is not on the level.

If you arrived from the moon tomorrow and did not know this was an election year and Florida was in play, how would you have a hint that it was an election year and Florida was in play? Tighten up on Cuba to make Florida not in play, but fall into one column. That is why we bring up Elian Gonzalez, who is playing soccer in Cuba minding his own business. That is why we have decided that Castro stands at the gate and every single dollar and every single tampon and every single Kleenex that goes in Cuba he grabs for himself, and that is why he is the richest guy in the hemisphere, except there is no sign that he is going anywhere and he is nearing 80, so I do not know when he is going to spend all of this money he accumulated.

In 1950, my family came from Puerto Rico. We were not coming from a foreign country, but we felt like we were, and in some cases, we were treated like we were. What do I remember the most? I remember the cold of New York. That was new to me. I arrived in short pants. My father dressed us for Puerto Rico and not for New York.

And I remember my father made $40 a week, and every single Friday upon being paid, he ran to the post office and bought a green money order that he sent back to the folks that we left behind.

So I grew up not understanding a policy that says, to bring about political change, you bring pain to the people you left behind. I do not understand that. That is not right and not correct.

Now, I realize there are rules in the House about how one deals with other Members, and I am one of the most respectful Members when it comes to that, but it was nice to see the majority leader come to the floor and denounce this policy when he is always a leader on trade with China. So whenever he denounces policies like this towards Cuba, I try to see if he is crossing his fingers behind his back since he is such a strong supporter of trading with China.

What are we saying here, that to bring down a government you will deny a family member the ability to visit but once every 3 years. What are we saying, that you are so intent on bringing down a government that has lasted,

for whatever reason, for whatever reason, for over 40 years, because you will not allow a cousin toothpaste? Is that who we are as a people? Is that what we believe in?

The gentleman from Virginia (Mr. WOLF) is like a brother to me, one of the most humane Members in this Congress, and I know the role he has to play on this amendment, just like he understands the role I play on other amendments. But he cannot really believe we are hurting people in the Government of Cuba by denying toothpaste to people in Cuba. That is not what we are doing.

Mr. Chairman, what we are doing is looking for votes. And you know something? It might work. But there are hollow victories, and this may be one of those. This may be one of those victories where you say, Sure, I won, but the people lost, and I was supposed to be representing the people.

□ 2145

And so in memory of my father, remembering that $10, $5 check that he sent back every week to help those who stayed behind, in respect to the Dominicans and so many people in my district and Mexican Americans who send money back every day, in respect for all of those folks and for what they stand for, I cannot be part of this policy. The only change now is that I am no longer alone here. There was a time when the Ron Dellums and the gentleman from New York (Mr. RANGEL) and I were totally alone. Now I am glad to say that all those ideas are now Republican ideas, and I welcome that. I love these Republican amendments that try to deal with Cuba in any way.

But, Mr. Chairman, we cannot continue down this route. We are not going anywhere. We are just making enemies of everybody that we can find in Cuba, and that is not the way to do it.

And one last point. Yes, I have seen TV, Spanish radio interviews with dissidents in Cuba who are saying if we want to help them do not do this, that we are just alienating them. And there is one good sign. And it is the hope; it is the future. A significant number in Florida of Cuban-Americans are saying this is wrong. This is not the way to win. This is not the way to help me. Let me talk to my cousin. Let me visit my grandmother. Let me close to the family I left behind because I am in this country, they are not, and I do not want them to miss out on some of the things I have.

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

I sometimes think the institution that we serve here is so economically driven that we worship at the alter of trade. We are becoming an economic institution. I remember the days of Ronald Reagan where we were more concerned about freedom than anything else.

The gentleman from Texas (Mr. PAUL) is not here. He said things are better in China. Things are not better in China. I opposed MFN for China. Things are worse in China. There are 11 Catholic bishops in jail in China. They have just arrested the person who was identified with regard to SARS. They are persecuting the Tibetans, the Muslims, the evangelicals. Things are worse in China today with MFN and with trade than they have been for a long time.

Secondly, I am really kind of sorry that we are really divided. We should be together, and I think things like this send messages that are not necessarily positive. I wish there had been more discussion, quite frankly, on both sides about those who are being persecuted and those who have been arrested and those who are in jail. Have any Members read the book, and the gentleman from New Jersey (Mr. SMITH) has met with him, and I have met with him once, by Armando Valladares? The persecution and the suffering that has gone on. I have heard almost no one here tonight say that if Castro were to open up the prisons and the jails and release the people, I may change my position. But we should be asking Castro to do something, and we never do that. Why does Castro not open up the prison doors and allow peaceful people out? Why does Castro not allow the journalists to write whatever they want? Why does he not do that? So there should be more discussion on this and less interest in economic interests on both sides and more on human rights and religious freedom.

Lastly, Ronald Reagan took away MFN from Rumania when all the business interests and the Congress was opposed to it. Ronald Reagan was the one who stood up with regard to Communism. The policy in Castro's Cuba has not been a total failure. They are no longer exporting their political situation around the world.

In the interests of those who are suffering, we should be together; and I would hope that whatever amendment would be offered, and it is too late to amend this amendment, so whatever amendment would be offered would also carry the stipulation that those who are in prison for what they believe in, for religious freedom and persecution, as we do whatever the Flake amendment does, that the prison jails are opened and that people be released.

With that I urge a ''no'' vote on the amendment.

Ms. WATERS. Mr. Chairman, I thank the gentleman from Arizona [Mr. FLAKE] for the time.

I rise to support the Flake amendment to prohibit the use of funds in this bill to enforce the Commerce Department's recently-announced anti-family restrictions on sending gifts to Cuba.

These restrictions are part of an extensive set of new Bush administration rules that punish Cuban-Americans who have families in Cuba. These regulations include limiting family visits to Cuba by Cuban-Americans to once every three years and further restricting the ability of Cuban-Americans to send money to their families in Cuba.

The Commerce Department's new regulations would make it illegal for Cuban-Americans to send clothing, seeds, soap, personal hygiene products and veterinary medicines to their families in Cuba. Other gifts would be limited to one gift parcel per month per household in Cuba. Gifts could be sent to parents and children, but not to aunts, uncles, nieces, nephews or cousins.

What conceivable rationale could there be for this cruel, misguided assault on Cuban-American families? Is there anyone who truly believes that we are achieving anything productive by keeping Cuban-Americans from helping their family members who remain in Cuba? How dare this administration tell American citizens they can't send clothes, toilet paper or toothpaste to the families they love!

I urge my colleagues to protect the right of Cuban-Americans to assist their families. Let's help these families, not punish them. Support the Flake amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. FLAKE. 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 Arizona (Mr. FLAKE) will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. PAUL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. PAUL:

At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay any United States contribution to the United Nations or any affiliated agency of the United Nations.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

This is an amendment that I have offered several times in the past, and it is very simple. It says none of the funds made available in this act may be used to pay any United States contribution to the United Nations or any affiliated agency of the United Nations. So very simply, it would defund the United Nations.

The United Nations and the international organizations are now receiving more than $3 billion; so there would be some savings there. But that is not the whole reason why I bring this up. My concern, of course, is for national

sovereignty, and I think that we have drifted a long way from the time when this Congress and the President decided on foreign policy to the point now where we are more or less driven by the United Nations. The United Nations has not too long ago set up an international criminal court that we are trying to avoid jurisdiction on our people but nevertheless it hangs out there as a threat to our military. We now pay a larger sum to the United Nations than anybody else. For the administrative part, it is 22 percent, and for the peacekeeping part, it is 27 percent. So essentially we are paying a quarter of the U.N. dues; and, of course, we do not get 25 percent of the vote.

In recent months, we have all become aware of the scandal involving the United Nations, the Food for Oil program, and there is $10 billion missing. And if there was ever a time that we ought to send a message that we do not condone this type of activity, it is now. There is an investigation going on led by Paul Volcker, but he has no subpoena power. The United Nations and the personnel have no intention so far of cooperating. The odds of our really finding out where this $10 billion went are really quite slim.

But the whole process is wrong. So over the years I would say not only the $10 billion that was taken but the many tens of billions, if not hundreds of billions, of dollars that we have pumped into these international organizations have essentially been money down a hole.

But the bigger issue, of course, is the United Nations making decisions for us. We do now capitulate to the WTO. I am a free trader. I have talked this evening about free trade, true free trade. But the WTO is an organization that, because we are a member, we obediently come and change our tax law to conform with what the WTO tells us to do. We should not be very pleased with that type of an organization that does not really even defend free trade. And we have the IMF and the World Bank, and all it is is a big payment and a big burden for the American taxpayer.

Shortly after the United Nations was established, one of the worst acts occurred early on, and that was that our President took us to war in Korea. And it is ongoing. There is a U.N. war that has been going on, and we have had troops in the United Nations there for over 50 years, and that is quite a bit different than if war would be declared by the Congress and we would fight and win wars.

Even the current war that we are having today, it is not a war, but it is a war when it is necessary to call it a war; but we did not declare a war against the Iraqis, and yet in 1991 we went to war under a U.N. resolution. It was said at that time we did not even need a congressional resolution. We could just go because it was under U.N. orders. Even this current time it confuses us quite a bit because when we voted on going again into battle in Iraq, the United Nation was mentioned 21 times to give this authority, but still it was not a declaration of war.

But at the same time that we use the United Nations to do something to enforce U.N. resolutions, then we turn around and we defy the United Nations. They might ask for a resolution of support. We do not get it, but we do it anyway, which does not do a whole lot to build friendship around the world.

So I see this as totally chaotic, not in our interests. It exposes our men and our women to battle in undeclared wars that are generally not won. Ever since World War II, since wars have not been declared and they have been fought essentially under United Nations, wars have not been won, a lot of men and women are killed, and the resolution is never complete.

So my argument is it is time to send a message to those who are questioning whether or not we are too unfriendly to the United Nations, but at least we ought to assume that there should be a responsibility here for us to have the prerogatives of making these decisions ourselves and not by an international body.

