GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material, and that I may include tabular material on the further consideration of H.R. 2862, Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Is there objection to the request of the gentleman from Virginia?

There was no objection.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 314 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. 2862.

□ 1040

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. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, 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 on Tuesday, June 14, 2005, the amendment by the gentleman from New Jersey (Mr. GARRETT) had been disposed of, and the bill was open for amendment from page 22, line 14 through page 25, line 17.

Pursuant to the order of the House of that day, 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 debate;

Amendments printed in the RECORD and numbered 1, 4, 10, 11, 17, 18, 19 and 21;

An amendment printed in the RECORD and numbered 2, which shall be debatable for 15 minutes;

An amendment printed in the RECORD and numbered 6, which shall be debatable for 20 minutes;

An amendment by Mr. WOLF, regarding funding levels;

An amendment by Mr. HINCHEY, regarding implementation of laws on medical marijuana, which shall be debatable for 30 minutes;

An amendment by Mr. MARKEY, regarding limitation on funds for torture, which shall be debatable for 15 minutes;

An amendment by Mr. NADLER, regarding health insurance records under the PATRIOT Act, which shall be debatable for 15 minutes;

An amendment by Mr. SANDERS, regarding FISA applications under the PATRIOT Act, which shall be debatable for 40 minutes;

An amendment by Mr. SCHIFF, regarding protection of the Federal judiciary;

An amendment by Mr. CARDIN, regarding WTO action against China for currency manipulation;

An amendment by Mr. MICA, regarding U.S. and Commercial Service funding;

An amendment by Mr. SHIMKUS or Ms. ESHOO, regarding NTIA funding;

An amendment by Mr. INSLEE, regarding NOAA Coastal Zone Management Program;

An amendment by Mr. FOSSELLA or Mr. KING of New York, regarding U.S. fugitives residing in Cuba;

An amendment by Mr. FLAKE, regarding educational cultural exchanges;

An amendment by Mr. FLAKE, regarding goods to Cuba, which shall be debatable for 20 minutes;

An amendment by Ms. JACKSON-LEE of Texas, regarding data on racial distribution of convictions;

An amendment by Ms. JACKSON-LEE of Texas, regarding affirmances by immigration judges;

An amendment by Mr. MORAN of Virginia, regarding export licenses for firearms;

An amendment by Mrs. MUSGRAVE, regarding NASA Hollywood liaison;

An amendment by Mr. OTTER, regarding delaying notice on search warrants;

An amendment by Mr. KING of Iowa, regarding implementation of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996;

An amendment by Mr. SCHIFF, regarding DNA collection from convicted felons;

An amendment by Ms. JACKSON-LEE of Texas regarding safety requirements for the space shuttle and the international space station;

An amendment by Mrs. JONES of Ohio, regarding EEOC;

An amendment by Ms. MOORE of Wisconsin, regarding SBA funding;

An amendment by Mr. WEINER, regarding State and local law enforcement funding;

An amendment by Mr. HAYWORTH, regarding U.N. funding;

An amendment by Mr. MCDERMOTT, regarding travel to Cuba;

An amendment by Mr. REYES, regarding torture of human rights activists.

Each such amendment may be offered only by the Member named in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee; shall be considered read; shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Science, State, Justice, Commerce, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

□ 1045

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of title I of the bill through page 34, line 11, 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 text of the remainder of title I is as follows:

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $50,000,000, to remain available until September 30, 2007, 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: *Provided further*, That of the funds appropriated for the Executive Office for Weed and Seed, not to exceed $2,000,000 shall be directed for comprehensive community development training and technical assistance.

COMMUNITY ORIENTED POLICING SERVICES

For activities athorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $520,057,000, to remain available until expended: *Provided*, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: *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.): *Provided further*, That up to $29,000,000 of balances made available as a result of prior year deobligations may be obligated for program management and administration: *Provided further*, That any balances made available as a result of prior

year deobligations in excess of $29,000,000 shall only be obligated in accordance with section 605 of this Act. Of the amounts provided—

(1) $30,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act, of which not to exceed $3,000,000 shall be for the National Institute of Justice to test and evaluate vests;

(2) $60,000,000 is for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in ''drug hot spots'';

(3) $120,000,000 is for a law enforcement technologies and interoperable communications program;

(4) $25,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(5) $10,000,000 is for an offender re-entry program;

(6) $177,057,000 is for a DNA analysis and capacity enhancement program, and for other State, local and Federal forensic activities;

(7) $38,000,000 is for law enforcement assistance to Indian tribes; and

(8) $60,000,000 for a national program to reduce gang violence.

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, $333,712,000, to remain available until expended, as follows—

(1) $712,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

(2) $83,000,000 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) $5,000,000 for juvenile mentoring programs;

(5) $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) $25,000,000 shall be for a gang resistance education and training program; 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;

(6) $5,000,000 for Project Childsafe;

(7) $15,000,000 for the Secure Our Schools Act as authorized by Public Law 106–386;

(8) $15,000,000 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 may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $4,884,000, to remain available until expended for payments as authorized by section 1201(b) of said Act; and $4,064,000 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. 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. 106. The Attorney General is authorized to extend through September 30, 2007, 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) without limitation on the number of employees or the positions covered.

SEC. 107. 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.

SEC. 108. 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. 109. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 110. Any funds provided in this Act under ''Department of Justice'' used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

SEC. 111. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 112. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

This title may be cited as the ''Department of Justice Appropriations Act, 2006''.

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

AMENDMENT OFFERED BY MR. WOLF

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

Page 26, line 25, after the dollar amount, insert the following: ''(increased by $34,000,000)''.

Page 27, line 21, after the dollar amount, insert the following: ''(increased by $34,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Virginia (Mr. WOLF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I yield myself 30 seconds.

The committee is dedicated to addressing the methamphetamine problem; and now with the additional funds freed by the amendment, we can dedicate more funds to combat the meth problem. So I am offering this amendment which adds $34 million to the COPS program to combat meth production and trafficking and enhance policing initiatives.

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

The CHAIRMAN. Does any Member claim the time in opposition?

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

Page 26, line 25, after the dollar amount, insert ''(increased by $126,152,000)''.

Page 57, line 9, after the dollar amount, insert ''(reduced by $126,152,000)''.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from New York (Mr. WEINER) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is another amendment that offers to bolster the COPS program. The hiring count is zeroed out in this bill, and it takes the funds of the National Science Foundation, reduces the NSF not back to the level it was before its deep cuts, but puts it back to where it was in 2004 before those big cuts began.

First, let me say that a consensus is emerging in this House. We have had amendment after amendment that has been offered to take the COPS program back from the scrap heap, back from a point at zero, and try to restore the hiring component.

We saw it done from Census, a proposal to do it from the FBI, and a proposal now to do it from the NSF. Let me be very clear, I think the NSF should be higher than my amendment and higher than the level provided by this House, and I believe the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Virginia (Mr. WOLF) would both like to have more than they have allocated.

The issue is this: we have reached consensus in Congress that the COPS program should not be zeroed out. We reached that consensus because in the reauthorization for the Justice Department we included a billion dollars to reauthorize the COPS program. We reached consensus yesterday on the floor when overwhelmingly an amendment was adopted to increase the COPS program. We just adopted an amendment to restore funds to the COPS program. The COPS program should not be zeroed out because it has been arguably the most successful Federal law enforcement program ever created, and it is also the most democratic.

I have a map showing cities all around the country and the number of officers that have been funded since 1995 and the level that crime has gone down, whether it be Jackson, Mississippi, 347 officers funded, a crime rate drop of 12 percent; San Antonio, Texas, 100 officers funded, a drop of 9 percent; Boston, Massachusetts, 139 officers funded, a 28 percent crime rate reduction.

Yet in this bill, we zero out the hiring component. It is mysterious why the COPS program has become such a target, but I can tell Members it is not because the program does not work. A broad coalition, bipartisan as we saw yesterday and in the sponsorship of my effort to reauthorize the bill, shows that just about every law enforcement group and just about every Member of this House believes in the COPS program.

This is another demonstration of the same point. Look at how evenly distributed the number of new officers is: Texas, 6,074 police officers on the street. When John Ashcroft spoke about this during his confirmation hearings for Attorney General, he said, ''Let me just say, I think the COPS program has been successful. The purpose of the COPS program was to demonstrate to local police departments that if you put additional police, feet on the street, that crime would be affected and people would be safer and more secure. We believe the COPS program demonstrated that conclusively.'' That is John Ashcroft.

When Tom Ridge was sworn in as the Secretary of Homeland Security, he said homeland security starts in our home towns.

Yet what we have done, the last 4 years, since September 11, we have had a steady decline in the COPS program to where it is zero. The hiring component is at zero. We are actually taking cops off the street rather than putting them on.

I have complete confidence that the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Virginia (Mr. WOLF) understand the value of the COPS program. In the district of the gentleman from Virginia (Mr. WOLF), over $1.1 million has been awarded to add school resource officers. In the district of the gentleman from West Virginia (Mr. MOLLOHAN), over $26 million in the State of West Virginia.

So what does this amendment do? First of all, before my opponents stand up, let me do the argument for them. The NSF is a valuable agency. We are not saying it is not valuable. We are saying that dramatic increase they are going to get this year be limited to bringing them back to where they were in the 2004 budget before we slashed it down. Not that it should be cut, not that it should be reduced. It should be flatted out, increased rather, but only to the point where it was in 2004 before we had the reduction last year. I think it is fair and reasonable.

We also have to be careful about something else. We are in the unpleasant circumstance of having to take from Peter to pay Paul. But I would argue that Members should listen to the voice of this House. We overwhelmingly reauthorized the COPS program in the Justice Department reauthorization bill. The will of this House is to have a COPS hiring component. Yesterday's amendments showed it.

So before we get into this argument about what is better, science or police, I say they are both very, very important. What is more important, Census or police; they are both very, very important. What is more important, the FBI or the police on the beat; they are both very, very important. This amendment seeks to balance two ideals.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in very strong opposition to the amendment. It would inflict a major blow to the Nation's basic scientific research. The Nation has reached a crisis point in terms of science and technology. Any advantage that we have enjoyed is rapidly eroding.

The research budget should be considered part of the national security budget. It is the most strategic investment we make in maintaining America's leadership in the world. We worked hard within our limited allocation to provide an increased funding level in the bill for NSF's basic scientific research, $157 million above last year's level. Every outside group said this is good. It is above what the Bush administration had, and to take it out now would send a message to the scientific community and the university community that would demoralize them. It would make us a second- and third-rate Nation. I urge a strong ''no'' vote on the amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), chairman of the Committee on Science and one who knows so much about this issue.

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to this amendment. I am a little bit surprised that the gentleman from New York (Mr. WEINER), who is a former member of the Committee on Science, and let me add a valuable member of the Committee on Science, I am a little surprised he would be offering this amendment.

Let me say what I have said many times in response to earlier amendments. We cannot be decimating a valuable program so another can do a little bit better, and that is what this amendment would do.

The National Science Foundation is not exactly flush with cash these days. The appropriators deserve to be congratulated for the funding they have been able to find; but let me remind Members, it is not as much as NSF received in fiscal year 2004. The approval rate for grant applications is down 20 percent. The approval rate in some subfields, some specialties, is in the single digits. Meanwhile, NSF is being asked to take on more responsibilities, such as footing the bill for the ice-breaking activities in the Antarctic. This is not the time to be cutting NSF. NSF does not have cash to spare.

Even the gentleman from New York (Mr. WEINER) recognizes this because he proudly joined us in signing a letter requesting far more money for NSF

than this bill provides. That letter talks about how vital NSF programs are to our Nation's economic future.

If one takes the long view, it is kind of ironic to take money away from NSF to find funding for local law enforcement. If our economy falters, then crime will surely go up. And if we do not invest in basic research, then over time our economy surely will falter. We should not be doing this. This is not the right way to approach it.

I urge opposition to this amendment which will take money away from a vital cash-strapped agency which is dealing with our future. No one will fund basic research if the Federal Government does not. That is not true of local law enforcement. So I urge opposition to this amendment.

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

Mr. Chairman, I rise in strong opposition to this amendment. The gentleman from New York (Mr. WEINER) says before we get into this argument between COPS and NSF and NOAA and all of the other good programs in this bill, we are into the argument of balancing. He says we are trying to balance two ideals.

I want to assure the gentleman from New York (Mr. WEINER) that the chairman, the ranking member, and all of the subcommittees, in addition to the full Committee on Appropriations, have gone through an extensive exercise of balancing these ideals, more than two ideals. There are many competing domestic programs in this bill. They are all worthy purposes and projects, and they all serve our country in different ways; and given our allocation, we spent a lot of time balancing these ideals.

I suggest that this amendment puts these ideals in imbalance, particularly with regard to NSF. The whole stated purpose of moving the science programs from VA–HUD and independent agencies last year as we went through what I considered to be an unnecessary exercise of eliminating that committee, the stated purpose was to reemphasize science.

