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;