The CHAIRMAN. The time of the gentleman from Texas (Mr. PAUL) has expired.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong opposition to the gentleman's amendment. As imperfect as the U.N. is, there is no other forum which exists to further the U.S. goals. The Security Council's unanimous resolution on Iraq on June 8 was critical to a U.S. priority and to the Bush administration, their effort with regard to bringing some sort of resolution to the issue in Darfur in Sudan, the peacekeeping effort to stop the genocide in Liberia and in Sierra Leone and other places. So the U.S. maintains a key factor here. So I think there are so many arguments that in the interest of time I would hope the amendment would be overwhelmingly defeated.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. 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 Texas (Mr. PAUL) will be postponed.

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 Arizona (Mr. FLAKE), the amendment offered by the gentleman from New York (Mr. WEINER), the amendment offered by the gentleman from Colorado (Mr. HEFLEY), amendment No. 13 offered by the gentleman from Ohio (Mr. KUCINICH), amendment No. 9 offered by the gentleman from Texas (Mr. PAUL), amendment No. 6 offered by the gentleman from California (Mr. FARR), amendment No. 10 offered by the gentleman from Texas (Mr. PAUL).

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

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) 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 vote was taken by electronic device, and there were—ayes 221, noes 194, not voting 18, as follows:

[Roll No. 329]

AYES—221

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Bartlett (MD)
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Boehlert
Bono
Boozman
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Carson (OK)
Case
Castle
Clay
Clyburn
Coble
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Gordon
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg

Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Shimkus
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—194

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Cole
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Engel
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Gutierrez
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
McKeon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ose
Oxley
Pallone
Pascrell
Pearce
Pence
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu

NOT VOTING—18

Blumenauer
Cardin
Cardoza
Carson (IN)
Chandler
Collins
Conyers
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 2221

Mrs. WILSON of New Mexico, Mr. TANCREDO, and Mr. HOEKSTRA changed their vote from ''aye'' to ''no.''

Mr. FROST and Mr. HOEFFEL changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WEINER

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 206, noes 212, not voting 15, as follows:

[Roll No. 330]

AYES—206

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Bishop (UT)
Boehlert
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Burns
Burr
Camp
Capito
Capps
Capuano
Cardoza
Carson (OK)
Case
Chabot
Chandler
Chocola
Coble
Costello
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frost
Gerlach
Gibbons
Gingrey
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Harman
Hastings (WA)
Hayworth
Herseth
Hoeffel
Holden
Holt
Hooley (OR)
Hulshof
Inslee
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moran (KS)
Murphy
Nadler
Neal (MA)
Nethercutt
Neugebauer
Obey
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Paul
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Scott (VA)
Sessions
Shaw
Shays
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Taylor (MS)
Terry
Thompson (CA)
Tierney
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Vitter
Walden (OR)
Waters
Watt
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu

NOES—212

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Biggert
Bishop (GA)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Grijalva
Gutknecht
Hall
Harris
Hart
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hoyer
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson, E. B.
Johnson, Sam
Kennedy (MN)
Kilpatrick
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lucas (OK)
Maloney
McCrery
McInnis
McKeon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (VA)
Murtha
Musgrave
Myrick
Napolitano
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Serrano
Shadegg
Sherman
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Solis
Spratt
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (TX)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Watson
Waxman
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 2237

Messrs. MARKEY, ABERCROMBIE, BURNS, DICKS, BROWN of Ohio and Ms. MAJETTE changed their vote from ''no'' to ''aye.''

Mrs. JO ANN DAVIS of Virginia and Messrs. FORBES, LEWIS of Georgia, MICA and NEY changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 71, noes 342, not voting 20, as follows:

[Roll No. 331]

AYES—71

Baird
Baker
Bartlett (MD)
Boozman
Bradley (NH)
Burton (IN)
Buyer
Chabot
Chocola
Coble
Cox
Cubin
Davis, Jo Ann
Deal (GA)
DeMint
Duncan
Everett
Flake
Fossella
Franks (AZ)
Gillmor
Graves
Green (WI)
Gutknecht
Hefley
Hensarling
Herger
Hostettler
Houghton
Hunter
Isakson
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Manzullo
Marshall
McInnis
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Ramstad
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Skelton
Smith (MI)
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Weldon (PA)
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—20

Aderholt
Akin
Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Gutierrez
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Scott (VA)
Tauzin
Thomas
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2243

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) 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 232, noes 186, not voting 15, as follows:

[Roll No. 332]

AYES—232

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capito
Capps
Capuano
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frost
Gephardt
Gerlach
Gibbons
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hart
Herseth
Hill
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hoyer
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)

Platts
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—186

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 2251

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. PAUL

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 135, noes 283, not voting 15, as follows:

[Roll No. 333]

AYES—135

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Chabot
Chocola
Coble
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kline
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Putnam
Quinn
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Wamp
Weldon (FL)

NOES—283

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Calvert
Camp
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hefley
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 2258

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. FARR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. FARR) 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 268, not voting 17, as follows:

[Roll No. 334]

AYES—148

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boehlert
Bono
Brady (PA)
Brown (OH)
Capps
Capuano
Case
Clay
Conyers
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Gephardt
Gilchrest
Gonzalez
Graves
Grijalva
Gutierrez
Harman
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Michaud
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Porter
Price (NC)
Rangel
Rodriguez
Rohrabacher
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Solis
Stark
Strickland
Tancredo
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—268

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lampson
Langevin
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pallone
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu

NOT VOTING—17

Blumenauer
Boucher
Cardin
Carson (IN)
Collins
Deutsch
Hall
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2305

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GRAVES. Mr. Chairman, on rollcall No. 334 I inadvertently voted "yes." I intended to vote "no."

AMENDMENT NO. 10 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) 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 83, noes 335, not voting 15, as follows:

[Roll No. 335]

AYES—83

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Brown-Waite, Ginny
Burgess
Burton (IN)
Cannon
Cantor
Coble
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeLay
Doolittle
Duncan
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hostettler
Hulshof
Hunter
Istook
Johnson, Sam
Jones (NC)
Keller
Kingston
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McInnis
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Peterson (MN)
Platts
Pombo
Putnam
Radanovich
Rehberg
Renzi
Rogers (AL)
Rohrabacher
Ryun (KS)
Sabo
Sensenbrenner
Sessions
Shuster
Simpson
Stearns
Sullivan
Tancredo
Taylor (MS)
Tiberi
Wamp
Weldon (FL)

NOES—335

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)

Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hensarling
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2312

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2313

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

Page 92, line 16, after the dollar amount insert the following: ''(increased by $1,500,000)''.

Page 93, line 8, after the dollar amount insert the following: ''(reduced by $1,500,000)''.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

My amendment would provide increased funding for the Small Business Administration's Women's Business Centers Program. This amendment would provide for an additional $1.5 million in funding for the Women's Business Centers Program that is currently funded at the level of $12 million, which is included in the committee's version of the report, bringing this total level of program funding to $13.5 million.

The United States Small Business Administration network of Women's Business Centers provide a wide range of services to women business owners at all levels of business development through grant funding to private, nonprofit economic development organizations. These centers are located in 46 States, the District of Columbia, Puerto Rico, American Samoa, and the Virgin Islands, and provide financial and general business management and marketing assistance, as well as long-term training and counseling, to existing and potential women business owners, many of whom are socially and economically disadvantaged.

Many centers make a special effort to assist women on welfare become self-sufficient and administer programs and workshops in business ownership, other employment or a combination of the two. All of the centers provide individual counseling and access to the SBA's programs and services.

I have always been a strong supporter of women-owned small businesses and have led efforts in past Congresses to increase authorized funding levels for the WBC programs.

Mr. Chairman, women-owned businesses are a dynamic and thriving force in the U.S. economy. Business ownership has been one of the most effective means of improving women's economic well-being. Female participation in business ownership at all levels is climbing. Women now own 40 percent of all small businesses and are growing at twice the rate of all other businesses. America's 9.1 million women business owners employ 2.75 million people and contribute $3.6 trillion to the economy.

Additional funding for this program will go a long way to ensuring that both existing and new centers will have the funding to help women entrepreneurs with additional training and technology assistance, especially minority women and start-up businesses.

I would like to thank the chairman and the ranking member for their support and guidance as I have introduced this amendment, and I ask all of my colleagues to support this amendment.

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

Mr. WOLF. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURGESS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURGESS:

Page 108, after line 22, insert the following (and make such technical and conforming changes as may be appropriate):

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. SENSE OF THE CONGRESS REGARDING THE FEDERAL TRADE COMMISSION.

It is the sense of the Congress that the Federal Trade Commission should provide to Independent Physician Associations guidance on contracting with health plans, on practice business arrangements, and on member communications, and a reasonable time for such Associations to ameliorate certain arrangements that could lead to Federal Trade Commission enforcement of antitrust laws against any such Association that has engaged in alleged anticompetitive activities.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. BURGESS) and a Member opposed will each control 5 minutes.

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

The CHAIRMAN. The point of order is reserved.

Mr. BURGESS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an extremely important issue to physicians and patients around the country.

Over the past few years, the Federal Trade Commission has been targeting groups of doctors known as Independent Physician Associations, alleging anticompetitive business activities. These groups, IPAs, are integrated groups of physicians that can provide a wide array of medical services to patients in their community.

While it is important that the Federal Trade Commission enforce the antitrust laws when organizations engage in anticompetitive behavior, they must understand that the recent complaints brought against IPAs could and do disrupt patient care. This amendment would ask that the Federal Trade Commission keep in mind and provide Independent Physician Associations with guidance and a time to ameliorate any arrangement that could violate the law before the FTC pursues enforcement action.

The fact is, Mr. Chairman, if you are an Independent Physician Association, in the eyes of the FTC, you are by definition a conspirator or in the process of conspiring. In fact, the FTC seems to pursue a mission statement that you are guilty unless you happen to be able to prove your innocence, and these actions are extremely expensive to fight.