In a small way this committee has been able to do that in the sense that the chairman restored to the National Science Foundation moneys that we were not able to give it last year. In other words, in 2005 we cut NSF. That was a terrible thing to do, and it was for reasons I will speak to in just a moment. However, we have restored that money in this bill. We have done the best for the COPS program, for the law enforcement programs that we could. Although State and local law enforcement, as we have seen by the Obey amendments and the debate with regard to them, are certainly underfunded, so is the National Science Foundation which is such a critical area for the Nation's future economy.

I think everybody agrees that science research is the cutting edge, is the precursor, if you will, for a modern economy. If we are going to stay ahead of the economic conditions, of the economic realities, of the economic phenomenon that we all find ourselves in with economic globalization, we need to be at the forefront of research. We need to be at the forefront of development. That requires a Federal role in facilitating, in sponsoring, in sending the signal that the country needs to invest in research in collaboration with our great university institutions and our great corporations and small businesses and the nonprofit sector that are so active with the National Science Foundation funding.

I would point out these are competitive grants. They are particularly important as they facilitate the research that gives us that economic edge in the world.

I strongly support maintaining our funding for the National Science Foundation. It would be disastrous and it would be extremely shortsighted for all of the reasons I stated to do otherwise.

Mr. Chairman, I strongly oppose this amendment and would strongly encourage all of our colleagues on a bipartisan basis to oppose this amendment, not because we oppose COPS; we support the COPS program, and we will do everything we can for that program. At the same time, the other ideal that the sponsor of the amendment talked about, the NSF, cannot experience this kind of a cut and do the job that it needs to do.

□ 1100

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

Mr. Chairman, I have spent a lot of time not just this session, but in the two previous sessions of this Congress fighting for additional funding for law enforcement assistance grants. I take a back seat to no one in my interest in doing that. But I absolutely agree with virtually every word said by the subcommittee chairman the gentleman from Virginia (Mr. WOLF), and by the ranking member the gentleman from West Virginia (Mr. MOLLOHAN). I have spent over 30 years on the Labor-Health-Education subcommittee. One of our main concerns on that subcommittee is health research principally centered in the National Institutes of Health. Anyone from NIH will tell you that much of the progress that they have been able to make in the past 20 years has been rooted in the most basic of all scientific research, and a good deal of that research has been funded in the past by the National Science Foundation. If we cut back the National Science Foundation, we are eating our own seed corn, we are eroding the ability of this economy to grow, we are weakening the ability of this society to increase human knowledge, and we are weakening our efforts to improve health as well.

If you would take a look at our research budget today, at our basic research budget, we are spending a smaller percentage of our national income on basic research today than we have been spending at any time since those numbers have been kept. We do not want to weaken that even more.

I would also point out that in the area of health, if you take a look at the issue of three-dimensional imaging, that has been greatly enhanced by basic research done under contract with the National Science Foundation. Research into materials, into changing materials that you can use for joints, for heart valves, much of that has originated in research financed by the National Science Foundation. Eye surgery has been refined to a great extent by what we have learned under the auspices of the National Science Foundation.

I applaud the gentleman from New York in wanting to increase funding for the COPS program. I think it is outrageous that we have seen these long-term reductions. But if we do cut back on the National Science Foundation, we not only threaten the health of America's citizens, we threaten the health of America's economic system as well. I think this is one of those examples where this agency does not have a lot of political support, but it is absolutely imperative that we step in and see to it that we make the advances that are possible with decent levels of funding.

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

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

Mr. WEINER. Just for the purpose of clarification, under my amendment we are not reducing the budget of the NSF. It is going up. It is going up. I just want to make that clear. What we are doing is we are saying it should rise back to the level it was cut back to.

Mr. OBEY. I understand. But the gentleman, among other things, is cutting into their education programs. This country is on the edge of being scientifically illiterate. We cannot afford to cut back science education in one classroom, in one university, in one corporation. We have got to have it all, and we need to have much more than we have right now.

Mr. WEINER. If the gentleman will yield further, the gentleman from New York (Mr. BOEHLERT) made this characterization as well. The COPS program hiring component is zero. Not a little, not a medium amount, not cut back. Zero.

Mr. OBEY. If I can take back my time, I understand that. That is why I had an amendment yesterday to add $400 million to local law enforcement. The majority rejected that. I had another amendment adding $200 million to local law enforcement.

My position in favor of the COPS program is clear. My brother-in-law is a former district attorney who was shot. I have no less concern about law enforcement than the gentleman from New York. But the National Science Foundation and all of its ancillary programs, especially its education programs, are crucial to the future health

of this country. It would be mindless to pass this amendment.

Mr. WOLF. I want to thank the gentleman from Wisconsin for his comments.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, the gentleman from Wisconsin is correct. The country is on the brink of scientific illiteracy. I join the gentleman from Wisconsin, our ranking member, and our chairman in strongly opposing this amendment.

I want to reiterate something Chairman WOLF said which is vitally important. The National Science Foundation is of strategic importance to the future prosperity of the United States. We have three appropriations bills that deal with the defense of this country; one obviously the defense bill, homeland security, and then this bill which invests in the future prosperity of the country by investing in fundamental research and development through the National Science Foundation. The American Association for the Advancement of Science has shown with future projections that the purchasing power of research and development investments are expected to decline over the next 5 years.

The chairman has put together a superb bill that increases funding for the National Science Foundation, not the level we need to be because of our suballocation, but we are moving in the right direction. If we do not do so, other nations will pass us by. China is now graduating 300,000 engineers per year versus 71,000 in the United States. China's high tech output has shot up eightfold over the 1990s, while ours has only doubled. We need to reject this amendment and continue the growth in investment in research and development through the National Science Foundation.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. EHLERS), who has been a leader on this issue.

Mr. EHLERS. Mr. Chairman, first of all, I have to make a correction. The gentleman from New York keeps saying that he is not cutting NSF. Actually, the National Science Foundation appropriation under this bill is still less than fiscal year 2004 due to the large cut last year. Furthermore, the Research and Related Activities account, which we have been discussing with this amendment, will be cut $60 million below fiscal year 2004 levels by this amendment.

We have not only started to eat our seed corn, I read an article last week that said the seed corn is almost gone. Because other countries are making this a high priority, they are doing much better than we are in research.

Let me illustrate the importance of research activities. When I was a graduate student fifty years ago, a friend of mine, Charlie Townes, was working on development of a laser. Today I hold in my hand a laser which I purchased downstairs in the stationery shop for $15. That is how far we have come in 50 years. The laser industry, which rose from a simple grant to Dr. Townes from the National Science Foundation of a few million dollars, is today a multi-multibillion-dollar industry in this country. That is the kind of rate of return we get on our investment in research and our funding of the National Science Foundation. Reject this amendment. It goes in totally the wrong direction.

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. WOLF. Mr. Chairman, I ask unanimous consent that title II of the bill through page 52, line 17, 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 text of title II is as follows:

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $44,779,000, 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, $62,752,000, 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 $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $406,925,000, of which $13,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $47,434,000 shall be for Manufacturing and Services; $39,815,000 shall be for Market Access and Compliance; $62,134,000 shall be for the Import Administration of which not less than $3,000,000 is for the Office of China Compliance; $231,722,000 shall be for the United States and Foreign Commercial Service; and $25,820,000 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, $77,000,000, to remain available until expended, of which $14,767,000 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, $200,985,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $26,584,000: *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, $30,024,000.

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, $80,304,000, to remain available until September 30, 2007.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $208,029,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2010 decennial census, $463,596,000, to remain available until September 30, 2007: *Provided*, That of the total amount available related to the 2010 decennial census, $213,849,000 is for the Re-engineered Design Process for the Short-Form Only Census, $169,948,000 is for the American Community Survey, and $79,799,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $160,612,000, to remain available until September 30, 2007, of which $72,928,000 is for economic statistics programs and $87,684,000 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: *Provided further*, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of Census data on race identification that does not include ''some other race'' as a category.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $17,716,000: *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 the program as authorized by section 392 of the Communications Act of 1934, $2,000,000, to remain available until expended as authorized by section 391 of the Act.

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, $1,703,300,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2006, so as to result in a fiscal year 2006 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2006, should the total amount of offsetting fee collections be less than $1,703,300,000, this amount shall be reduced accordingly: *Provided further*, That not less than 657 full-time equivalents, 690 positions and $85,017,000 shall be for the examination of trademark applications; and not less than 6,050 full-time equivalents, 6,304 positions and $926,356,000 shall be for the examination and searching of patent applications: *Provided further*, That not more than 265 full-time equivalents, 272 positions and $37,490,000 shall be for the Office of the General Counsel: *Provided further*, That not more than 82 full-time equivalents, 83 positions and $25,393,000 shall be for the Office of the Administrator for External Affairs: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2006 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: *Provided further*, That in fiscal year 2006, 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, $6,460,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $397,744,000, to remain available until expended, of which not to exceed $760,000 may be transferred to the ''Working Capital Fund''.

MANUFACTURING EXTENSION PARTNERSHIPS

For necessary expenses of Manufacturing Extension Partnerships 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, $45,000,000, 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 and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,444,000,000, to remain available until September 30, 2007: *Provided*, That fees and donations received by the National Ocean Service for the management of 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, $3,000,000 shall be derived by transfer from the fund entitled ''Coastal Zone Management'' and in addition $77,000,000 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 $2,543,000,000 provided for in direct obligations under this heading $2,444,000,000 is appropriated from the General Fund, $80,000,000 is provided by transfer, and $19,000,000 is derived from deobligations from prior years: *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 the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $189,010,000: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $40,700,000: *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 the 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, $936,000,000 to remain available until September 30, 2008: *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 except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *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: *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 the restoration of Pacific salmon populations, $50,000,000: *Provided*, That this amount shall be available to fund grants to the States of Washington, Oregon, Idaho, California, and Alaska, and to the Columbia River and Pacific Coastal Tribes for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least thirty-three percent of the Federal funds: *Provided further*, That, in order to fulfill the matching requirement in the previous proviso, non-Federal contributions of funds pursuant to the previous proviso must be used in direct support of this program.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research, and Facilities'' account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

For the costs of direct loans, $60,000, 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 $5,000,000 for Individual Fishing Quota loans, and not to exceed $18,900,000 for fishing capacity reduction loans: *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.

OTHER

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, $47,466,000: *Provided*, That not to exceed 12 full-time equivalents and $1,621,000 shall be expended for the legislative affairs function of the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,758,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

SEC. 204. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Any funds provided in this Act under ''Department of Commerce'' used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2006''.

AMENDMENT OFFERED BY MR. MICA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA:

Page 36, line 11, after the first dollar amount, insert the following: ''(increased by $131,900,000)''.

Page 36, line 19, after the dollar amount, insert the following: ''(increased by $131,900,000)''.

Page 60, line 23, after the dollar amount, insert the following: ''(reduced by $131,900,000)''.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Florida (Mr. MICA) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

I offer this amendment which transfers all of the funding for economic service officer positions in the Department of State, transfers their funds, $131 million for those positions, to the Foreign Commercial Service operation, which is under the Department of Commerce. I do so because this 5 or 10 minutes that we have here to discuss on this amendment is probably the only discussion we will have on this entire bill relating to our trade deficit and the inability of the United States to compete in international markets.

I would venture to say very few Members of Congress have a clue as to what the Foreign Commercial Service does or where it is positioned. The Foreign Commercial Service, which has been around for some time and has bounced around from the Department of Commerce to the Department of State, is our number one means of assistance to particularly medium and small businesses overseas to assist in promoting U.S. exports and businesses in those localities.

Our trade deficit last month, I believe, was $57 billion. We will exceed a trade deficit in the United States of over $600 billion this year. We only have 76 countries in which we have

Foreign Commercial Service operations. We only have officers in 76 countries. In 96 countries, the Department of State has that responsibility. I would not mind if the Department of State had that responsibility, but from my personal experience of dealing in international trade, our system of promoting, assisting, financing and negotiating in international trade is dysfunctional at best.

We have these 98 countries, and I will include this list as part of the RECORD, that have no Foreign Commercial Service operations. It is handled by the State Department. If I thought the State Department considered this a priority in promoting trade in U.S. business, or we had the best personnel to assist in doing business, I would not be here. Here is the response I got from the Department of State on the number of positions they have:

There are currently 1,319 Foreign Service officers with economics specialization. List of overseas economic positions and posts where the State Department performs the commercial functions are enclosed. As you can see, the number of economic positions overseas, only 497, is considerably less than the number of Foreign Service officers with an economic specialty, 1,319. The difference is accounted for by the fact that many economic officers are entry-level officers who in their first one or two tours in the Foreign Service fill rotational or consular positions. Other economics officers are stationed in Washington; others are participating in long-term training or performing other noneconomic jobs overseas, and so forth.