My concern is not so much the innocence or guilt of the organizations, but the impact that the lack of guidance from the Federal Trade Commission can have on the provider community and patients who receive a high quality of care from IPAs. IPAs consistently rate high in customer satisfaction and positive health outcomes.

One such organization in north Texas, the North Texas Specialty Physicians, provides excellent health care. With over 600 doctors, they serve around 11,000 patients a day. They are the only Medicare risk provider in north Texas. This is important because Medicare risk is the old Medicare+Choice. Here is the group that took that Medicare HMO and made it work, made it work for the doctors and made it work for the patients; and as a consequence, they are punished for their success.

They accept new Medicare enrollees when many other networks in the area do not. Most emergency calls are responded to by their physicians. Their access ratings are very high. At a time when most doctors will not take new Medicaid clients, they are one of the few networks that take new Medicaid enrollees every day.

Federal agencies should not be punishing businesses when their only transgression is success. By having the FTC give IPAs basic guidance on how they contract with health plans and how they communicate with other IPA members and established business relationships, patient care in the community will not suffer. That should be our concern.

It is important for the FTC to enforce the law. All this amendment asks is that a reasonable standard be applied and care be exercised when patient care could be disrupted.

What brought this to my attention was this particular group which has been charged by the FTC with an action. This group has spent $1 million over the last year and a half, defending itself against what it believes are unfair allegations, and probably the FTC has spent, conservatively, three times that amount, and these are dollars we can scarcely afford out of this appropriation. Groups that are procompetitive and manage risk are being punished.

Mr. Chairman, I plan to withdraw my amendment, but I hope to work with the chairman in the future to bring more balance to this situation.

Mr. Chairman, at this time I withdraw my amendment.

AMENDMENT OFFERED BY MR. WOLF

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

At the end of title VI, insert the following:

SEC. 627. It is the sense of the Congress that the Secretary of State, at the most immediate opportunity, should—

(1) make a determination as to whether recent events in the Darfur region of Sudan constitute genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide; and

(2) support the investigation and prosecution of war crimes and crimes against humanity committed in the Darfur region of Sudan.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. WOLF) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. WOLF. Mr. Chairman, the amendment is very simple and concerns recent events in the Darfur region of Sudan, which I visited last week. I offer the amendment on behalf of myself and the gentleman from New Jersey (Mr. PAYNE).

The amendment asks the Secretary of State to support the investigations of war crimes or crimes against humanity in Darfur, and I have done this in consultation with my colleague on the other side, the gentleman from New York (Mr. SERRANO).

Senator BROWNBACK and I just returned from spending 3 days and 2 nights in Darfur, Sudan. During our trip we visited five refugee camps: Abu Shouk; Tawilah; Krinding; Sisi and Morney—all sprawling tent cities jampacked with thousands of displaced families and fast becoming breeding grounds for disease and sickness. We drove past dozens of pillaged villages and walked through what was left of four burned to the ground. We heard countless stories about rape, murder and plunder.

We talked to rape victims. We saw the scars on men who had been shot. We watched mothers cradle their sick and dying babies, hoping against all odds that their children would survive. We saw armed Janjaweed waiting to prey on innocent victims along the perimeter of refugee camps.

We saw Janjaweed—who are carrying out these attacks—sitting astride camels and horses just a short distance from where young and old have sought what they had hoped would be a safe harbor.

The same stories were repeated at every camp we visited. The raids would happen early in the morning. First comes the low rumble of a Soviet-made Antonov plane to bomb the village. Next come helicopter gunships to strafe the village with the huge machine guns mounted on each side. Sometimes the helicopters would land and unload supplies for the Janjaweed. They would then be reloaded with booty confiscated from a village. One man told us he saw cows being loaded onto one helicopter. The Janjaweed, some clad in military uniforms, would come galloping in on horseback and camels to finish the job of killing, raping, stealing and plundering.

Walking through the burned out villages we could tell the people living there had little or not time to react. They left everything they owned—lanterns, cookware, water jugs, pottery, plows—and ran for their lives. There was no time to stop and bury their dead. The Janjaweed made certain that there would be nothing left for the villagers to come home to. Huts were torched. Donkeys, goats and cows were stolen, slaughtered. Grain containers destroyed. In one village we saw where the Janjaweed even burned the mosque.

ETHNIC CLEANSING

What is happening in Darfur is rooted in ethnic cleansing. Religion has nothing to do with what unfolded over the last year. It was clear that only villages inhabited by black African Muslims were being targeted. Arab villages sitting just next to African ones miles from the nearest towns have been left unscathed.

While government officials are adamant in saying there is no connection between the Government of Sudan and the Janjaweed, the militiamen we saw did not look like skilled pilots who could fly planes or helicopters.

We also were told the Janjaweed are well armed and well supplied. They have satellite phones, an astonishing fact considering most people in the far western provinces of Darfur have probably never even seen or walked on a paved road.

The impunity under which the Janjaweed operate was most telling as we approached the airport in Geneina on our last day in the region for our flight back to Khartoum. In plain sight was an encampment of Janjaweed within shouting distance of a contingent of Government of Sudan regulars. No more than 200 yards separated the two groups. Sitting on the tarmac were two helicopter gunships and a Russian-made Antonov plane.

The situation in Darfur is being described as the worst humanitarian crisis in the world today. We agree. But sadly things could get worse. Some say that even under the best of circumstances, as many as 300,000 Darfuris forced from their homes are expected to die from malnutrition and diarrhea or diseases such as malaria and cholera in the coming months.

The impending rainy season presents its own set of problems, making roads impassable for food deliveries and the likelihood of disease increasing dramatically with the heavy rains.

DIFFICULT LIFE IN IDP CAMPS

Abu Shouk was the first of five IDP (Internally Displace People) camps we visited. More than 40,000 people live in this sprawling tent city. Families arriving at the camps—almost all

after walking for days in the hot sun from their now abandon villages—are only given a tarp, a water jug, cookware and a small amount of grain.

At Mornay, the largest of the IDP camps in Darfur with more than 70,000 inhabitants, it was hard not to step in either human or animal feces as we walked. In a few weeks, when the heavy rains begin, excrement will flow across the entire camp. Mortality from diarrhea, which we were told represents one-third of the deaths in the camps, will only increase.

To their credit, all the non-governmental organizations (NGOs) that have been allowed to operate in Darfur have done—and continue to do—a tremendous job under extremely trying circumstances.

Rapes, we were told, happen almost daily to the women who venture outside the confines of the camps in search of firewood and straw. They leave very early in the morning, hoping to evade their tormentors before they awake. With the camps swelling in size and nearby resources dwindling, they often walk several miles. The farther the women go from the camp, the greater the risk of being attacked by the Janjaweed.

As we approached Mornay, we saw a number of Janjaweed resting with their camels and horses along the perimeter of the camp, easily within walking distance. In one camp we heard the horrific story of four young girls—two of whom were sisters—who had been raped just days before we arrived. They had left the camp to collect straw to feed the family's donkey when they were attacked. They said their attackers told them they were slaves and that their skin was too dark. As they were being raped, they said the Janjaweed told them they were hoping to make more lighter-skinned babies. We were told that some of the rape victims were being branded on their back and arms by the Janjaweed, permanently labeling the women.

We also received a letter during our trip from a group of women who were raped. To protect them from further attacks, we purposely do not mention where they are from or list their names. The translation is heartbreaking:

> We are forty-four raped women. As a result of that savagery, some of us became pregnant, some have aborted, some took out their wombs and some are still receiving medical treatment.
>
> Hereunder, we list the names of the raped women and state that we have high hopes in you and the international community to stand by us and not to forsake us to this tyrannical, brutal and racist regime, which wants to eliminate us racially, bearing in mind that 90 percent of our sisters at (. . .) are widows.

These rape victims have nowhere to turn. Even if they report the attacks to the police, they know nothing will happen. The police, the military and the Janjaweed all appear to be acting in coordination.

DIRE SITUATION IS MAN-MADE

The situation in Darfur is dire, and from what we could see, it is entirely man-made. These people who had managed to survive even the severest droughts and famines during the course of their long history are now in mortal danger of being wiped out simply because of the darker shade of their skin color.

Over the course of 3 days, we saw the worst of man's inhumanity to man, but we also saw the best of what it means to be human: mothers waiting patiently for hours in the hot sun so that they could try to save their babies; NGO aid workers and volunteer doctors feeding and caring for the sick and the dying; and the courage and bravery of men, women and children eager to talk to us so that we would know their story.

The world made a promise in 1994 to never again allow the systematic destruction of a people or race. ''Never again''—words said, too, after the Holocaust.

In Darfur, the international community has a chance to stop history from repeating itself. It also has a chance to end this nightmare for those who have found a way to survive. If the international community fails to act, the next cycle of this crisis will begin. The destiny facing the people of Darfur will be death from hunger or disease.

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

The CHAIRMAN. All time has expired.

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

The amendment was agreed to.

□ 2320

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. GINGREY) 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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3598, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–589) on the resolution (H. Res. 706) providing for consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4755, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–590) on the resolution (H. Res. 707) providing for consideration of the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

SMART SECURITY AND IRAQ TRANSFER OF POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, at the end of last month, the United States Government handed control of Iraq ''back to its people.'' And everyone I know who is being at all intellectually honest believes that the choice of a June 30 deadline was driven more by the political calendar than anything else.

The Bush administration wants to have it both ways. They want to go before the voters with ''clean hands'' in the fall to say that the job has been completed just as they tried to declare ''mission accomplished'' a year ago, but at the same time remaining in charge of this occupation, while even after the handover, U.S. troops and other officials will enjoy full immunity if they should destroy property or kill Iraqi citizens.

Coming on the heels of the Abu Ghraib revelations, this arrogance and lack of accountability is absolutely staggering. The war in Iraq has already cost lives of hundreds of American soldiers, 25,000 being injured, the lives of thousands of innocent Iraqi civilians, and billions of dollars that should have been invested right here at home.

This war has diverted resources from the struggle against al Qaeda, the group actually responsible for the atrocities of 9/11. Now al Qaeda has regrouped and poses as great a strength and threat as ever.

This case for war was built on dubious intelligence and outright deceptions. The 9/11 Commission recently announced that it had access to all the same information as Vice President CHENEY; yet there is ''no credible evidence'' that Saddam Hussein's government in Iraq collaborated with al Qaeda.

Our presence in Iraq has been met not with gratitude but resentment. Instead of throwing flowers at American troops, Iraqis now throw torches at Humvees.

Mr. Speaker, our current national security approach is an unmitigated disaster, but do not take my word for it. Listen to the statement issued in mid-June by a group of 27 former senior diplomats and military officials. They said the Bush administration ''has failed in the primary responsibilities of preserving national security and providing world leadership.'' They went on to say: ''Instead of building upon America's great economic and moral strength to address the causes of terrorism and to stifle its resources, the administration, motivated more by ideology than by reasoned analysis, led the United States into an ill-planned and costly war from which exit is uncertain.''

It is clearly time for a new national security policy, Mr. Speaker. And I have introduced H. Con. Resolution 392 to create a SMART security platform for the 21st Century. SMART stands for Sensible Multilateral American Response to Terrorism. SMART security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes. SMART security invests in the development of impoverished nations to prevent terrorism from taking root in the first place. SMART security is about preventing war as opposed to preemptive war. It emphasizes brains over brawn. It is tough, but diplomatic; aggressive, but peaceful; pragmatic, but idealistic.

President Bush loves to think that those who support his efforts in Iraq are patriotic and those who think there is a better way are unpatriotic, or worse, un-American. But I can think of nothing more patriotic than pursuing a national security policy that protects America by relying on the noblest of American values, our capacity for global leadership, our compassion for the people of the world, our commitment to peace and freedom.

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.)

ORDER OF BUSINESS

Mr. PEARCE. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

VIOLENCE AGAINST WOMEN IN CIUDAD JUAREZ, MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, I often criticize the media for the things that I think are inattentive and improper. Tonight, I would like to rise to give tribute to the media where I think good has been done.

A long-time friend, Rebecca Allen, an editor from the Orange County Register, forwarded to me eight articles in a series they printed in mid-June. The articles, written by the brave and courageous Yvette Cabrera and Minerva Canto, four articles apiece, detailed the difficulties that face young women in Ciudad Juarez, Mexico.

□ 2230

My district butts up to the very corner of Juarez, and I have watched the problems of hundreds of deaths of young women, but until reading a series of articles, it was not personal. The first in the series of articles talked about she never came home. Concentrating on Erendira Ponce, 17, all that she dreamed of was a life beyond her poor neighborhood. At 17 she ended up as one of hundreds of women killed in Juarez, Mexico, skull crushed, raped and just thrown down into the dirt.

The second in the series of articles is about the investigator Angolee Talavera, 29 years old, the lead investigator who still has no one to try for all of the killings.

The third in the series of articles concentrates on a suspect's wife. The police have tried to silence the suspect's wife. The suspect, a truck driver, Victor Javier Garcia Uribe, was summarily arrested by two men who were dressed with masks over their head and other men that came up with Halloween costume masks. Little did they understand that Victor had married his wife Mary Ann Garcia when she was still in a wheelchair from an accident suffered while they were dating. He nursed her back to health, moving in with her, and because of the love and the faith that they have built up, she stands by him continuing to provide more and more evidence that he is innocent. Yet, he stays in prison today. Her persistence is rewarded by three beatings from the local authorities, with the admonition that this is a message from the governor, Stop making noise.

The fourth in the series of articles is about a mother's pain. Irma Monreal just lives with the loss of her 15-year-old, the one around whom her and her family's dreams operated. Her 15-year-old daughter just brought the light and life and laughter into their home. Esmerelda wanted to rescue her mother from the poverty, getting a job as a secretary to pour a new concrete floor in their dirt-floored home. At 15, she was taken and brutally murdered. Her body was found purple and swollen with all of the flesh and even the hair missing, just a blank skull on top of her body. What kind of tremendous terror are the people in Mexico living with and the authorities unable to solve?

The fifth series is about an orphan, the inevitable orphans that suffer from the loss of moms.

The sixth is about an activist, the activists who are ignored, who are threatened to keep silent, to stop making waves.

The seventh was about an imprisoned reporter who dared to write about the loss of her friend and blame the authorities, and now she sits in prison.

And finally the eighth article is the hope for the future, talking about women such as Esther Chavez.

The one common trait, Mr. Speaker, is the impunity with which these young ladies are killed. The common element is the careless violence that discards these young ladies as if they had no value.

Mr. Speaker, I add my voice to those speaking up on behalf of justice. We are told in the Bible that the worst sins are those which are committed against the poor and the fatherless, against those who are innocent and unwilling and unable to provide their own protection. Mr. Speaker, these are the people who are suffering in Mexico today. These are the people who are suffering in Ciudad Juarez. I commend the Orange County Register for printing this bold series of articles and drawing to the attention of the United States the difficulties that lie just across the border for women who have done no wrong.

NEW DEMOCRATIC ADMINISTRATION TO UNITE AMERICA

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, last night a Republican from Florida shamed the People's House when he stood at the podium and insulted every Native American in this country. Using cheap partisan rhetoric against the new Democratic vice presidential nominee, the Republican flung bigotry and racism against America's first citizens. And the Republican leadership stood by and said nothing and the administration stood by and said nothing.

The words spoken here were so insulting to Native Americans that I will not repeat them. I will say on behalf of every Native American, and there are

many in my home State of Washington, that we categorically detest such rhetoric. I will say on behalf of every Democrat that we wholeheartedly support Native Americans, we support treaty rights, and we recognize that this generation can and must honor the culture and contribution of Native Americans.

Last night, the Republican rhetoric should remind us all that 100 years later, there still is much left to be done in this country. I will say that that Republican from Florida made the case for why America needs people to defend its citizens on the battlefield and in the courtroom.

Civil rights, civil liberties, the First Amendment, the Second Amendment, all the amendments, the right to be safe in your home, the right to be safe from unsafe products and unsafe practices, Americans have rights we have paid for in world wars and in cold wars.

Somehow the Republicans think defending those rights in a court of law is un-American. Somehow the Republicans think that defending Americans in an American courtroom is un-American.

Truth is stranger than fiction these days in Washington, DC. It has gotten so bad that the other body had to reaffirm that the United States actually supports the Geneva Convention. And there is a question about whether the Republicans in this House will even support it here. They may not even bring it to a vote. What kind of message is that? The Geneva Convention is not for us?

We have to take a vote to say moral leadership is something he still think is a good idea. The issue is before Congress because of what administration civilian leaders have done to America's moral leadership in the world.

Senator JOHN EDWARDS, the vice presidential nominee, speaks of two Americas; one for the rich friends of the administration and the other America for the rest of us. How right he is.

America has been divided by this administration into the have-less and the have much, much, much more. The Republicans would like to continue that trend. They shift the money through massive tax cuts to the rich.

Forget the rhetoric. Here are the numbers. Over $112,000 a year to the average millionaire; under 700 bucks for the rest of us.

Now Republicans want to shift power to their corporate patriarchs to ensure that companies can escape responsibility and accountability when they do something wrong. Fairness is not a word in the Republican dictionary, nor is accountability.

They will tell you the fiction that America suffers because lawyers can go to court and defend Americans. I thought protection under the law was something the Founding Fathers thought was a pretty good idea. It seems Republicans think accountability belongs in the same closet with the Geneva Convention, civil liberties and the basic respect for our first citizens.

Republicans like us to believe that every American has a right to keep and bear arms in order to defend themselves. These same Republicans would like us to believe that Americans do not have the right to defend themselves in court.

Republicans advocate unilaterally disarming Americans. Why? Why would the Republican Party want to prevent average Americans from defending themselves in court? Who benefits? Average Americans or corporate lobbyists? You decide for yourself. I think the words defy gravity.

Republicans would have us believe they know best. They are willing to let big corporations operate without the checks and balances our legal system provides for the safety and protection of every American. That is not representative government, it is Republican doctrine. Reward the rich, over and over and over and over again.

There are two Americas today, but that is going to change. America needs one America, the Nation where ordinary people count and where the common good is what we practice, not preach. The world needs one America, the Nation that recognizes its moral leadership is not secondary to military might or arrogance.

The current Republican administration divided America. The new Democratic administration will unite us.

There are only 118 days left. It is a long time to wait. But America is strong enough to hold on and compassionate enough to hold out until JOHN KERRY is President. If you have lost hope, hang on. Help is on the way.

Mr. Speaker, let the President know he only has 117 more days down at the White House, and he ought to start packing.

□ 2340

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to clause 8 of rule XX, the Chair announces that the House will resume proceedings on H.R. 3980 tomorrow.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE of SPECIAL ORDER TIME

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from North Carolina (Mr. JONES).

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

There was no objection.

CONGRATULATING COLUMBUS HIGH SCHOOL BLUE DEVILS BASEBALL TEAM, THE 2004 AAAA BASEBALL CHAMPIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to congratulate the Columbus High School Blue Devils baseball team in Georgia's 11th Congressional District. Columbus added the 2004 AAAA State baseball crown to its trophy case this year by defeating the Northgate Vikings of Coweta County for the championship.

Columbus is no stranger to State championships. This year's title marks the school's eighth. It was the twelfth time the school had played in the finals.

In this year's 2-game series final, Columbus outscored the Northgate Vikings 20 to 1. The Newnan Times-Herald stated that the Blue Devils, who finished the season with a 35 and 2 record, are arguably the best team in Georgia, regardless of any classification. Two members of the team have signed on to play with Division I college teams.

In two games, Columbus' fielders avoided a single error, while the Blue Devils' pitchers held the Vikings to one run and five hits over two games. At the same time, their offense was at its peak, racking up 23 hits.