That is not a priority. We have the emerging markets around the world in which we have not a priority nor no Foreign Commercial Service officer operating. This is a simple amendment. It transfers those, sometimes they call them bean counters, and in some countries the economic officers do do a very good job, but I am saying in most countries we do not even have and in emerging markets we do not even have a Foreign Commercial Service officer.

Finally, I have a chart that shows the level of funding for international trade promotion and assistance positions and the deficit. As we keep the level of personnel dealing with assisting business and particularly medium and small business at the lowest possible level, you can see that our trade deficit explodes.

Mr. Chairman, 19 of 20 consumers in the future are outside our borders. I cannot fault the appropriators alone because this is also authorization responsibility, but it is multijurisdictional. But no one is taking it within their turf to do anything about this, so I propose today that we take the economic officers who do not have this as a priority in the Department of State and transfer them to the Department of Commerce under the Foreign Commercial Service Office.

EMBASSIES AT WHICH STATE DEPARTMENT PERFORMS COMMERCIAL FUNCTION

AFRICA

1 Abidjan
2 Addis Ababa
3 Antananarivo
4 Asmara
5 Bamako
6 Bangui
7 Banjul
8 Bissau
9 Brazzaville
10 Bujumbura
11 Conakry
12 Cotonou
13 Dar Es Salaam
14 Djibouti
15 Freetown
16 Gaborone
17 Harare
18 Kampala
19 Khartoum
20 Kigali
21 Kinshasa
22 Libreville
23 Lilongwe
24 Lome
25 Luanda
26 Lusaka
27 Maputo
28 Maseru
29 Mbabane
30 N'djamena
31 Niamey
32 Monrovia
33 Nouakchott
34 Ouagadougou
35 Port Louis
36 Praia
37 Windhoek
38 Yaounde

EAST ASIA & PACIFIC

39 Apia
40 Bandar Seri Begawan
41 Dili
42 Kolonia
43 Koror
44 Majuro
45 Phnom Penh
46 Port Moresby
47 Rangoon
48 Suva
49 Ulaambaatar
50 Vientianne

EUROPE

51 Ashgabat
52 Baku
53 Bishkek
54 Chisinau
55 Dushanbe
56 Ljubljana
57 Luxembourg
58 Minsk
59 Nicosia
60 Reykjavik
61 Riga
62 Sasrajevo
63 Skopje
64 Tallinn
65 Tashkent
66 Tbilisi
67 Tirana
68 Valletta
69 Vilnius
70 Yerevan

NEAR EAST

71 Algiers
72 Beirut
73 Damascus
74 Doha
75 Manama
76 Muscat
77 Sanaa
78 Tripoli
79 Tunis

SOUTH ASIA

80 Colombo
81 Dhaka
82 Islamabad
83 Kabul
84 Kathmandu

WESTERN HEMISPHERE

85 Asuncion
86 Belize
87 Bridgetown
88 Georgetown
89 Kingston
90 La Paz
91 Managua
92 Montevideo
93 Nassau
94 Paramaribo
95 Port au Prince
96 Port of Spain
97 St. Georges
98 Tegucigalpa

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I was led to believe the gentleman was going to withdraw the amendment. In the interest of time, I would just say that I understand what the gentleman is saying. He makes some very valid points. We can look into that. But if the gentleman is going to withdraw it, I will not take the body's time.

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

Mr. WOLF. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding. Again, I stayed out here yesterday and today to make this point, because this is critical to the future economic development, the growth of jobs in this country. With that spirit in mind, I appreciate the gentleman's offer to look further at this proposal.

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

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

□ 1115

AMENDMENT OFFERED BY MR. INSLEE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

Page 38, line 1, insert after the dollar amount the following: ''(reduced by $5,000,000)''.

Page 45, line 25, insert after the dollar amount the following: ''(increased by $5,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Washington (Mr. INSLEE) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

This is a small, but I think meaningful, amendment that will stop some of the cuts that have been going on for several years in our Coastal Zone Management account that aids so many communities on the coast and our watersheds across the country. Unfortunately, we have continued to seek cuts

in the NOAA budget, which have also impacted the Coastal Zone Management program over the last several years, this year a $500 million cut in the NOAA budget. Our amendment would restore simply $5 million to the Coastal Zone Management account to be used in numerous places across the country.

This summer our constituents are going to be going to the beaches, but unfortunately there is some bad news at those beaches. We have got algae, red tide, closures of shellfish beds in New England. We have got fish in 22 sites in coastal waterways found contaminated with toxics. One third of the beaches in the Great Lakes have been closed due to septic and sewage problems at one point or another in the last several years. We have got problems in our beaches, and we do not want to allow cuts to continue to occur to this Coastal Zone Management account.

I want to note this account is not just for the West and east coasts. This includes watersheds across the country, for instance, in the Ohio Cuyahoga County project to address some problems at Euclid Creek; in Pennsylvania in Bucks County, an award to help handicap access of Silver Lake Nature Center. This really is a nationwide program, and there are nationwide problems that we want to address.

There has been a strong bipartisan support for this program. I note the President, on our national oceans policy, has suggested we need increased, not decreased, funding with our coastal beaches, which are real jewels in the crown of our national assets.

This money would come out of the Bureau of Industry and Security. That bureau in this year's proposed budget would get a 14 percent plus-up. After our proposal, they would still have a 7 percent increase. So under our proposal, we preserve our beaches. We simply restore this to levels we had in 2002, and we still increase this agency that is responsible for export controls in the Department of Commerce. This is something to really get back to where we were in 2002 to protecting our beaches. We commend this to our Members.

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

Mr. WOLF. Mr. Chairman, I yield myself 3 minutes.

I rise in opposition to the gentleman's amendment. The amendment cuts the Bureau of Industry and Security by over 6 percent. What does that mean, because it does not sound that it is that significant? A cut of $5 million to the Bureau of Industry and Security would severely diminish efforts to deter weapons of mass destruction proliferation, would prevent sensitive dual-use items from falling into the hands of terrorists, and enforces the anti-boycott laws of the United States.

Some think that the Bureau of Industry and Security is actually too weak, and I may be in that category. American industry is being hampered in the international marketplace by the long processing time of export license applications. This amendment would roll back the progress that we have made in reducing the average processing time from 44 days to 32 days since 2003. With additional money we could probably get that down.

The trade deficit, the trade imbalance, this would really create a greater problem to deal with that. Quite frankly, I do not think this administration has done enough to deal with the trade deficit, the trade imbalance. So to take $5 million from the Bureau of Industry and Security would severely diminish our ability both on looking at weapons of mass destruction and technology and also hamper American business at the very time when we are urging them to sell American products abroad.

I understand the gentleman makes some good points with regard to the Coastal Zone Management, and maybe we can look at that as we go into conference. But I would not want to take that from here. I urge a ''no'' vote on the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. MOLLOHAN).

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

There is no question that Coastal Zone Management grants are important, and the committee addressed it as best they could. This is not a good place to take money from. The mission of the bureau is to advance U.S. national security, U.S. foreign policy and economic interests. It regulates the export of sensitive goods and technologies, enforces export control, anti-boycott and public safety laws. This may not be a high visibility public organization, but they do extremely important work, and they have received accolades from the commission on intelligence capabilities of the United States regarding weapons of mass destruction report.

The point is that this agency does a lot of very good work, and I agree with the chairman. As we move forward, if there are any opportunities to put money into Coastal Zone Management grants or some of these other worthy accounts, we should take every opportunity to do that. However, again, this is a balancing act, and I think that the bill reflects the right balance with regard to this account.

I urge my colleagues to oppose the amendment.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

This is a balancing act, but these accounts are in balance. This Bureau of Industry and Security is going up under the proposed bill by $10 million. It is going up $10 million, and under our amendment it would still go up $5 million. It would still go up 7 percent. This agency is getting bigger. It is having more capability under our amendment than it did last year, and it is going to have an ability to do its mission. But we will also at the same time with my amendment try to keep some of the toxics and sewage off the beaches that our constituents are going to see this summer in numerous places around this country.

And the challenges that we face in the oceans have not been going down. They are becoming greater. It does not make sense for this Congress year after year to cut the attention that we give to the beaches across this country and the lake shores from the Great Lakes to the Mississippi to the Gulf Coast and the Pacific. This is not our prioritization. Without this amendment there is an imbalance. Let us have both these accounts go up. Under my amendment, both of these accounts go up this year, and that is the prioritization.

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

Mr. WOLF. Mr. Chairman, I think all that is needed to be said has been said. I urge a ''no'' vote on the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. 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 Washington (Mr. INSLEE) will be postponed.

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

I yield to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I am pleased that this appropriations bill increases funding for the United States Marshals Service to enhance judicial protection. We have all heard of the deadly shootings that have claimed the lives of a judge, a judge's family members, a court reporter, a sheriff's deputy, and others inside and outside courthouses and even at private residences. This increase in funding is a good step, but I hope this Congress will continue to address this important issue so that we can ensure the safety in our courtrooms and the safety of our distinguished jurists.

Mr. Chairman, in addition to the physical attacks we have witnessed, the judiciary has also been the subject of many verbal assaults as well. The independence of the judiciary, a matter so fundamental to our separation of powers, has recently come under attack and has even become a matter of contention for some, even those at the highest levels of leadership in Congress who have made no effort to disguise a growing hostility towards the courts.

In bill after bill, many of our colleagues have been calling to strip the courts of jurisdiction over issues where they believe the courts have erred, or

might err, and arguing we have no need of them. The proposed sanction for judges who tread on this prohibited ground, and a word spoken in the Halls of Congress with less and less restraint: impeachment.

Perhaps the single greatest example of the magnitude of the challenge to the independence of the courts, though, came with the Congress's extraordinary intervention in the case of Terry Schiavo. This heartrending private tragedy became the focus of efforts to overturn the Florida courts' interpretation of Florida law. When the Federal courts rejected this private bill and its effort to provide jurisdiction to courts that could not properly exercise it, the reaction among many in Congress was one of wrath. The same congressional leaders who had spent the last several months trying to strip the Federal courts of jurisdiction were now trying to extend it where it did not belong. Some have decided that the independence of the judiciary is an inconvenient impediment to a results-at-all-costs philosophy.

As a Member of Congress with a strong interest in improving the relationship between the legislative and judicial branches, I have formed, with the gentlewoman from Illinois (Mrs. BIGGERT), a bipartisan congressional caucus dedicated to improving comity between the branches of government. Our Congressional Caucus on the Judicial Branch currently consists of some 35 Members from both sides of the aisle, and I encourage my colleagues who share our goal to join our efforts to restore the historical comity between our two branches.

For the last 2 years, Chief Justice Rehnquist has cited the deterioration in relations between the Congress and the Federal judiciary, using his year-end reports to urge a restoration of comity between the branches. He has quoted Chief Justice Hughes' admonition to the Congress of his day that ''in the great enterprise of making American democracy workable for all partners, one member of our body politic cannot say to another 'I have no need of thee.'''

So today I offer on the House floor a simple sense of Congress amendment to demonstrate to our colleagues in the judicial branch and to the American people that we are committed to working together with the other branches and to upholding the fundamental separation of powers that the Founders envisioned, even if we do not always agree with each other.

It reads: ''It is the sense of Congress that all necessary steps should be taken to provide adequate security for the judiciary and to protect and uphold the independence of the judicial branch.''

Mr. Chairman, efforts by Congress to force the courts to look at our transient wishes, rather than the Constitution, will damage the courts and undermine our own integrity. In the end, we cannot expect to belittle the courts without belittling ourselves. I urge support for this amendment.

I know the chairman has a point of order on this. I would like to, on a separate topic, just thank the chairman; and I would also like to thank not only the gentleman from Virginia (Chairman WOLF) but the gentleman from West Virginia (Mr. MOLLOHAN), ranking member, for their work on the NASA budget in particular as it impacted JPL. I really appreciate the chairman's diligence. He was very kind to meet and discuss this with me several times, to reach out to me after our discussions. I want to thank the chairman again for all his diligence on that issue.

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

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

Mr. WOLF. Mr. Chairman, there is no amendment. We were going to reserve a point of order on it. But I just want the RECORD to show, and I appreciate the gentleman's comments, that the bill provides $800 million for the Marshals Service, which is $41 million above the current year and $10 million above the request. This is in addition to the $12 million provided in the war supplemental for judicial security.

So with that I just thank the gentleman for his comments.

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Mr. SCHIFF. Mr. Chairman, if the gentleman will yield further, I thank the chairman, and I do appreciate the increases in courthouse security. I would ask my colleagues to join in supporting not only the physical security measures, but also the independence of the institution of the judiciary.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,564,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $9,725,750,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Exploration Capabilities'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377: *Provided*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

EXPLORATION CAPABILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,712,900,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Science, Aeronautics and Exploration'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377: *Provided*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $32,400,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Science, Aeronautics and Exploration'', or ''Exploration Capabilities'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for

''Science, Aeronautics and Exploration'', or ''Exploration Capabilities'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2008.