Although teammates mobbed Ric Bishop after he caught a foul ball to end game 2, that was not the only memorable moment of the playoffs for the first baseman. Earlier in the week, Bishop hit his 13th home run of the season, a school record. The previous record-holder at Columbus High was former Blue Devil Frank Thomas of the Chicago White Sox. Bishop knocked out another homer in the championship series to finish the year with 14 home runs.

The Blue Devils' pitchers also put in notable performances. Iain Sebastian and Brad Rulon quieted the powerful bats of the Northgate Vikings who entered the series hitting 357 as a team. Sebastian shut out the Vikings and Rulon allowed only one run.

As Coach Bobby Howard told the Columbus Ledger-Enquirer, ''Everybody has talked about our hitting, but our common denominator for winning is with our pitching. I would have hated for anybody to try to hit those guys today.''

Sebastian's fastballs zipped at speeds up to 90 miles an hour and Rulon notched nine strikeouts. They contributed to an overwhelming team effort for which the high school and the entire Columbus community can be proud.

Congratulations to the Columbus Blue Devils for continuing a tradition of excellence.

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.)

JUNE JOBS NUMBERS AND MIDDLE-CLASS SQUEEZE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for half the time until midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, last month we witnessed another disappointing jobs creation month. Economists say our economy must create 150,000 jobs a month just to keep up with increases in population. But last month, only 112,000 jobs were created. And even more troubling, the economy witnessed declines in the length of the average work week and average weekly earnings.

One would think this disappointing news would concern President Bush. After all, he already has the dubious distinction as the only President since Herbert Hoover to lose jobs on his watch. Mr. Speaker, 1.8 million private sector jobs have been lost over the last 3 years, thanks to the economic neglect of both President Bush and Republicans here in Congress.

Instead of showing any concern over these disappointing job numbers, President Bush embraced them, describing them as steady growth. The President also had the audacity to say that our economy does not need ''boom or bust-type growth.''

Now, I ask my colleagues, Mr. Speaker, when is President Bush going to realize that our economy desperately needs a boom? When is President Bush going to finally realize that the failed economic policies that he has been touting over the last 3 years are not creating enough jobs to put millions of Americans back to work? And when is President Bush going to realize that today's economy, the economy he created with his major tax breaks for the wealthiest Americans, is benefiting the wealthiest Americans to the detriment of middle-class Americans? And when is he going to realize that while middle-class Americans face skyrocketing health care costs and ever-increasing college tuition costs, their paychecks are not even increasing at a rate that will keep them equal with inflation?

The economic record of President Bush and this Republican House of Representatives has been an utter failure, and the President's statement that an economic boom is not needed today shows that he is certainly out of touch with the economic realities middle-class Americans presently face. Perhaps the President has been spending too much time hanging around with his wealthy friends to realize that middle-class Americans are struggling to make ends meet.

A report over the weekend by Bloomberg News determined that record-high corporate profits are not trickling down to U.S. workers in the form of pay increases. Economists Paul Krugman said today's economy is passing working Americans by. Krugman points to the fact that average weekly earnings of nonsupervisory workers rose only 1.7 percent over the past year, lagging well behind inflation. And this dismal increase takes place amid continued gains in worker productivity, the amount that workers produce in an hour. If middle-class workers are performing so well and if their hard work is paying off and making the economy grow, then one might ask, why are their wages not growing as well?

Middle-class Americans are getting squeezed by their employers and by government policies. Since March of 2001, corporate profits skyrocketed by more than 50 percent, while wages and salaries decreased by 1.7 percent. American companies raked in an enviable $1 trillion in profits in the last 3 months of 2003 alone, but even while profits soared, companies froze pay.

Unfortunately, Mr. Speaker, Uncle Sam is only making matters worse by shifting the tax burden from wealth to work. Taxes on wages now average almost 24 percent. Taxes on income from investments, by contrast, like stock and bonds, average less than 10 percent. That means that middle-class Americans who depend more on their paycheck than stock market investments are actually paying more in taxes on individual dollars than they bring in. It is an incredible, incredible fact.

While families are earning less and less, ''kitchen table costs,'' the items that directly affect a family's budget, are soaring. Under President Bush, health care costs have skyrocketed almost 50 percent, college tuition has gone up 35 percent, and gas prices are up more than 25 percent. How does a family face these skyrocketing price increases when their paychecks only increase about 1 percent from year to year?

Now, Mr. Speaker, for the past 3 years, Republicans have been telling the American people that the best way to create jobs and expand the economy was to drastically cut taxes for the wealthiest Americans. Not only has that misguided policy created a $400 billion Federal deficit, but it has just not lived up to the expectations that the Republicans create.

Democrats by contrast have a real plan that would truly boost America's economy. Over the last 3 years, many economists have argued that the most effective job creating policies would be increased aid to State and local governments, extended unemployment insurance, and tax rebates for lower and middle income families. Democrats have been fighting for measures that would create jobs immediately by ending the current tax incentives for shipping jobs overseas, enacting a bipartisan manufacturing tax cut bill, enacting a robust highway bill that would create jobs all over this country and pump millions of dollars into State and local economies, provide a tax credit to small businesses so they can lower health care costs, extend Federal unemployment insurance for more than 2.9 million Americans, and make tax cuts for the middle class permanent and paid for.

Mr. Speaker, President Bush seems content with the economic status quo. Democrats, by contrast, realize that middle-class Americans have been squeezed by the policies of this President and this Republican House. We are not satisfied with the latest economic indicators, and we will not quit fighting until all Americans are back to work and bringing home a paycheck that will not squeeze every last dime.

□ 2350

REAL REPUBLICAN SOLUTIONS

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Kansas (Mr. TIAHRT) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. TIAHRT. Mr. Speaker, I wanted to first remind the Members here that there is some convenient memory loss for the Democrats when they want to blame President Bush on the current economy, especially when they want to target the tax relief. So let us just go back to 1999 and remember how our economy got into this current situation.

In 1999, we had the tech bubble burst and we saw tremendous loss of jobs in the tech industry, especially in northern Virginia. It caused the NASDAQ to drop by over half, almost by two-thirds. Then, in 2000, November 2000, the recession technically started while President Clinton was still in office, even before President Bush was sworn in.

And then, of course, who can forget September 11, 2001, when terrorists brought the war on terror to America and attacked us in our homeland and tore down the World Trade Center and attacked the Pentagon and put our economy into a tailspin. It was those events that caused our economy to drop dramatically.

In my hometown of Wichita, Kansas, we had a greater percentage loss of jobs than any other community in America following September 11. We are the air capital of the world, Wichita, Kansas. It is the home of Boeing, Beech, Cessna and Learjet. When you take the number of jobs lost, the percentage of those compared to the total number of jobs in the community, we were the hardest hit. It was because of the September 11 terrorist attacks.

It was the tax relief that President Bush pushed for and that was passed in

the House in a bipartisan fashion, passed by the Senate in a bipartisan way, that has turned our economy around.

When tax relief is passed, people can do one of three things with the money they have in their pocket. The first thing they can do is spend it. That is a demand for good, which is a demand for jobs, and that is good for the economy.

The second thing they can do is save it. When they save it, that makes money available for home mortgages. Today, we have the most homeowners in America, more than we have ever had in the history of our Nation. Particularly minorities are owning more homes than they ever have in the history of our Nation, and tax relief has been a part of that.

The third thing they can do is invest the money. When the money is invested, it allows small companies and large companies to expand their plants, to buy more equipment and to hire more workers. And that is what we have been seeing.

Our economy has been growing by 1.5 million jobs just since last August, 1.5 million jobs. Today, there are more Americans working than ever before in the history of our country. We have more homeownership. We have a higher average pay than ever before in the history of our country. The economy is turning around. But the Democrats have convenient memory loss.

Now, we do have a plan, we have a plan for improving the economy even further. Now, we know that the people who keep and create jobs in America have been having to overcome some barriers that were way beyond their control. We have listed these barriers in eight categories, and the Republicans in the House have addressed a plan to provide relief for these categories. Change the environment so we can bring jobs back into America.

These issues were created over the last generation by Congress. Congress with good intentions has, in fact, created bad policy. So we are in the business of changing that bad policy and bringing jobs back into America.

The eight issues we have taken, one a week at a time; we have gone through four issues already this week. We are on the fifth issue. But we started with health care security. We have passed legislation in the House to help reduce the cost of health care in America. We have passed flexible savings accounts, medical savings accounts, medical liability reform. Those issues are going to bring down the health care costs in America.

We next went on to bureaucratic red tape. We are cutting the amount of red tape in America because those are things that are costs to employers that forces them to pay these costs even though they cannot control them, and it prevents them from bringing more jobs back to America.

Then we went on to lifelong learning so that we would have an educated workforce available. Then we moved on to energy self-sufficiency. We heard from an earlier speaker about gas prices going up. Well, it has been the policies of this Congress over the last generation that have caused this problem.

We have not built a new refinery since 1976 in America. We have not allowed for exploration in places that are as far away as the Northern Slope of Alaska. Nobody on this floor has ever been to the North Slope of northern Alaska. And out of the amount of country the size of California, we cannot even allow 1,800 acres to be used to develop more resources which would provide more oil than we are importing from the Middle East today.

So there is a great deal that could be done to bring down the price of energy in America, but we cannot get the policy passed by Members in this Congress. So we are doing an incredible amount to bring down the price of energy to help bring jobs back to America.

This week we are talking about spurring innovation. We have several pieces of legislation that we have brought to the floor. They include the High-Performance Computing Revitalization Act. They include the Department of Energy High-End Computing Revitalization Act. They include the National Windstorm Impact Reduction Act, the Harmful Algal Bloom and Hypoxia Research Amendment Act, and the Manufacturing Technology Competitiveness Act, and the Stock Option Accounting Reform Act.

All of these things are designed to improve research and development or take that research and development and put it into practical application.

Now, tomorrow we will be dealing with legislation that will take research and development and put it into practical application. We are calling it the Manufacturing Extension Partnership Program. It is already in existence, but we are going to authorize it and expand it.