From amounts made available in this Act for these activities, subject to the operating plan procedures of the House and Senate Committees on Appropriations, the Administrator may transfer amounts between the ''Science, Aeronautics, and Exploration'' account and the ''Exploration Capabilities'' account during fiscal year 2006.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Funding made available under the headings ''Exploration Capabilities'' and ''Science, Aeronautics, and Exploration'' in this Act shall be governed by the terms and conditions specified in the statement of managers accompanying the conference report for this Act.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $4,377,520,000 to remain available until September 30, 2007, of which not to exceed $425,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That from amounts specified for Polar research and operations support, the National Science Foundation may reimburse the Coast Guard for such sums as determined by the Director of the National Science Foundation to be necessary to support the Foundation's mission requirements: *Provided further*, That any reimbursement 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: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That funds under this heading may be available for innovation inducement prizes.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $193,350,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, $807,000,000, to remain available until September 30, 2007.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $250,000,000: *Provided*, That contracts may be entered into under ''Salaries and Expenses'' in fiscal year 2006 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,000,000: *Provided*, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amemded, $11,500,000, to remain available until September 30, 2007.

This title may be cited as the ''Science Appropriations Act, 2006''.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 60, line 4, 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. The Clerk will read.

The Clerk read as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,747,118,000: *Provided*, That not to exceed 71 permanent positions and $9,804,000 shall be for the Bureau of Legislative Affairs: *Provided further*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, $340,000,000 shall be available only for public diplomacy international information programs: *Provided further*, That of the amount made available under this heading, $3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,469,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $689,523,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $128,263,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $29,983,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $410,400,000, to remain available until expended: *Provided*, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,281,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,390,000, to remain available until September 30, 2007.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22

U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $603,510,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $910,200,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $10,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $712,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $19,751,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $131,700,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,166,212,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations of the Senate and of the House of Representatives the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2006–2007 to exceed the revised United Nations budget level for the biennium 2004–2005 of $3,695,480,000: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

AMENDMENT NO. 33 OFFERED BY MR. HAYWORTH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. HAYWORTH:

Page 65, line 20, after the dollar amount insert the following: ''(reduced by $218,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to this appropriations bill today that reduces United States contributions to the United Nations regular budget by 50 percent.

Mr. Chairman, the sad facts are these: Although plagued by scandal, the U.N. refuses to take reform seriously. Despite continued reports of U.N. employees taking advantage of the very people they are supposed to protect, allowing billions of dollars to be misspent in the oil-for-food relief program, twisted allegations of U.N. peacekeepers offering minors food in return for sex in the Congo, providing seats for China, Sudan and then Cuba at the Human Rights Commission, Kofi Annan refuses to consider necessary reforms to clean up the U.N. Indeed, Mr. Chairman, in as recently as today's headlines, we read of alleged connections and knowledge by the Secretary General into the dealings of the Swiss firm Cotecna in this horrible oil-for-food scandal.

The United Nations' regular budget is nearly $2 billion per year. Of that amount, the U.S. regularly contributes 22 percent. The underlying bill earmarks $440 million for the next year's U.N. budget, and even after, even after a $218 million reduction in dues, the United States will be the second largest contributor to the U.N. budget and the largest contributor to all other U.N. programs, including peacekeeping missions, voluntary programs and membership organizations.

Mr. Chairman, it is easier to amend the Constitution of the United States than the Charter of the United Nations, yet when we come to this floor at the outset of every Congress, we raise our right hand and express our allegiance to the Constitution of the United States.

It is time to restore the proper priorities. There is no clearer message, there is no clearer way to impact public policy, than to reduce the budget, to reduce the expenditures of the American taxpayer to this international budget.

I ask approval of this amendment.

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

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

The CHAIRMAN. The gentleman from Virginia will control the 5 minutes in opposition.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment strikes $200 million from the International Organization Account under State Department. Quite frankly, this would be devastating for the gentleman from Illinois (Chairman HYDE), who is bringing his bill up tomorrow.

This bill already, the bill we are now dealing with today, cuts $130 million from the President's request for international organizations. These cuts in the amendment offered by my good friend from Arizona would have a direct impact on critical organizations such as NATO, whose members are now providing training and support in Iraq and Afghanistan. Last night I heard the President talk about the success that is taking place in Afghanistan, and this amendment literally would try to take that success away. Further cutting this funding jeopardizes the effort.

Lastly, this body should know that along with the gentleman from New York (Mr. SERRANO), as ranking member, we had in our bill last year a task force chaired by Speaker Gingrich and Majority Leader Mitchell that just reported today. I read their entire report over the weekend on dramatic reforms to the U.N.

At a press conference today at 10 o'clock, I made the comments that because of the failure of the U.N. to deal with Darfur, and nobody has been more critical in this institution of the U.N. than I have, I led the first delegation to Darfur where genocide is taking place, we went through all those, but we set up the Gingrich-Mitchell task force of the bipartisan AEI, Heritage and all the groups like that, they have now come up with recommendations that will embolden the administration and this Congress to make sure that the reform is done.

Also, how can we even be dealing with this amendment today when the chairman of the Committee on International Relations is bringing his U.N. reform bill to the House floor this Thursday? The gentleman from Illinois (Chairman HYDE), God bless him and his committee, worked hard to ensure that reform takes place in the U.N. To take this amendment before the Hyde bill comes up is not only putting the cart before the horse, it just does not make any sense.

The bill of the gentleman from Illinois (Chairman HYDE), as the committee and Members know, requires

that 39 reforms must take place, and the Secretary of State must certify that these reforms have taken place. So with the Hyde bill and the Gingrich-Mitchell task force today, there will be reforms, but to just come in now before Mr. HYDE has an opportunity would be a mistake.

I know what the gentleman is trying to do, because I care desperately about Darfur. I led the first delegation to Darfur. I have been critical of the U.N., with the failure to address the issue of hunger. We had hunger in 1984 in Ethiopia when I was there, hunger 2½ years ago, and now hunger again; also there is a problem with the sexual predators who were U.N. peacekeepers in the Congo. But all of those issues, every one of those issues, are dealt with in the Gingrich-Mitchell task force that came out today, and dealt with in the resolution by the gentleman from Illinois (Chairman HYDE) that will come up either tomorrow or Friday.

So I understand what the gentleman's problems are, but this would not be a good thing to do. So I would ask Members on both sides, as good as the gentleman's intentions are, to just reject this amendment.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply point out to my friend, the distinguished subcommittee chair, I appreciate his passion, and I appreciate his pioneering work in terms of what has happened at Darfur. But this amendment was brought to this House in the previous Congress, and again we were told to wait. The fact is, as constitutional officers, it is incumbent upon us to move to stop abuses.

I would point out that this amendment does not change our funding for peacekeeping missions, voluntary programs and membership organizations.

Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I, too, recognize and appreciate the passion that comes from our chairman, and to sustain that level over a couple of days is an impressive thing to see. We have watched this United Nations for a lot longer than that. This amendment was on this floor 2 years ago, and, as I recall, there were 184 votes in support of this, even though we were asked to not bring it.

The issue is in front of Americans. They understand this. They understand the United Nations needs to have a strong, strong message from Congress to reform.

This is simply something that recognizes a flaw. We recognize a flaw in the fundamental structure of the United Nations. The flaw is that the people in this country believe that they are paying for a democratic organization that represents the voice of the people of the world, but the votes that come in the U.N. General Assembly are the votes that come from the mouthpieces of dictators, counteracting and counterbalancing the mouthpieces of a free people.

We need to have fundamental reform in the United Nations, we need to have a structure that represents the voice of the free people in the world, we need to have a Free World Caucus formed within the United Nations, and the United States has got to stop funding the kind of organizations that oppose our interests. That is what we are doing here, in disproportionate share. That is what the Hayworth amendment seeks to correct, and that is why I am supporting of the Hayworth amendment.

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

The CHAIRMAN. The gentleman from New York is not eligible to strike the last word. Pursuant to the order of the House of yesterday, that was reserved for the subcommittee chairman, the subcommittee ranking member and the full committee ranking member.

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Mr. SERRANO. I understand that, Mr. Chairman, and with a prior agreement, I do not know if it was manifested through the Chair, the gentleman from West Virginia (Mr. MOLLOHAN) has ceded that position to me for the time being.

The CHAIRMAN. The order of the House of yesterday prevents that request.

Mr. SERRANO. Then I will stand corrected and very quietly sit down.

Mr. WOLF. How much time do I have, Mr. Chairman?

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in opposition to this amendment offered by my colleague, the gentleman from Arizona (Mr. HAYWORTH). I think I share the frustrations that a lot of Members feel about the United Nations and some of the reforms, but this is a meat ax approach to it.

It is ironic that in the next 24 or 48 hours we are going to be considering on this floor legislation to reform the United Nations, and I think that legislation is the proper approach to this problem. It requires that certain steps be taken and that our United Nations representative make sure that those steps are being taken in the United Nations. Cutting off our dues, which is a legal responsibility, an agreement that we enter into with the United Nations, that each country does, to pay its share of the dues would be a little bit like my saying, well, I am for tax reform so, in the meantime, I am not going to pay my taxes. I think we have an obligation to pay our dues to the United Nations and pursue the reforms.

I would also add that there has been some significant improvements already in the United Nations' operations. I would hope we would reject this amendment.

The CHAIRMAN. The gentleman from Arizona (Mr. HAYWORTH) has 30 seconds remaining.

Mr. HAYWORTH. Mr. Chairman, do I have the right to close?

The CHAIRMAN. No. The gentleman from Virginia (Mr. WOLF) has the right to close.

Mr. HAYWORTH. Mr. Chairman, I yield myself the remaining time.

I thank my colleague from Arizona for his comments. I do not believe that his analogy about withholding tax payments in protest to the government is apt because, Mr. Chairman, our responsibility first and foremost, yes, even as a Member of an international body, is to make sure that American interests are protected and, by extension, the interests of those in the world who have been abused, such as the Iraqi people, such as those innocent, young people in the Congo who have been sexually assaulted. And with a corrupt world body, we have incumbent in this amendment an obligation to seriously reduce the funding and, by extension, might I add, allow others within the international community to pay their fair share.

I look forward to the bill from the chairman of the Committee on International Relations, but I would ask my colleagues to join with me in acceptance of this amendment, because enough is enough.

Mr. WOLF. Mr. Chairman, I move to strike the last word in order to yield to the gentleman from New York (Mr. SERRANO); but before I do, if I could just say one thing. The gentleman from Illinois (Mr. HYDE) spent a lot of time on this issue, and when a gentleman has worked to the degree that the gentleman from Illinois (Mr. HYDE) has, he ought to have a clear shot at the opportunity to pick it up.

Secondly, the Gingrich-Mitchell Task Force report has not been watered down. It is tough. And the gentleman from Iowa (Mr. KING) mentioned democracy. In the Gingrich-Mitchell report, there is a whole chapter urging the United States to push for the abolition of the Human Rights Commission, which Sudan was the chairman of and on, and Libya was on, and instead set up a democracy caucus, and also have someone in New York who would be working with the democracy.

Also, the gentleman from Arizona mentioned that we were told to wait. We did wait. He voted for the bill last year that set up the Gingrich-Mitchell Task Force, and that is what we have done. So nobody told the gentleman to wait. We acted based on something, and I would have acted whether we told the gentleman to act or not because I had concerns. I saw the suffering in Darfur, I know all about that; I have been to the Congo and saw it, but do

not cut the gentleman from Illinois (Mr. HYDE) out. I urge a ''no'' vote.

Mr. Chairman, I yield to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I also rise in opposition to the amendment. I think that as our country asks other nations throughout the world to join us in the fight against terrorism, we should be trying in every way possible to bring people closer to us, not to separate ourselves.

Now, granted, there are many people here, and many people throughout the diplomatic world, that have problems and concerns about the way the U.N. is functioning right now; but it is still better to be a very active member of the U.N. rather than in opposition to the U.N.

The U.N. is still the only body on Earth capable of dealing with so many of these issues. And rather than run them out of town, rather than continue to put ourselves in arrears, which we, under the leadership of the gentleman from Virginia (Chairman WOLF), accomplished recently, to take our country out of arrears at the U.N. in terms of our dues, this would put us right back in; and I just think it is the wrong message.

Are there problems? Yes. Should we address them? Absolutely. Should we demand reform? Absolutely. But we do not demand reform by withdrawing, but rather by staying involved.

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

Mr. WOLF. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank my friend, the gentleman from Virginia, the subcommittee chairman.