The MEP, or the Manufacturing Existence Partnership, is a network of 60 nonprofit centers in over 400 locations in 50 States. It served 19,000 clients in 2002. When you do a survey of those 19,000 clients, you find out that we created and retained over 35,000 jobs, that we increased $953 million in sales in America. That is production of American goods in the form of sales, $953 million.

We also retained sales of $1.84 billion. So the $953 million is in addition to the $1.84 billion.

We realized $681 million in cost savings by applying research and development to these small companies. And we have invested $940 million in modernization, including plants and equipment and information systems.

Now, how this helps small businesses is very clear. It helps firms understand and applies lean manufacturing technology. We take these good ideas that have been created through research and development, some of it funded by the Federal Government, some of it funded by the Federal Government through the universities, some of it is coming out of industry itself. We take those ideas to small businesses and we allow them to apply them, redesign factory floors, help firms determine what new equipment they need, how they need to place it. It just teaches them how to apply the technology that will help them create more jobs.

So the concept of having a research and development application has been something that is going to be successful in bringing jobs back in to America.

Now we are going to continue on. In the following week we will be dealing with trade fairness and opportunity. Then we will deal with tax simplification. Then we will end up with lawsuit abuse. Right now lawsuit abuse costs us 2.5 percent on any product made in America. We could reduce our costs by 2.5 percent.

Now, when you look at the current Presidential team that the Democrats have, both of them represent trial lawyers. The vice presidential candidate has made millions and millions and millions of dollars by suing companies, and all that gets absorbed back into the cost of creating jobs.

So to think that the Democrat team is going to create jobs, it is just the antithesis of that. They are going to be working in the opposite direction.

We have these eight issues that we are using to break down the barriers and change the environment so we can bring jobs back into America. Again, they are health care security, reducing the bureaucratic red tape, lifelong learning, energy self-sufficiency, spurring innovation, trade fairness and opportunity, tax relief and simplification, and ending lawsuit abuse. Through these issues we will be able to bring jobs back into America.

Kansans and Americans are known for their ingenuity, a trait fostered by our society since Pilgrims found a way to survive the harsh New England winter and develop into a thriving community that eventually became a great nation. Knowledge and ideas are our most important raw materials.

The American economy has led the world because our system rewards innovation. From Benjamin Franklin through Eli Whitney, Thomas Edison, George Washington Carver, the Wright Brothers, Henry Ford, Jonas Salk, and Spaceship One promoter Burt Rutan, our entrepreneurs, scientists and skilled workers create and apply the technologies that have changed and will continue to change our world.

Our leaders have realized that while they shouldn't tell people what to think or how to do things, there is a vital national interest in helping the best ideas come forward. America's strength has been in encouraging thought and exploration, and providing the resources to bringing those dreams to life.

The United States remains the world's most dominant economy and scientific powerhouse. The rest of the world, however, is catching up and challenging our competitiveness. Fundamentally, there has been a significant increase in the quality and quantity of science and engineering (S&E) capacity around the globe. At the same time. America has grown complacent in her position as innovation leaders. Without adequate support at home, the impact of these two factors has been not only a decline in science and engineering professionals, but also the movement of corporate high tech investments and jobs to other countries.

The Republican Congress has made great strides in funding research and development. We have met and exceed our goal of doubling the National Institutes of Health (NIH) medical research funding, we have made necessary reforms to streamline the Patent and Trademark Office and FDA processes, and we have promoted nanotechnology, broadband dissemination, and a myriad of other important high tech investment. Similarly President Bush has focused on evaluating the scale, quality, and effectiveness of the Federal effort in science and technology.

Research and development investments are still the keys to our nation's future competitiveness, and thus we must increase our efforts to spur innovation. This week, as part of the ongoing 8 week kickoff to the Careers for a 21st Century America competitiveness agenda, the House is focusing on efforts to spur the innovative, creative and entrepreneurial spirit that has always driven America toward phenomenal achievement.

Democrats constantly lament our declining dominance in the sciences, yet offer no solutions. "You need a partnership," says NSF Deputy Director, Josh Bordogna. "You need new knowledge out of universities and labs, new processes from industry, and a government willing to enable it all through appropriate R&D policy and frontier research and education investment, by and for the citizenry." That is the challenge House Republicans have taken to heart.

Instead of political rhetoric, Republicans are offering real solutions. We invite our colleagues to join us in moving America forward.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLUMENAUER (at the request of Ms. PELOSI) for today after 5:00 p.m. and the balance of the week on account of personal reasons.

Mr. CARDIN (at the request of Ms. PELOSI) for July 6 and today on account of official business.

Mr. LAHOOD (at the request of Mr. DELAY) for today after 2:00 p.m. and the balance of the week on account of official business.

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. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. PEARCE) to revise and extend their remarks and include extraneous material:)

Mr. PEARCE, for 5 minutes, today.

Mr. PENCE, for 5 minutes, July 8.

Mr. MORAN of Kansas, for 5 minutes, July 12.

Mr. GINGREY, for 5 minutes, today.

ADJOURNMENT

Mr. TIAHRT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, July 8, 2004, 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:

8908. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8909. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8910. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8911. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Space Based Infrared System (SBIRS) High System Program exceeds the 15 percent PAUC threshold, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

8912. A letter from the Secretary, Department of Energy, transmitting a report concerning plutonium storage at the Savannah River Site, located near Aiken, South Carolina, pursuant to Public Law 107–314, section 3183; to the Committee on Armed Services.

8913. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the fourteenth annual report on the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 note. Public Law 100–583, section 8 (102 Stat. 2969); to the Committee on Financial Services.

8914. A letter from the Assistant General Counsel (Banking and Finance), Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program; Claims Procedures (RIN: 1505-AB07) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8915. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting notification of a significant modification to the auction process for issuing United States Treasury obligations, pursuant to Public Law 103–202, section 203 (107 Stat. 2359); to the Committee on Financial Services.

8916. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual report to Congress on material violations or suspected material violations of regualtions relating to Treasury auctions and other offerings of securities by Treasury, pursuant to Public Law 103–202, section 202 (107 Stat. 2344, 2358–2359); to the Committee on Financial Services.

8917. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report stating that during the period of January 1, 2003, through December 31, 2003, no exceptions to the prohibition against favored treatment of a government securities broker or dealer were granted by the Secretary of the Treasury, pursuant to Public Law 103–202, section 202 (107 Stat. 2344, 2357); to the Committee on Financial Services.

8918. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Extension of Minimum Funding Under the Indian Housing Block Grant Program [Docket No. FRL-4825-1-02] (RIN: 2577-AC43) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8919. A letter from the Chairman and President, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8920. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding the Public Company Accounting Oversight Board's Auditing and Related Professional Practice Standard No. 1 [Release Nos. 33-8422; 34-49708; FRL-73] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8921. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Disclosure Regarding Approval of Investment Advisory Contracts by Directors of Investment Companies [Release Nos. 33-8433; 34-49909; IC-26486; FILE No. S7-08-04] (RIN: 3235-AJ10) received June 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8922. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Collection Practices under Section 31 of the Exchange Act [Release No. 34-49928; File No. S7-05-04] (RIN: 3235-AJ02) received June 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8923. A letter from the Acting Chief Financial Officer, Department of the Tresury, transmitting a copy of the Department's Fleet Alternative Fuel Vehicle Acquisition Report for Fiscal Year 2003, pursuant to 42 U.S.C. 13211–13219; to the Committee on Energy and Commerce.

8924. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Warren County So2 Nonattainment and Approval of the Maintenance

Plan [PA215-429; FRL-7777-5] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8925. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the 1-Hour Ozone Maintenance Plan for the Pittsburg-Beaver Valley Area to Reflect the Use of MOBILE6 [PA217-4230a; FRL-7777-9] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8926. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey 1-hour Ozone Control Programs [Region 2 Docket No. NJ66-273, FRL-7776-2] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8927. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes, Iron County; Arcadia and Liberty Townships. [R07-OAR-2004-MO-0003; FRL-7779-9] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8928. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion; Reconsideration [AD-FRL-7781-4; E-Docket ID No. OAR-2002-0068; Legacy Docket No. A-2002-04] (RIN: 2060-AK28) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8929. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion; Stay of Effective Date [AD-FRL-7780-1; E-Docket ID No. OAR-2002-0068; Legacy Docket No. A-2002-04] (RIN: 2060-AM28) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8930. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Gas Turbines [OAR-2002-0053, FRL-7780-6] (RIN: 2060-AK35) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8931. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services under contract with the Republic of Korea (Transmittal No. DDTC 044-04), pursuant to 22 U.S.C. 2776(c) 22 U.S.C. 2776(d); to the Committee on International Relations.

8932. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting A report containing the results of the review of all programs and projects of the International Atomic Energy Agency (IAEA) in the countries described in section 307(a) of the Foreign Assistance Act of 1961, pursuant to 22 U.S.C. 2027 Public Law 107–228 section 1343(a)(2); to the Committee on International Relations.

8933. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Deputy Secretary of State (as delegated by the Secretary of State) has determinied that the export to Iraq of flashbang distraction, smoke and riot control grenades and infrared laser sights for exclusive use by Iraqi authorities for internal security operations is in the national interest of the United States, pursuant to Public Law 108–11, section 1504; to the Committee on International Relations.

8934. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: United States Munitions List and Part 123 (ZRIN: 1400-ZA) received June 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8935. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2004-39, Imposition and Waiver of Sanctions Under Section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003; to the Committee on International Relations.

8936. A letter from the Acting Administrator, U.S. Agency for International Development, transmitting the policy justification for a proposed transfer of funds from the Development Assistance account to the account for Operating Expenses of the U.S. Agency for International Development, pursuant to Sections 652 of the Foreign Assistance Act of 1961, as amended, and 515 of the FY 2004 Foreign Appropriations Act (Pub. L. 108-199); to the Committee on International Relations.

8937. A letter from the Attorney General, Department of Justice, transmitting the Department's Strategic Plan for fiscal years 2003-2008; to the Committee on Government Reform.

8938. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report on the Agency's competitive sourcing activities during FY 2003, as required by Section 647 of the 2004 Consolidated Appropriations Act; to the Committee on Government Reform.

8939. A letter from the Architect of the Capitol, transmitting a report discussing the Congressional Office recycling programs for traditional and electronic equipment waste (E-waste) for the second quarter of FY 2004, pursuant to the directions issued in House Report 107-576; to the Committee on House Administration.

8940. A letter from the Secretary, Department of Homeland Security, transmitting notification of the plan to replace the terms ''the Bureau of'' with ''United States'' with respect to the Bureau of Citizenship and ImmigrationServices within the Department of Homeland Security, pursuant to Public Law 107–296, section 872; to the Committee on the Judiciary.

8941. A letter from the Ombudsman, CIS, Department of Homeland Security, transmitting the first Annual Report to Congress issued by Citizenship and Immigration Services, pursuant to Public Law 107–296, section 452(c); to the Committee on the Judiciary.

8942. A letter from the Acting President and Chief of Sport Performance, Olympic Committee, transmitting the 2003 Annual Report of the United States Olympic Committee; to the Committee on the Judiciary.

8943. A letter from the Secretary, Department of Homeland Security, transmitting a report to Congress regarding the progress on a demonstration project using the Coast Guard Housing Authorities provided by chapter 18 of title 14, United States Code (14 U.S.C. 680-689), pursuant to Public Law 107–295, section 402(c)(4); to the Committee on Transportation and Infrastructure.

8944. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — VA Homeless Providers Grant and Per Diem Program; Religious Organizations (RIN: 2900-AL63) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8945. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice — Motions for Revision of Decision on Grounds of Clear and Unmistakable Error: Advancement on the Docket (RIN: 2900-AJ85) received May 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8946. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — Sensori-Neural Aids (RIN: 2900-AL60) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8947. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — Priorities for Outpatient Medical Services and Inpatient Hospital Care (RIN: 2900-AL39) received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8948. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — Change of Effective Date of Rule Adding a Disease Associated With Exposure to Certain Herbicide Agents: Type 2 Diabetes (RIN: 2900-AL93) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8949. A letter from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Removal of Requirement To Disclose Saccharin in the Labeling of Wine, Distilled Spirits, and Malt Beverages [T.D. TTB-12] (RIN: 1513-AA93) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8950. A letter from the Chief, Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Overtime compensation and premium pay for Customs officers [CBP Dec. 04-19] (RIN: 1651-AA59) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8951. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Depreciation of Vans and Light Trucks [TD 9133] (RIN: 1545-BB06) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8952. A letter from the Chief, Publications and Regulations Branch, Legal Processing Division, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous [Notice 2004-43] received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8953. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request For Comments Regarding Rev. Proc. 81-70, 1981-2 C.B. 729 [Notice 2004-44] received June 30, 2004, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8954. A letter from the Acting Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Exemption From Tax on Corporations, Certain Trusts, Etc. (Rev. Rul. 2004-67) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8955. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Meritless Filing Position Based on Sections 932(c) and 934(b) [Notice 2004-45] received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8956. A letter from the Chairman, U.S. International Trade Commission, transmitting pursuant to Section 2104(f) of the Trade Act of 2002, a report on the Commission's investigation entitled ''U.S.-Morocco Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, Inv. No. TA-2104-14, USITC Publication 3704''; to the Committee on Ways and Means.

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. BONILLA: Committee on Appropriations. H.R. 4766. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–584). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1231. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; with an amendment (Rept. 108–585, Pt. 1). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3737. A bill to increase the minimum and maximum rates of basic pay payable to administrative law judges, and for other purposes; with amendments (Rept. 108–586). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 338. A bill to amend title 5, United States Code, to require that agencies, in promulgation rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes; with an amendment (Rept. 108–587). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2934. A bill to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes; with an amendment (Rept. 108–588). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 706. Resolution providing for consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes (Rept. 108–589). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 707. Resolution providing for consideration of the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–590). 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. SMITH of Michigan:

H.R. 4767. A bill to amend the Internal Revenue Code of 1986 to triple the amount of the credit allowed for basic research; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mr. RODRIGUEZ, Mr. SMITH of New Jersey, Mr. EVANS, Mr. STEARNS, Mr. MILLER of Florida, Mr. BEAUPREZ, and Mr. FILNER):

H.R. 4768. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into certain major medical facility leases, to authorize that Secretary to transfer real property subject to certain limitations, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Ms. WOOLSEY, Mr. HINOJOSA, Mr. TIERNEY, Mr. KIND, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. GRIJALVA, Ms. MCCOLLUM, Mrs. DAVIS of California, Mr. CASE, Mr. HOLT, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Mr. BISHOP of New York, Mr. CONYERS, Mrs. JONES of Ohio, Mr. MICHAUD, Mr. ALLEN, Mr. MEEKS of New York, Mr. MCDERMOTT, Mr. DOGGETT, and Mr. ANDREWS):

H.R. 4769. A bill making a supplemental appropriation for the Department of Education for the fiscal year ending September 30, 2004, and for other purposes; to the Committee on Appropriations, 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. BAKER:

H.R. 4770. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4771. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself, Mr. ISRAEL, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. GUTIERREZ, Mr. FROST, Mrs. MALONEY, Ms. WATERS, Mr. CROWLEY, Mr. MOORE, Ms. HOOLEY of Oregon, Mr. MEEKS of New York, Mrs. MCCARTHY of New York, Mr. EMANUEL, Mr. SHERMAN, Mr. MILLER of North Carolina, Mr. INSLEE, Mr. SCOTT of Georgia, Mr. LYNCH, Mr. DAVIS of Alabama, Mr. WATT, Mr. MATHESON, Mr. BELL, Mr. CLAY, Mr. ROSS, Mr. GONZALEZ, Mr. KIND, and Mr. SANDLIN):

H.R. 4772. A bill to extend the terrorism risk insurance program; to the Committee on Financial Services.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4773. A bill to define marriage for all legal purposes in the District of Columbia to consist of the union of one man and one woman; to the Committee on Government Reform.

By Mr. FILNER:

H.R. 4774. A bill to amend the Clean Air Act to delay the effect of reclassifying certain nonattainment areas adjacent to an international border, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REYES (for himself, Mr. ORTIZ, Mr. HINOJOSA, and Mrs. NAPOLITANO):

H.R. 4775. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project, and for other purposes; to the Committee on Resources.

By Mr. SHIMKUS (for himself and Mr. DAVIS of Illinois):

H.R. 4776. A bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs; to the Committee on Education and the Workforce.

By Mr. WU:

H.R. 4777. A bill to amend the Internal Revenue Code of 1986 to repeal the phaseout of the credit for qualified electric vehicles, to repeal the phaseout of the deduction for clean-fuel vehicle property, and to exempt certain hybrid vehicles from the limitation on the depreciation of certain luxury automobiles; to the Committee on Ways and Means.

By Mr. ENGLISH:

H. Res. 705. A resolution urging the President to resolve the disparate treatment of direct and indirect taxes presently provided by the World Trade Organization; to the Committee on Ways and Means.

By Mr. DINGELL:

H. Res. 708. A resolution providing for the consideration of the bill (H.R. 3004) to improve the reliability of the Nation's electric transmission system; to the Committee on Rules.

By Mr. GOODE (for himself, Mr. BARTLETT of Maryland, Mrs. JO ANN DAVIS of Virginia, Mr. GOODLATTE, Mr. HALL, Mr. JONES of North Carolina, and Mr. FEENEY):

H. Res. 709. A resolution revising the concurrent resolution on the budget for fiscal year 2005 as it applies in the House of Representatives; to the Committee on Rules, and in addition to the Committee on 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.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LANTOS introduced a bill (H.R. 4778) for the relief of Denes and Gyorgyi Fulop; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 99: Mr. FROST.

H.R. 290: Mr. MCGOVERN and Mr. REYNOLDS.

H.R. 296: Mrs. JO ANN DAVIS of Virginia.

H.R. 463: Mr. GILLMOR.

H.R. 476: Mr. SCHIFF.

H.R. 504: Mr. FARR.

H.R. 623: Mr. WAXMAN.

H.R. 676: Mr. FRANK of Massachusetts.

H.R. 719: Ms. HERSETH.

H.R. 742: Mr. GONZALEZ and Mr. KANJORSKI.

H.R. 775: Mr. ROHRABACHER and Mr. BRADY of Texas.