I welcome the remarks of my friend from New York because, Mr. Chairman, it gives me an opportunity to clear up any misconception about this amendment. This does not withdraw United States participation from the United Nations, nor does it change our funding for peacekeeping missions, voluntary programs, and membership organizations.

What we are saying, and what duly elected, constitutional officers here in the people's House will say with passage of this amendment, is that in terms of the regular framework of budgeting for the United Nations, a process that my colleagues admit is horribly flawed, we will reduce that funding by one-half and invite others in the international community to come forward and pay their fair share.

My friend from Virginia has been very gracious with the time, and I thank him.

Mr. WOLF. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 1 minute remaining under the order of the House yesterday, and 1 minute remaining under the 5-minute rule.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the gentleman offering the amendment. The fact that it is offered and, hopefully, defeated on behalf of the gentleman from Illinois (Mr. HYDE) and others, will put pressure on. I think the U.N. will have an obligation to adopt the Gingrich-Mitchell recommendations and, also, the administration will have an opportunity, but also an obligation to do that, because the U.N. has failed. It failed in Darfur, it failed in Rwanda, it failed in Srebrenic, and it failed in Sarajevo. Hopefully, this amendment will fail, and the gentleman from Illinois (Mr. HYDE) will have an opportunity to have his bill and voted on tomorrow.

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,035,500,000, of which 15 percent shall remain available until September 30, 2007: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable any such individuals who engage in any such acts while participating in the peacekeeping mission; and (3) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $27,000,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,300,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $9,500,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $22,000,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $10,000,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2006, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2006, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $6,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $50,000,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, and improvement of facilities for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $620,000,000: *Provided*, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $10,893,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 406 of division B of Public Law 108–7 to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 406 of division B of Public Law 108–7.

SEC. 405. Any funds provided in this Act under ''Department of State'' used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

SEC. 406. (a) Subsection (f) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(f)) is amended—

(1) by striking ''(f) INELIGIBILITY.—An officer'' and inserting the following:

''(f) INELIGIBILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an officer''; and

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

''(2) EXCEPTION IN CERTAIN CIRCUMSTANCES.—The Secretary may pay a reward to an officer or employee of a foreign government (or any entity thereof) who, while in the performance of his or her official duties, furnishes information described in such subsection, if the Secretary determines that such payment satisfies the following conditions:

''(A) Such payment is appropriate in light of the exceptional or high-profile nature of the information furnished pursuant to such subsection.

''(B) Such payment may aid in furnishing further information described in such subsection.

''(C) Such payment is formally requested by such agency.''.

(b) Subsection (b) of such section (22 U.S.C. 2708(b)) is amended in the matter preceding paragraph (1) by inserting ''or to an officer or employee of a foreign government in accordance with subsection (f)(2)'' after ''individual''.

AMENDMENT OFFERED BY MR. REYES

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. REYES:

Page 75, after line 22, insert the following new section:

SEC. 407. Congress—

(1) urges the President and Secretary of State to incorporate the investigative and preventative efforts of the Government of Mexico in the bilateral agenda between the Governments of Mexico and the United States and to continue to express concern to the Government of Mexico over the abductions and murders of more than 370 young women since 1993 in the Mexican cities of Ciudad Juarez and Chihuahua; and

(2) supports efforts to identify unknown victims through forensic analysis, including DNA testing, conducted by independent, impartial experts who are sensitive to the special needs and concerns of the victims' families, as well as efforts to make these services available to any families who have doubts about the results of prior forensic testing.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

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

The gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment addresses the abduction and murder of more than 370 young women in Ciudad Juarez and Chihuahua, Mexico. That is the community right across from my congressional district of El Paso, Texas.

Specifically, my amendment urges the State Department to assist Mexican authorities in identifying several unidentified victims through forensic analysis and other scientific assistance; and this would include also to put this subject into the bilateral agenda, which is a discussion between both administrations on a yearly basis.

Throughout my time in Congress, I have personally asked our Federal and local law enforcement agencies in El Paso to offer any assistance that they can legally provide, and they have made and are making very good efforts to help their counterparts on the Mexican side. Also, for years I have called on the Mexican Government to bring an honest and intensive investigative effort to bear on this issue so that it can solve these horrific crimes and do more to prevent future tragedies, which also, by the way, Mr. Chairman, included a conversation with President Fox in Mexico City on this very issue.

In 2003, I joined several of my congressional colleagues on a delegation to Juarez to meet with the families of these victims and to increase awareness on this important matter. Some of the most poignant testimony we heard was from families who have been unable to confirm whether their loved ones and their remains have been found or whether they are still missing.

As I have done in the past several years, this past weekend I raised this issue at the Inter-Parliamentary Group meeting in Rhode Island where several of my colleagues in Congress and our counterparts from the Mexican legislature came together to discuss significant issues that affect both the United States and Mexico.

This is an issue that has long been of particular concern to me and to all of my constituents in El Paso because, along with Juarez, our two cities form the largest border community in the world. Our cultures, our economies and, most importantly, our families are inseparably tied to each other in this region of the world. When they need help, especially with something as horrific as murders that have taken

place there, we need to step up and provide assistance, as all good neighbors often do. This amendment would provide Mexican authorities with additional assistance necessary to solve these crimes.

I strongly urge my colleagues to join me in this effort to assist Mexican authorities in identifying these victims and to put the perpetrators on the road to the penitentiary and to prevent violent acts against women of Juarez and Chihuahua. I want to thank the chairman and the ranking member for giving me the opportunity to offer this amendment.

Mr. Chairman, my amendment addresses the abduction and murder of more than 370 young women in Ciudad Juárez and Chihuahua, Mexico, near my congressional district of El Paso, Texas. Specifically, my amendment would urge the State Department to assist Mexican authorities in identifying several unidentified victims through forensic analysis and to include the topic in our bilateral agenda with Mexico.

Throughout my time in Congress, I have personally asked our federal law enforcement agencies in El Paso to offer any assistance they can legally provide, and they have made and are making good faith efforts to help their counterparts on the Mexican side. Also, for years I have called on the Mexican government to bring an honest and intensive investigative effort to bear to solve these horrific crimes and to do more to prevent future tragedies.

In 2003, I joined several of my congressional colleagues on a delegation to Juárez to meet with the families of the victims and increase awareness on this important matter. Some of the most poignant testimony we heard was from families who have been unable to confirm whether their loved ones' remains had been found or if they were still missing.

As I have done in the past several years, this past weekend I raised this issue at the Inter-Parliamentary Group where several of my colleagues in Congress and our counterparts in the Mexican legislature came together to discuss significant issues that affect both the U.S. and Mexico.

This issue has long been of particular concern to me and my constituents in El Paso because along with Juárez, our two cities form the largest border community in the world. Our cultures, economies, and most importantly, our families, are inseparably tied to each other. When they need help, especially with something as horrific as the murders that have taken place there, we need to step up to the plate and provide assistance, as all good neighbors do. This amendment would provide Mexican authorities with additional assistance necessary to solve these crimes.

I strongly urge my colleagues to join me in this effort to assist Mexican authorities in identifying the victims of these murders, put the perpetrators behind bars, and prevent violent acts against the women of Juárez and Chihuahua.

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

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POINT OF ORDER

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

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

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill, and therefore it violates clause 2 of rule XXI.

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

The amendment proposes to express a legislative sentiment. As such, the amendment constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

Mr. WOLF. Mr. Chairman, I move to strike the last word. I yield to the gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. Mr. Chairman, this is a list put out by the Federal Bureau of Investigation. It lists the 74 United States citizens convicted of felonious crimes in the United States who are currently living in Cuba under the protection of the Castro regime. This list reads like a litany of the worst of the worst, hijacking an aircraft, piracy; and, of course, the highlight to me and the most regrettable is a woman by the name of Joanne Chesimard, who murdered in cold blood a New Jersey State Trooper and has been on the lam and really in the sanctuary of Cuba.

There are those in this body, I know, who take different sides on how we deal with Cuba, whether it is trade or travel. This has nothing to do with any of those, in my opinion.

We know that Cuba has been a haven and a sanctuary for terrorists. We know that people like Joanne Chesimard are living comfortably, while the family of that New Jersey State Trooper who was murdered two decades ago, three decades ago I should say, are still living with the agony and the pain of losing their loved one.

We know that people like Guillermo Morales, who was part of the FILN who terrorized this country for many years, is living in Cuba. This is a story from the Washington Post a couple of years ago. Guillermo Morales is a fugitive on the run from the FBI, but at this particular moment he is sipping a cappuccino in a chic hotel lobby in Havana.

Nine and a half of his fingers are gone, blown to bits by a bomb he was making in New York in 1978, but he manages to open a packet of sugar and stir it into his coffee. On the lam for 23 years, he has cleverly learned how to live with what remains of his hands and his life.

The convicted felon was facing 89 years in prison for illegal possession of firearms when he escaped from a New York hospital in 1979 while under police custody.

Mr. Morales and so many of his cohorts terrorized this country, led to the demise and permanent maiming of many individuals, including many members of the New York City Police Department and other law enforcement officials.

And what we wanted to do in an amendment, Mr. Chairman, is basically get the truth out to the people of Cuba. Our effort would be to disseminate through the United States Interest Section in Havana, and next week we are meeting with folks from Radio and TV Marti to tell the people of Cuba just the truth, just about transparency, that people like Joanne Chesimard has a $1 million bounty on her head, and that if returned to the United States, she would pay for her crime, and that anybody basically participating in bringing this woman back to justice as she rightly deserves will be the recipient of a million dollars.

So I would ask you, Mr. Chairman, in ways to just get that truth out for the legacy of those who have suffered at the hands of so many of these fugitives or convicted felons, murderers, that the people of Cuba just be told the truth. And we have the opportunity to do so through the Interest Section in Havana as well as Radio and TV Marti.

Mr. WOLF. Mr. Chairman, I thank the gentleman from New York (Mr. FOSSELLA) for bringing this up. We will work with him and see what we can do to help.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2006''.

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107–273, $1,172,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,200,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,030,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,900,000, including not more than $3,000 for the purpose of official representation, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $331,228,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming provisions of section 605 of this Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $289,771,000: *Provided*, That $288,771,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at $1,000,000: *Provided further*, That any offsetting collections received in excess of $288,771,000 in fiscal year 2006 shall remain available until expended, but shall not be available for obligation until October 1, 2006: *Provided further*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $211,000,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That $23,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $72,000,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to enforce subsection (e) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b)(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note).

HELP COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the HELP Commission, $1,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $330,803,000, of which $313,683,000 is for basic field programs and required independent audits; $2,539,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $12,826,000 is for management and administration; and $1,755,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2005 and 2006, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $1,865,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $888,117,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $863,117,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $25,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2006 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2006 appropriation from the general fund estimated at not more than $0.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $318,029,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That, of the funds made available under this heading, $1,000,000 shall be for the National Veterans Business Development Corporation: *Provided further*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $13,500,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $2,861,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,000,000, to remain available until expended: *Provided*,

That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2006 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $6,000,000,000: *Provided further*, That during fiscal year 2006 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $16,500,000,000: *Provided further*, That during fiscal year 2006 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2006 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $124,961,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, $79,538,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program authorized by section 7(b), of the Small Business Act, $49,716,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $900,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $40,316,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, to remain available until expended; and of which $8,500,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $8,500,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $2,000,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $4,000,000, including not more than $5,000 for the purpose of official representation, to remain available until expended.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $22,850,000, to remain available until expended.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 88, line 20 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 CHAIRMAN. Are there any amendments to this section?

AMENDMENT OFFERED BY MS. MOORE OF WISCONSIN

Ms. MOORE of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MOORE of Wisconsin:

Page 85, line 6, insert after ''this Act'' the following: '': *Provided further*, That of the funds made available under this heading, $5,000,000 shall be for operational assistance grants under Part B of title III of the Small Business Investment Act of 1958 (15 U.S.C. 689 et seq.), as authorized by section 368 of such Act (15 U.S.C. 689q), and $30,000,000 shall be for guarantees of debentures under Part B of title III of such Act, as authorized by section 20 of the Small Business Act (15 U.S.C. 631 note) as amended by section 121 of division K of Public Law 108–447''

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment which seeks to restore funding for a program of vital importance to distressed and blighted communities, both in urban and rural areas which are being left behind at an astounding pace in our global economy.

The New Market Venture Capital program really was designed by this House in 2000 for the purpose of making equity investments in small businesses that operate in economically distressed communities through the creation of the New Market Venture Capital companies.

Most conventional venture firms, of course, are very risk-averse to invest in these economically distressed areas, and this program was designed to fill that gap in access to capital.

During the first round of awards, the New Market Venture Capital program developed a company to serve Appalachia, the Central Appalachian region of Ohio, Kentucky, Maryland and West Virginia, and they invested this first round $2.8 million in four companies to help these rural communities.