H.R. 935: Mr. OWENS.
H.R. 1057: Mrs. WILSON of New Mexico, Mr. CRENSHAW, Mr. REYNOLDS, and Mr. LEWIS of Kentucky.
H.R. 1231: Mrs. WILSON of New Mexico.
H.R. 1258: Ms. MCCARTHY of Missouri and Ms. KILPATRICK.
H.R. 1563: Mr. SESSIONS.
H.R. 1592: Mr. GONZALEZ.
H.R. 1639: Mr. THOMPSON of Mississippi.
H.R. 1653: Mr. GONZALEZ.
H.R. 1755: Mr. EHLERS and Mr. HERGER.
H.R. 1859: Mr. MCINTYRE and Mr. OWENS.
H.R. 1886: Mr. SPRATT.
H.R. 2023: Mr. MCDERMOTT.
H.R. 2133: Mr. AKIN.
H.R. 2303: Mr. CANNON.
H.R. 2510: Mr. OSE.
H.R. 2790: Mr. BISHOP of Georgia.
H.R. 2963: Mr. GALLEGLY.
H.R. 2974: Mr. RYAN of Ohio.
H.R. 3090: Mr. PRICE of North Carolina.
H.R. 3103: Mr. ROSS.
H.R. 3180: Mr. CONYERS.
H.R. 3215: Mr. HOUGHTON and Mr. FRANKS of Arizona.
H.R. 3359: Mr. BISHOP of Georgia.
H.R. 3412: Mr. HOLDEN, Ms. HART, Mr. HALL, Mr. TOM DAVIS of Virginia, Mr. CRANE, Mr. WEXLER, and Mr. SIMMONS.
H.R. 3519: Mr. SANDLIN.
H.R. 3558: Mr. FILNER, Mr. MICHAUD, and Mrs. JO ANN DAVIS of Virginia.
H.R. 3574: Ms. JACKSON-LEE of Texas, Ms. GRANGER, Mrs. BLACKBURN, Mr. SULLIVAN, and Mr. SIMPSON.
H.R. 3641: Mr. HOLT.
H.R. 3683: Mr. NEAL of Massachusetts.
H.R. 3684: Mrs. BIGGERT.
H.R. 3687: Mr. SIMMONS.
H.R. 3729: Mr. UDALL of New Mexico.
H.R. 3730: Mr. GONZALEZ.
H.R. 3780: Mr. WEINER.
H.R. 3896: Mr. SULLIVAN.
H.R. 3953: Mr. FORD.
H.R. 3968: Mr. SCHIFF, Ms. BALDWIN, Ms. ESHOO, and Mr. SIMMONS.
H.R. 3974: Mr. CONYERS and Mr. THOMPSON of Mississippi.
H.R. 3988: Mr. DOGGETT, Mr. WEINER, and Ms. LORETTA SANCHEZ of California.
H.R. 3996: Mr. PRICE of North Carolina.
H.R. 5051: Mr. ISRAEL.
H.R. 4082: Mr. OLVER.
H.R. 4093: Mr. MCNULTY and Ms. JACKSON-LEE of Texas.
H.R. 4101: Mr. ROTHMAN.
H.R. 4102: Mr. POMEROY, Mr. KANJORSKI, Mr. FILNER, and Mr. BERMAN.
H.R. 4156: Mr. GORDON.
H.R. 4169: Mr. OLVER, Mr. WEINER, Mr. GONZALEZ, and Mrs. CHRISTENSEN.
H.R. 4206: Ms. DELAURO, Ms. BALDWIN, and Mrs. BONO.
H.R. 4214: Mr. FROST, Mr. MCCOTTER, Mr. HOLDEN, Mr. FLAKE, and Mr. CHOCOLA.
H.R. 4284: Mr. TERRY, Mr. ISSA, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, and Mr. RENZI.
H.R. 4304: Mr. MILLER of North Carolina.
H.R. 4334: Mr. DELAHUNT.
H.R. 4341: Mr. MEEK of Florida and Mr. TOWNS.
H.R. 4346: Mr. GONZALEZ.
H.R. 4358: Mr. MANZULLO.
H.R. 4392: Mr. WILSON of South Carolina.
H.R. 4440: Mr. SAM JOHNSON of Texas and Mr. DEAL of Georgia.
H.R. 4445: Mr. SCOTT of Georgia and Mr. GRIJALVA.
H.R. 4511: Mr. EVANS and Mr. MCGOVERN.
H.R. 4530: Mr. NORWOOD, Mrs. JO ANN DAVIS of Virginia, Mr. CALVERT, Mr. SULLIVAN, and Mr. BALLENGER.
H.R. 4533: Mr. FRANKS of Arizona.
H.R. 4547: Mr. SMITH of Texas, Mr. GREEN of Wisconsin, Mr. FEENEY, Mr. CARTER, Mr. COBLE, and Mr. GALLEGLY.
H.R. 4571: Mr. NEUGEBAUER.
H.R. 4578: Mr. BEAUPREZ, Mr. OWENS, Mr. ENGEL, Mr. TANNER, Mr. MEEHAN, Mr. SCHIFF, Mr. GRIJALVA, Mr. NEY, Mr. GREEN of Wisconsin, Mr. LAHOOD, and Mr. YOUNG of Florida.
H.R. 4595: Mr. WOLF.
H.R. 4600: Mr. NEY and Mr. LAHOOD.
H.R. 4622: Mr. CLAY, Ms. SOLIS, Mr. LEWIS of Georgia, and Mr. TERRY.
H.R. 4626: Mr. GORDON and Mr. CUMMINGS.
H.R. 4634: Mr. MCCOTTER, Mr. MORAN of Virginia, Mr. LAHOOD, and Mr. SHAW.
H.R. 4655: Mr. RYUN of Kansas, Mr. GONZALEZ, Mr. MEEHAN, and Mr. BOUCHER.
H.R. 4668: Mr. FROST, Mr. GREEN of Texas, Mr. WOLF, Mr. SERRANO, and Mr. WEINER.
H.R. 4674: Mr. MCDERMOTT, Mr. CONYERS, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. OWENS, and Mr. WAXMAN.
H.R. 4710: Ms. PELOSI, Mr. NADLER, Ms. DEGETTE, and Ms. ESHOO.
H.R. 4711: Mr. HEFLEY, Mr. SANDLIN, Mr. TOWNS, Mr. MCGOVERN, Mr. BERRY, Mr. EVANS, Mr. MCDERMOTT, Mr. FILNER, Mr. FROST, and Mr. REYES.
H.R. 4718: Mr. NETHERCUTT.
H.R. 4720: Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. OWENS, and Mrs. CHRISTENSEN.
H.R. 4730: Mr. RYAN of Ohio, Mr. STRICKLAND, Mr. BROWN of Ohio, and Mr. QUINN.
H.R. 4736: Mr. FOLEY.
H.J. Res. 28: Mr. RANGEL and Mr. SCOTT of Georgia.
H.J. Res. 44: Mr. MCHUGH.
H.J. Res. 56: Mr. LUCAS of Oklahoma.
H. Con. Res. 99: Mr. STUPAK.
H. Con. Res. 126: Mrs. JO ANN DAVIS of Virginia.
H. Con. Res. 218: Mr. DAVIS of Florida.
H. Con. Res. 390: Ms. SCHAKOWSKY.
H. Con. Res. 425: Mr. EVANS, Mr. WILSON of South Carolina, and Mr. OWENS.
H. Con. Res. 431: Mr. DEAL of Georgia and Mr. SCOTT of Georgia.
H. Con. Res. 465: Ms. KAPTUR.
H. Con. Res. 467: Mr. BROWN of Ohio and Mr. CASE.
H. Res. 466: Mr. CAPUANO.
H. Res. 556: Mr. MICHAUD and Mr. INSLEE.
H. Res. 586: Mr. SCOTT of Georgia.
H. Res. 601: Ms. SCHAKOWSKY.
H. Res. 632: Ms. MCCOLLUM and Mr. ROTHMAN.
H. Res. 636: Ms. MCCOLLUM.
H. Res. 647: Ms. KAPTUR, Mr. DEUTSCH, Mr. MCINTYRE, Mr. NORWOOD, Mr. SHAW, Mr. KINGSTON, Mr. GORDON, Ms. BORDALLO, Mr. BURNS, and Mr. KIND.
H. Res. 688: Mr. RENZI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4754

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 21: Page 27, line 24, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

Page 28, line 12, after the dollar amount, insert the following: ''(increased by $15,000,000)''.

H.R. 4754

OFFERED BY: MR. FLAKE

AMENDMENT NO. 22: 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 to implement, administer, or enforce the amendments made to sections 740.12 of title 15, Code of Federal Regulations (relating to license exemptions for gift parcels and humanitarian donations for Cuba), and 740.14 of such title (relating to license exemptions for baggage taken by individuals for travel to Cuba), as published in the Federal Register on June 22, 2004 (69 Fed. Reg. 34565–34567).

H.R. 4754

OFFERED BY: MR. KING

AMENDMENT NO. 23: At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) For expenses necessary for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), $1,000,000.

(b) The amount otherwise provided in this Act for ''DEPARTMENT OF JUSTICE—LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES'' is hereby reduced by $1,000,000.

H.R. 4754

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 24: Page 57, line 11, after the dollar amount insert the following: ''(reduced by $2,500,000)''.

Page 92, line 16, after the dollar amount insert the following: ''(increased by $2,500,000)''.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 25: 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 to detain for more than 30 days a person, apprehended on United States territory, solely because that person is classified as an enemy combatant.

SEC. 802. None of the funds made available in this Act may be used to defend in court the detention for more than 30 days of a person, apprehended on United States territory, solely because that person is classified as an enemy combatant.

SEC. 803. None of the funds made available in this Act may be used to classify any person as an enemy combatant if that person is apprehended on United States territory.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 26: 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 to detain for more than 30 days a United States citizen, apprehended on United States territory, solely because that citizen is classified as an enemy combatant.

SEC. 802. None of the funds made available in this Act may be used to defend in court the detention for more than 30 days of a United States citizen, apprehended on United States territory, solely because that citizen is classified as an enemy combatant.

SEC. 803. None of the funds made available in this Act may be used to classify any United States citizen as an enemy combatant unless that citizen is apprehended outside the United States.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 27: 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 to detain for more

than 30 days a United States citizen, apprehended on United States territory, solely because that citizen is classified as an enemy combatant.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 28: 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 to defend in court the detention for more than 30 days of a United States citizen, apprehended on United States territory, solely because that citizen is classified as an enemy combatant.

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 29: 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 to classify any United States citizen as an enemy combatant unless that citizen is apprehended outside the United States.

H.R. 4754

OFFERED BY: MR. WEINER

AMENDMENT NO. 30: Page 26, line 20, after the dollar amount, insert the following: ''(increased by $100,000,000)''.

Page 28, line 4, after the dollar amount, insert the following: ''(increased by $100,000,000)''

Page 47, line 8, after the dollar amount, insert the following: ''(reduced by $100,000,000)''.

H.R. 4754

OFFERED BY: MR. WEINER

AMENDMENT NO. 31: Page 26, line 20, after the dollar amount, insert the following: ''(increased by $124,475,000)''.

Page 27, line 4, after the dollar amount, insert the following: ''(increased by $124,475,000)''

Page 47, line 8, after the dollar amount, insert the following: ''(reduced by $124,475,000)''.