Mr. Chairman, my amendment would provide $30 million in debenture guarantees and $5 million for operational assistance grants to fund the creation of a fresh round of New Market Venture Capital companies. And it is paid for by using funds from the Small Business Administration's salary and expense account.

Mr. Chairman, I have given you an example of how we have helped small rural areas, but I would like to call your attention to my own community in Milwaukee, Wisconsin, which I think bears mentioning.

In 2002, the Bureau of Labor Statistics found that 59 percent of African American males in Milwaukee were unemployed and out of the workforce. Since 1999, the unemployed residents of any color has increased by 80 percent. And in the last 5 years we have lost 33,000 manufacturing jobs. We know, of course, that small businesses create 75 percent of all new jobs and account for 99 percent of all employers.

Mr. Chairman, I would think that this would be a grand bipartisan effort. I urge my colleagues to support this amendment.

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

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

Mr. Chairman, the new markets program was intended to be a pilot project from fiscal year 2001 to 2006. There are still funds available for this program. There is no need to provide additional funds at this time, especially at the expense of terminating over 400 employees at the SBA. This would result in the termination, which would not be good for anyone. These employees work on critical technical assistance and loan programs at the SBA.

The amendment unnecessarily provides funds for a program that has almost $2 million left in its budget for technical assistance and over $3.1 million in loan authority. The program received a one-time funding of $59 million in fiscal year 2001 that has still not been entirely spent.

I urge the Members to reject the amendment. Particularly we would not want to cut employees who work on programs like small business development centers and women's business centers. So I understand what the gentlewoman from Wisconsin (Ms. MOORE) is doing, but I would urge that we reject the amendment.

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

Ms. MOORE of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to thank the gentleman from Virginia (Mr.

WOLF) for his stewardship over these funds. I just want to respond to a couple of things that he said.

First of all, the balance of those funds for the New Venture Capital Program has been rescinded, so it is not available for another round.

Also, you know, I do not know where the gentleman from Virginia (Mr. WOLF) received his figures about displacing 400 employees at the SBA. Certainly, I support the SBA and its functions, but we are talking here in this amendment about distressed communities and not disadvantages bureaucrats.

Mr. Chairman, I would offer to the gentleman from Virginia (Mr. WOLF) that if he were upset about the source of funding for this amendment, that he would not disparage the wonderful purpose of this amendment, but would rather seek to work with me to find ways to do this.

Surely we have an employment crisis. This initiative will help distressed communities versus just trying to buoy up a bureaucracy. Mr. Chairman, I would ask the gentleman from Virginia (Mr. WOLF) to work with me.

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

Mr. WOLF. Mr. Chairman, I yield the balance of my time also.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to this section of the bill?

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

I yield to the gentleman from Kansas (Mr. TIAHRT), a member of the committee.

Mr. TIAHRT. Mr. Chairman, I want to just take a few minutes to tell you that I had intended to offer and withdraw an amendment today. It is brief, but very important for the future of the United States. The amendment would have simply said none of the funds made available in this act should be used to promulgate regulations without consideration of the effects of such regulations on the competitiveness of American business.

The reason this is important is because today the American economy is number one in the world, and it is the envy of the world. But there are some troubling signs. We have a trade deficit last year of $670 billion. This year's Federal deficit is down, but it is still over $300 billion.

We have seen high-paying, high-quality jobs move overseas. Now, these signs should concern Members of Congress, but should not surprise them, because over the last generation, legislation has been passed on the floor of this House that has put our number one standing in jeopardy and caused us to struggle to keep our economy as number one in the world, and clearly it is in jeopardy.

Legislation that has become law and then become regulation is forcing this struggle to occur within our economy. Regulations are one of the eight issues that we hope to address this year to help make America more competitive. These issues are actually barriers that keep us from keeping and creating jobs here in America. In addition to the regulations, we also want to address health care issues, education issues, research and development issues, energy policy issues, trade policy, tax policy and lawsuit abuse issues.

Today, though, I wanted to focus on regulations because it drives such a burden and barrier to our economy. First, though, I want to compliment the gentleman from Virginia (Chairman WOLF) and acknowledge what a great job the gentleman has done on this bill to make sure our competitiveness is addressed.

First of all, the gentleman from Virginia (Chairman WOLF) placed the National Science Foundation as a priority in the tight fiscal year with an increase of $44 million above the President's request.

The report language says America's advantage in science, math and technology is slipping. Our systems of basic scientific research and education are in crisis. While our countries are redoubling their efforts, the United States can remain the world's technology leader if it makes the commitment to do so.

It also has $3 million for the International Trade Administration and the Department of Commerce for the Office of China Compliance. And we need to continue our efforts to make sure that there is no antidumping policies going on through the Chinese Government.

With this bill we give the agencies with oversight of our science and technology policy and trade policy, commerce and small business development the tools to help American employers improve their competitiveness. Now we need to make sure they follow through with policies that reflect Congress' priorities.

It is my hope that each and every Federal agency should take into consideration the proposed policies on competitiveness of U.S. business and be held accountable for those effects.

To give you just a small idea how difficult it is because of regulations to start a business in America, I went to the Small Business Administration Web site, and I just listed some of the things that they have as what you need to consider before you start a business. First you need to get a business license; that could be your State, county or city. You should go to their Web site.

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There is then a certificate of occupancy. That is also a city and county zoning problem. There is business organization, whether you are a sole proprietor, a partnership, a corporation, or a limited liability company. Then you have to register your trade name.

Then you have to apply for trademarks, patents, and copyrights. If it is a trademark, it is a State registration and a Federal registration through the Department of Commerce. If it is a patent issue, it is to the U.S. Patent and Trademark Office. If it is a copyright, you go to the U.S. Library of Congress. If it is tax information, you have Federal taxes, you have State taxes, you have local taxes. There is also self-employment tax. There is business insurance, sales tax numbers; and it just goes on and on, Mr. Chairman.

I just want to tell my colleagues it is difficult to start businesses here. We have to stop creating barriers and remove them so that America can be competitive in the future and so that we can retain our number one standing.

Mr. WOLF. Mr. Chairman, I thank the gentleman and thank him for his comments.

Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 106, line 22, be considered as read and printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill through page 106, line 22, is as follows:

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices; (6) reorganizes, programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act

that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 607. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 609. The Departments of Commerce, Justice, and State, the National Science Foundation, the National Aeronautics and Space Administration, the Federal Communications Commission, the Securities and Exchange Commission and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2006.

SEC. 611. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 612. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 613. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2006.

SEC. 614. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 615. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than $625,000,000 during fiscal year 2006 from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601).

SEC. 616. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 617. None of the funds appropriated or otherwise made available to the Department of State shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the determination of the Secretary of State under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Secretary of Homeland Security has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 618. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 619. The Departments of Commerce, Justice, and State, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities have increased over levels certified to the Committees on Appropriations for fiscal year 2005: *Provided*, That, of the total amounts appropriated to the Departments of Commerce, Justice, and State, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available to each only upon such certification: *Provided further*, That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number and percentage of Federal employees eligible for, and participating in, such programs: *Provided further*, That each Department or agency shall maintain a ''Telework Coordinator'' to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 620. The National Aeronautics and Space Administration and the National Science Foundation shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities are made available to 100 percent of the eligible workforce: *Provided*, That, of the total amounts appropriated to the National Aeronautics and Space Administration and the National Science Foundation, $5,000,000 shall be available to each agency only upon such certification: *Provided further*, That both agencies shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: *Provided further*, That both agencies shall designate a ''Telework Coordinator'' to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 621. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 622. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

SEC. 623. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 624. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

SEC. 625. (a) Except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

SEC. 626. 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.

SEC. 627. Of the amounts made available in this Act, $393,616,321 from ''Department of State''; $27,938,072 from ''Department of Justice''; $14,107,754 from ''Department of Commerce''; $426,314 from ''United States Trade Representative''; $575,116 from ''Broadcasting Board of Governors''; $291,855 from ''National Aeronautics and Space Administration''; and $79,754 from ''National Science Foundation'' shall be available for the purposes of implementing the Capital Security Cost Sharing program.

SEC. 628. None of the funds made available in this Act may be used in contravention of the provisions of subsections (e) and (f) of section 301 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7631(e) and (f)).

SEC. 629. None of the funds made available to NASA in this Act may be used for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator of NASA has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

SEC. 630. Notwithstanding 40 U.S.C. 524, 571, and 572, the Administrator of the National Aeronautics and Space Administration may sell the National Aeronautics and Space Administration-owned property on the Camp Parks Military Reservation, Alameda County, California, and credit the net proceeds of such sales as offsetting collections to its Exploration, science and aeronautics account. Such funds shall be available until expended; to be used to replace the facilities at Camp Parks that are still required, to improve other National Aeronautics and Space Administration-owned facilities, or both.

SEC. 631. (a) IN GENERAL.—The President of the United States through his designee the Administrator of the National Aeronautics and Space Administration and in consultation with other Federal agencies shall develop a national aeronautics policy to guide the aeronautics programs of the Administration through 2020.

(b) CONTENT.—At a minimum, the national aeronautics policy shall describe—

(1) the priority areas of research for aeronautics through fiscal year 2011;

(2) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

(3) the facilities and personnel needed to carry out the program through fiscal year 2011; and

(4) the budget assumptions on which the national aeronautics policy is based.

(c) CONSIDERATIONS.—In developing the national aeronautics policy, the Administrator shall consider the following questions, which shall be discussed in the policy statement—

(1) the extent to which NASA should focus on long-term, high-risk research or more incremental research or both and the expected impact on the U.S. aircraft and airline industries of those decisions;

(2) the extent to which NASA should address military and commercial needs;

(3) how NASA will coordinate its aeronautics program with other Federal agencies; and

(4) the extent to which NASA will fund university research and the expected impact of that funding on the supply of U.S. workers for the aeronautics industry.

(d) CONSULTATION.—In developing the national aeronautics policy, the Administrator shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the national aeronautics policy.

(e) SCHEDULE.—The Administrator shall submit the new national aeronautics policy to the House and Senate Committees on Appropriations and to the House Committee on Science and the Senate Committee on Commerce, Science, and Transportation no later than the date on which the President submits the proposed budget for the Federal government for fiscal year 2007 to the Congress. The Administrator shall make available to the Congress any study done by a non-governmental entity that was used in the development of the national aeronautics policy.

SEC. 632. Any funds provided in this Act under ''National Science Foundation'' used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

SEC. 633. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada, or

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 634. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR Sec. 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 635. None of the funds made available in this Act may be used to include in any bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of Article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of Article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of Article 15.9 of the United States-Morocco Free Trade Agreement.

The CHAIRMAN. Are there any points of order to this portion of the bill?

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I raise a point of order against section 607. This provision violates clause 2(b) of House rule XXI. It proposes to change existing law and, therefore, constitutes legislation on an appropriation bill in violation of House rules.

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

The Chair finds that this provision proposes to change existing law with respect to eligibility requirements to receive a Federal contract with funds made available by this act.

The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 108, line 7, 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 remainder of the bill through page 108, line 7, is as follows:

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $62,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $38,500,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $86,500,000 are rescinded.

DEPARTMENT OF COMMERCE

EMERGENCY STEEL GUARANTEED LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $35,000,000 are rescinded.

RELATED AGENCIES

UNITED STATES-CANADA ALASKA RAIL COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $2,000,000 are rescinded.

AMENDMENT OFFERED BY MR. MCDERMOTT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCDERMOTT:

Page 108, after line 7, insert the following (and make such technical and conforming changes as may be appropriate):

TITLE VIII—MISCELLANEOUS

SEC. 801. None of the funds made available by this Act may be used to prosecute any individual for travel to Cuba (including travel for the purpose of visiting a member of the immediate family of such individual).

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to the Science, State, Justice, Commerce appropriations bill; and I do this in the name of freedom and justice for all Americans.

I call it the Carlos Lazo amendment, named for a brave U.S. soldier from Seattle who has been denied his right and freedom to visit his children in Cuba because of onerous new travel restrictions imposed by this administration.

Sergeant Lazo is a medic in a combat unit that served for a year in Fallujah, one of the most dangerous places in Iraq. He is a shining example of everything positive about America and about the men and women who serve in the Armed Forces.

But Carlos Lazo has been victimized by the administration's policy which has gone tilt. Carlos is caught up in the latest ploy by the United States Government to topple Castro. This time the administration is banking on restricting travel to overthrow the Castro government.

The greatest impact from this new policy is that Sergeant Carlos Lazo cannot visit his children in Cuba. One man desires only to be a father on Father's Day.

This is a man who risked his life in defense of America, a man who risked his life to reach America on a raft, a man who wants only to see and hug his children, a man in uniform defending America even as America denies his freedoms.

Last June, Carlos tried to visit his children in Cuba before the stringent new travel restrictions were put into effect. He was on leave from Iraq and went to Miami to board a charter flight to Cuba, but he was turned away because flights were flying empty to Cuba.

There he stood in his uniform, having just come back from the combat zone. He stood in an airport with a ticket in his hand, barred from a chance to visit his children, denied the most basic freedom in this country.

Carlos returned to the war zone in Iraq without seeing his children. That is the way it will stay unless the government intercedes.

Current law allows Americans to visit a family in Cuba only once every 3 years. No exceptions are made for soldiers serving abroad, families with medical emergencies, or other hardship cases.

As it stands now, Carlos can do nothing except wait for an arbitrary deadline to expire. It will take another year before he can go to Cuba. He is a naturalized American father who has been caught up in a national obsession to overthrow Castro. Decade after decade, plot after plot, the facts remain the same.

The policy, or the plot, call it what you will, the new travel restrictions inflict pain and suffering on an American, not Castro. Carlos is a person, not a political pawn, a soldier who defended his country and asks only for his country to defend his freedom.

He came to America on a raft in the 1990s. Since then he has made a new home and a new life. He has given back to his country and served with distinction. He is a patriot.

The least we can do is allow Carlos to visit his children in Cuba. Allowing him to travel to Cuba would say much more about freedom and opportunity in America than any new administration policy.

You want to hurt Castro, send Carlos to see his children. His freedom, like any American, to travel freely and speak freely and act freely will say more about what America stands for than all the rhetoric and rules the administration could ever implement.

The Department of Treasury oversees the travel ban. So far they have refused to grant him any kind of waiver. It will take us to cut through that.

Let Carlos be reunited with his children in Cuba in time for Father's Day. There is room in the heartland of America to have a heart.

I urge the passage of this amendment.

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

Mr. WOLF. Mr. Chairman, I yield myself 1 minute, and I rise in opposition to the amendment.

I think Members ought to know that the U.S. State Department lists the Cuban dictatorship as one of five remaining state sponsors of terror. The others are Iran, Libya, North Korea, and Syria.

According to the State Department's most recent patterns of global terrorism, Cuba continues to support foreign terrorist organizations and several terrorists and dozens of fugitives from the U.S., as the gentleman from New York (Mr. FOSSELLA) just spoke.

Also, if anyone is listening on the other side, I have sincerely asked for the opportunity to visit the country of Cuba through the legal ways. Everyone who always wants to lift the sanctions gets to go, but in a sincere effort at going down to find out what happens, I never can go. Something tells me there is something funny about this. We want to go on good faith. We ask to go through the normal process. We cannot get there.

I think this is a bad amendment, and I urge the rejection of it.

Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman from Virginia for the time.

I, too, rise in opposition to the McDermott amendment. At a time when the promotion of the rule of law and the consolidation of democratic institutions are pivotal to our U.S. national security strategy, we should not and we must not support an amendment that runs contrary to this commitment.

This amendment is proposing that we interfere with law enforcement; that we interfere with the U.S. courts by prohibiting the use of taxpayer funds to prosecute those who are traveling to Cuba in violation of U.S. law. What happened to the separation of powers, an element that is one of the centerpieces of our constitutional system?

As the gentleman from Virginia (Mr. WOLF) pointed out, we had just talked about U.S. fugitives that are given safe haven by the Castro regime in Cuba in an effort to bring them to justice. We want them to come here to the United States. How can we now turn around and support an amendment today that would essentially afford congressional protection to U.S. lawbreakers?

Support for this amendment would empower the enemies of the United States, such as the Castro dictatorship, and we must reject the McDermott amendment.

Mr. MCDERMOTT. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. FLAKE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 740.12 of title 15, Code of Federal Regulations (relating to license exemptions for gift parcels and humanitarian donations for Cuba), as published in the Federal Register on June 22, 2004 (69 Fed. Reg. 34565–34567).

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Virginia (Mr. WOLF) each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

This amendment, Mr. Chairman, simply seeks to prohibit the use of funds from enforcing a particularly onerous rule with regard to Cuba. There is a section of the code in the U.S. Federal regulation that governs the sending of gift parcels to countries for which there are otherwise strict limits of what can be sent.

Under the heading of ''Eligible Commodities,'' it reads: ''For Cuba, the only eligible commodities are food, medicines, medical supplies, radio equipment and battery for such equipment.''

Any reasonable person would agree that we should be permitted to send such items to ordinary Cubans.

In reading the next paragraph, however, we are told what cannot be sent in gift parcels to Cubans, and these restrictions apply only to Cuba: clothing, personal hygiene items, seeds, veterinary medicines and supplies, fishing equipment and supplies, and soap-making equipment, as well as any other items normally sent as gifts.

In other words, the U.S. Code of Federal Regulations does not permit the sending of gift parcels to Cuba containing clothes, personal hygiene items, seeds and other very basic goods, goods that would modestly improve the lot of ordinary Cubans.

It just seems silly to me, Mr. Chairman, that ordinary Americans cannot send to ordinary Cubans items like toothpaste and toilet paper. That is what this amendment is all about.

When the opponents rise and take their time, they will talk about obviously the awful dictator that Fidel Castro is, and he is. That is precisely why we need to reverse this. The Cuban people have enough burdens placed upon them living under Fidel Castro.

Why impose additional burdens on them by denying their relatives the ability to send personal hygiene items to them? What will denying toothpaste and toilet paper do to the regime in Cuba? I would submit that we are not going to prop up the regime in Cuba by sending toilet paper and toothpaste.

President Reagan once said, We must be careful in reacting to actions of the Soviet government not to take out our indignations on those not responsible. That is exactly what this amendment is seeking to reverse. We are taking out our indignations on Fidel Castro by imposing restrictions on what family members and relatives can send to ordinary Cubans. It is simply wrong.

America is a better country than that. We ought to stand taller than that. That is what we are trying to do here.

Keep in mind, if a Boy Scout from Mesa, Arizona, or somewhere in Virginia or Indiana or any State of the Union does a good turn for the day and sends soap or soup or tomato seeds to someone in Cuba, that would be a violation of the U.S. Code. If a Girl Scout in Michigan or Kansas happens to have a cousin in Cuba with a broken leg, the regulations would not allow her to send crutches to her Cuban cousin. Again, that is forbidden by our regulation.

What has our policy come to? Whatever happened to the proverb that says if you teach a man to fish, you feed him for a lifetime? Yet we prohibit sending a fishing line and hooks so ordinary Cubans can have a better meal. The Government of Cuba is making it difficult for Cubans to feed themselves. So why can Americans not send fishing poles and hooks to them?

□ 1230

Who really believes a small service project by a Boy or Girl Scout would actually be propping up the brutal Castro regime, which has unfortunately served 45 years on its own?

I am not trying to trivialize the serious nature of the issues we are dealing with in Cuba. It simply is wrong to deny ordinary Americans the ability to send gift items like this to ordinary Cubans.

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

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, for all the good intentions of its author and proponents of this amendment, it is just bad policy. It operates under the notion that in a postal system packages are delivered on time, they are unopened, and at no undue cost to the addressee. But the postal service in Fidel Castro's Cuba does not operate like the postal service in the hometown of the gentleman from Arizona. Instead, all the packages, most of which are from family members trying to help their relatives struggling to survive in Castro's command economy, are immediately seized by the state and held essentially as the personal property of the Maximum Leader in a central depository somewhere in Havana.

This really happens. The packages are opened, they are rummaged through, and they are pilfered, after which, in the best-case scenario, the addressee is called and told how much of a service charge it will cost them to get their parcel. That is what happens in a Communist country with a dictator. Every dime of goods contained in those packages, what is left in them after they are rifled through, is a dime Castro's regime does not have to spend on services for his people and, therefore, a dime he can spend on another torture chamber, a few more secret police officers, or a deposit in his Swiss bank account.

The only suffering or hardship that this amendment would erase is Fidel Castro's. He is a murderer, and he is a thief. His government is a thugocracy, and his postal service, if you can call it that, is a profit center for a massive criminal enterprise of oppression and terror. Resources that make their way into Cuba, whatever their origin, whatever the original intent of their transmission, have only one purpose, one purpose: To enrich, entrench, and empower a regime that has kidnapped, imprisoned, and murdered 100,000-plus Cuban citizens over the last 45 years.

The Bush administration has rightly concluded that the only good Cuba policy is one that expedites the collapse of the Castro regime. To loosen the administration's rules would be to reward Castro for his recent brutal crackdown on democratic dissidents, dozens of whom remain in his prisons. To loosen the rules would send a signal, a signal, words have consequences when we speak them on this floor, and if this amendment passes loosening these rules, it would send a signal to those

brave, peaceful dissidents and their families that the United States has tired of the struggle against totalitarianism.

Mr. Chairman, we cannot send such a signal. We cannot reward this tyrant and his terrorist state. We cannot allow this amendment to become law. We must stand with the Cuban people, stand with the Cuban people in their struggle against Castro and deny him the opportunity to exploit American generosity.

Vote for the Cuban people. Vote against Castro's regime. Vote ''no'' on this amendment.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume to respond to the majority leader's comments, that I would think standing with the Cuban people would be to allow them to receive personal hygiene items, like toothpaste and toilet paper. Keep in mind these restrictions are imposed against Americans, not Cubans. These are imposed against American families from sending to relatives in Cuba these items. These are not restrictions on Castro. These are restrictions on Americans.

We that believe in freedom ought to give Cuban Americans and others the freedom to make the choice, do we send gift parcels or do we not?

Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, one thing that I feel confident in doing is to reassure my friend, the majority leader, that denying the Cuban people toothpaste and toilet paper will not bring down Fidel Castro. The reality is that Fidel Castro has been in power for more than 45 years, despite the existence of an embargo on a whole variety of items. What we have done by denying families here in the United States the ability to send toilet paper and toothpaste to their families back in Cuba is to deny something very fundamental that reflects the deepest American tradition and values of helping our extended families who still live in their countries of origin.

At one level it is about toothpaste and toilet paper, but the real issue here is about family. That is what this is about. Let us not even make this a debate about Fidel Castro, because, trust me, Fidel Castro will survive whether there is an ounce of toothpaste that goes into Cuba from a Cuban American family. That is not what this amendment is about.

I respect the fact that there is diversity of opinion in terms of how we deal with the Castro government, but let us get past the politics and understand that this is about family, because I can assure you that standing with the Cuban people means to provide them the kind of assistance on a regular basis so that they can live a life, at least in their home, in the privacy of their daily existence, a life that has some dignity. Some dignity. That is the least we can do for the Cuban people.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, the way that the Cuban people will regain their dignity is to regain their freedom. While they are oppressed by a regime that denies them all human rights and denies them their dignity, they will not be able to live as all peoples are meant to.

Let us remind ourselves what we are dealing with here. As the gentleman from Virginia (Mr. WOLF) stated, there are five remaining terrorist states in the world, after the fall of Saddam Hussein and the liberation of Iraq. Five remaining terrorist states. But the FBI will tell you, and I would request our colleagues seek this information and this briefing from the FBI, that the most aggressive and dangerous anti-American espionage service of those five terrorist states remaining is the one of the Cuban dictatorship.

Yes, it is a bankrupt economy. Castro does not care about the suffering of the Cuban people. He does care about one thing, though: Intelligence services to fight against the interests of the leader of the free world, the United States. Nineteen Cuban agents, designated as spies, were expelled from the United States in recent years because of their work as spies. Fourteen members of Castro's spy network have been indicted and are in Federal prison today.

The President of the United States, a year ago, after much study, came forth with a very serious and comprehensive policy, which is very similar to the Reagan administration's policy towards the Soviet Union. One of the ingredients of President Bush's policy with regard to the Cuban dictatorship, one of five remaining anti-American terrorist states, is the reduction of hard currency to that regime.

Now, as was stated by the majority leader, Castro extorts payment even on humanitarian packages, at both ends of the process. The bottom line is that these regulations permit humanitarian aid to continue. Our constituents are the ones who send that humanitarian aid.

Mr. FLAKE. Mr. Chairman, may I ask what the time is remaining and who has the right to close?

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 3 minutes remaining, and the gentleman from Virginia (Mr. WOLF) has 7 minutes remaining and the right to close.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time and for his leadership, his continued leadership, and his exhaustive leadership on this issue.

I really had not intended to speak on this issue. I came down to speak to an amendment that I am prepared to offer against this legislation. But I just heard my good friend and our leader on the majority side make some statements relative to the uncertainty and the government's ability to look through any matter of package that may go from the United States to Cuba.

I would just remind the leader, although I see he has already left the floor, and other people in this audience that under the PATRIOT Act, what is the difference between our policy toward Cuba today and our policy toward our own people? That package could be in the hands of our postal service, which is supposed to be sacrosanct, and our government can go through it, by the way, by administrative rule rather than by the balance of the court providing for that request. It can be in our bank, it can be in our library, it can be, quite frankly, over the safety of the threshold of our own homes, and our government can still go and look through those packages.

So I would say it is an argument that has no teeth, because if we are going to criticize a government 90 miles off our shore for that kind of action, we ought to be taking a look in our own back yard before we move in that direction.

I would also like to say, Mr. Chairman, we are hearing an awful lot about CAFTA these days, and I would just tell you that if CAFTA truly offers all of the great promise that we are told by everybody, and that by treating these fledgling democracies, these people that really want to be a democracy in these five other nations, why didn't we go sell that to Cuba?

Mr. WOLF. Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman from Virginia has 7 minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, it is important to defeat this amendment. I thought I heard it all on this floor, but to hear a thugocracy called a fledgling democracy is something I never thought I would hear here. It is a regime of gangsters by gangsters and for gangsters, against which President Bush has a very important and solid policy that will succeed. Cuba will soon be free.

Mr. Chairman, I ask my colleagues today is to continue to stand with the Cuban people against the thugocracy and to defeat this amendment.

□ 1245

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me this time.

We have heard the proponents of this amendment argue that they want to revoke U.S. policy toward the Cuban dictatorship. They say they are doing it to help the Cuban people. When we

speak of helping the Cuban people, we need to focus on their freedom. Help is liberty. Help is working to ensure that every Cuban can speak their minds and not be imprisoned and not be beaten up for it. True humanitarian assistance is that which is not manipulated by the dictatorship in order to strengthen its own stranglehold on the Cuban people. Providing the tyrannical ruler with an escape valve to the dictatorship, that is not helping the Cuban people.

If we truly want to help the Cuban people, let us do so by working towards the day that Cubans from every background, every race, every ethnicity, and every religion will be able to live freely, free from fear and free from intimidation in a truly democratic Cuba.

Despite years of repression, there is a growing independent civil society movement on the island. Cubans today are trying, against the dictatorship, to organize themselves as independent journalists and independent librarians. Let us help them liberate themselves from totalitarianism, and the way to do that is to send true humanitarian aid, aid that is freedom and liberty and justice.

More than $1 billion is sent annually in funds and goods, sent to Cuba from those living outside of the island through various methods. Castro is making a lot of money, and little of it is going to benefit the Cuban people. So while Castro and his cronies continue to enrich themselves so they can maintain their hold on the Cuban people, what is happening to the Cuban people? They are left to struggle and suffer as a result of the dictatorship's failed policies.

It is not the U.S.'s fault that the Cuban people are in misery; it is Castro's fault. The U.S. policy is to help the Cuban people bring freedom, bring liberty, and bring that voice of justice that they so desperately need. Let us stand with the Cuban people today and reject the Flake amendment.

Mr. FLAKE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I find it interesting, the gentleman mentioned that our constituents send these packages. If that is true, why would they if they are all opened and money is taken off the top? That may well be the case, but they make that choice. They ought to make that choice. My constituents ought to have that choice. That is what America is about, allowing people to have the freedom to make that choice.

This amendment will allow them that freedom. The current policy restricts their freedom to make that choice. They are told they cannot send these items. Again, it is back to toothpaste and toilet paper. That is what we are talking about here.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, when I listen to this debate, I am reminded of the phrase ''the more things change, the more they remain the same.''

This is very similar to the debate when the Soviet Union was still in existence and President Reagan had a comprehensive policy to try to eliminate that regime. And the debate is the same: it is going to hurt the people. When President Reagan was trying to cut off the funding: it is going to hurt the Soviet people; they are the victims.

No. No, Ronald Reagan was right then; George W. Bush is right today, which is why the Assembly of Civil Society, the umbrella organization, opposition organization within Cuba, that just recently had a heroic meeting in Havana, publicly supports the President's policy. They understand that dignity is not a gift. They understand that the only true road to dignity is freedom: freedom of election, freedom of association, freedom of religion, and freedom of the press.

This amendment would go a long way to reversing the policy that is working. Just as many wanted to reverse Reagan's policy that succeeded in defeating the Soviet Union, this amendment is trying to reverse the Bush policy that will ultimately allow the Cuban people to live in freedom, the freedom that they so much deserve.

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

Mr. Chairman, let me once again remind Members what this is all about. We all know the brutality of the Castro regime and how they deprive people of basic goods. Because of that, why in the world do we add to their burdens? Why do we deny Americans, Cuban families, Cuban-American families the ability to send items to their families? That is what this amendment is about.

We will hear all kinds of things about the brutality of the regime. Let us stipulate that. I have been there several times. It is worse than anybody knows. It is awful. People there live with such burdens. Let us not burden them further.

Let me say, last year when this amendment was offered, the opponents were saying the administration is going to change it. This amendment will be moot. Those regulations will change. There has been a public outcry; it is going to change. Guess what, a year later it is still there. The restrictions are still there, yet we heard they are going to change. Well, they have not changed. We need to send a signal this policy cannot stand.

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

I rise in strong opposition to the amendment. I would also like to say to the gentleman from Arizona (Mr. FLAKE), I would love to go down to Cuba; and I would ask if the gentleman can intercede for both of us to go together, and that would be an unusual trip.

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

Mr. WOLF. I yield to the gentleman from Arizona.

Mr. FLAKE. I have no beef with the Cuban government.

Mr. WOLF. But the gentleman has been there several times.

Mr. FLAKE. I have never met with Castro, and I have no desire to.

Mr. WOLF. Mr. Chairman, if the gentleman has been there a couple of times and I have not, maybe the gentleman can try to help me. I would like to go.

Cuba is a source country for children trafficked internally for the purposes of sexual exploitation and forced child labor. Trafficking victims from all over Cuba are exploited in major cities. This government does not give its own people the necessary help.

Cuban forced-labor victims, and this is from the State Department reports, include children coerced into working conditions of involuntary servitude in commercial agriculture.

The Government of Cuba does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. In 2001, Cuban officials outlined an extensive plan to address the prevention and prosecution of trafficking victims on a national scale, but there is no evidence to show that the plan has been implemented. Cuba has no strategy to address its trafficking problem and growing child sex tourism industry.

Let the Cuban Government deal with eliminating the trafficking of children first. Cuba is in of the State Department's Trafficking in persons report tier 3, which is among the worst in the world. Let them deal with this issue and then perhaps we can see about some of these issues. But I urge strongly a ''no'' vote on this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. PAUL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. PAUL:

Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the United Nations to develop or publicize any proposal concerning taxation or fees on any United States person in order to raise revenue for the United Nations or any of its specialized or affiliated agencies. None of the funds made available in this Act may be used by the United Nations to implement or impose

any such taxation or fee on any United States person.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

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

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. PAUL. Mr. Chairman, my amendment is a very simple, clear amendment. It prohibits the use of any funds in this bill to be used by the United Nations to promote a world global tax.

Over the last 10 years, there were at least five meetings in the United Nations that talked and met for the sole purpose of devising a global tax. Not too long ago the G8 met, and France and Germany proposed a global tax on airline tickets. There have been other proposals on taxes on financial services. Hans Eichel, Germany's finance minister, stated, ''No one in the G8 has said anything against it. It is now on the agenda.''

So it is not like I have dreamed up this possibility. This is very real. It is on the agenda. They have talked about it for years.

Mr. Chairman, I would like to say that support for my amendment would be that somebody has responded. They think that nobody has, but I think the American people through us are quite willing to respond and say we are not ready, we do not think that it is a good idea that the United Nations be funded through a global tax.

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

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

Mr. WOLF. Mr. Chairman, I think the gentleman's amendment is an excellent amendment, and I accept it and I am glad he offered it.

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

The CHAIRMAN. Does any Member claim the time in opposition?

The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HINCHEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from New York (Mr. HINCHEY) and the gentleman from Virginia (Mr. WOLF) each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

This amendment would prohibit funds for the Department of Justice from being used to prevent patients in States that have medical marijuana laws from following those laws.

Over the past 9 years, 10 States have adopted laws which allow the use of marijuana for medicinal purposes: Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont, and Washington. They legalized the use of marijuana to relieve the intense pain that accompanies debilitating diseases, including AIDS, cancer, multiple sclerosis, and glaucoma. With the exceptions of Hawaii and Vermont, all of those laws were adopted by referendum, passed by the people.

Thousands of patients have testified, explained, and acknowledged that marijuana helps relieve symptoms, such as nausea, pain, and loss of appetite associated with serious illnesses. These people have found that marijuana is the only remedy that improves their quality of life. Yet the DEA has been targeting these people for arrest and sending them to jail. This needs to stop.

It is unconscionable that we in Congress could possibly presume to tell a patient that he or she cannot use the only medication that has proven to combat the pain and symptoms associated with a devastating illness. How can we tell very sick people that they cannot have the drug that could save their lives simply because of a narrow ideology and bias against that drug in this Congress?

A 1999 Institute of Medicine report for the National Academy of Sciences described the legitimate use of medical marijuana. It stated: ''Until a nonsmoked rapid-onset cannabinoid drug delivery system becomes available, we acknowledge that there is no clear alternative for people suffering from chronic conditions that might be relieved by smoking marijuana. Today there is no such alternative available.''

This amendment would affect only the States that allow the use of medical marijuana by preventing the Justice Department from arresting, prosecuting, suing, or otherwise discouraging doctors and patients in those States from following the laws of those States to relieve their physical injuries and conditions.

In the Supreme Court's majority opinion last week, Justice John Paul Stevens wrote that the issue can be addressed ''through the democratic process, in which the voices of voters allied with these respondents may one day be heard in the halls of Congress.'' With this amendment, we intend to use the powers granted us in the Constitution and reaffirmed by the Supreme Court last week to do just that.

Opponents of this amendment have tried to misrepresent it. This amendment does not encourage the recreational use of marijuana. It does not encourage drug use in children. It does not legalize marijuana. It would give relief to people suffering from horrific diseases and allow their doctors to decide which drugs will work best to do so. Organizations including the Nation's largest medical organization, the 2.7 million member American Nurses Association, the American Public Health Association, the American Academy of Family Physicians, and the New York State Medical Society, among others, have publicly endorsed the medical use of marijuana.

□ 1300

Our amendment is about compassion, in allowing patients the simple right of using the most effective medicine possible. Taxpayers' dollars should not be spent on sending seriously or terminally ill patients to jail. A vote for this amendment is a vote for States rights and for compassion. Ten States have decided to use medical marijuana in their laws. The Federal Government should not stand in their way.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to oppose this amendment. Marijuana is not a harmless drug. The National Institute on Drug Abuse, the American Medical Association and other science-based research institutes have documented the substantial risks of using marijuana. The FDA, on the other hand, has already approved Marinol, which contains THC, a derivative of the active chemical in marijuana, totally undermining claims that there is any need for medical marijuana.

If passed, this amendment would open the door for drug dealers to use medical marijuana exemptions as cover for their growing and selling operations. Up until recently, no adequate testing had been done in this country on the devastating effects of marijuana use. If only the young people of America knew of the study that just has been released recently that marijuana use curtails the development of the brain. We have very young people in this country using marijuana, and marijuana curtails the growth of our brain, and our brain is not mature until we are 25 years of age. Anything we do that encourages young people to use marijuana will have a devastating impact on their mental capacity.

I speak with a little experience on this. I have some friends who grew up when marijuana was the hot issue, and some of the brightest young people I knew became somewhat dull and have remained that way all of their life because the recent study proves that

marijuana use curtails the growth and development of the brain.

I have never had a physician tell me that it was needed in his portfolio to treat medical diseases and pain. I have never had a physician, and I have been in the health care field, in the legislative process, for 20 some years.

Medical marijuana is not something that is needed in this country. It is a drug that stops the development of the brains in our youth, and it should not become legal in any way, in my view.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I will not contest the gentleman from Pennsylvania on the intellectual level of some of his companions, but on other issues, I very much disagree with what he has had to say.

As to its relevance, yes, marijuana is and can be a drug with serious adverse consequences. So is OxyContin. So are many other substances that can only be legally administered by a physician with a prescription.

This is not a bill to make marijuana generally available. It is not a bill to put it in baby formula. It says, what is the rationale for singling out marijuana and saying that no doctor in no State can prescribe that even if that doctor feels that is the only way or the most effective way to alleviate pain? And I say most effective.

I would have hoped we would have learned something about trying to practice medicine here. They released today the autopsy, sadly, in that tragic case of Terri Schiavo. Apparently, according to the autopsy, not only was she in a persistent vegetative state, she was blind. The fact is that we had people on the floor of this House a few months ago directly controverting what we now know to be the medical facts.

Let us not do that again. Let us not say that we will decide on a political basis at the national level that no State is competent to regulate the practice of medicine in that State if they decide to allow a doctor to prescribe marijuana, because that is what we are talking about. The regulation of medicine has been a State function. Some States have decided to allow their doctors to prescribe marijuana. This has got a double safeguard. The State has to decide to do it, and then a physician has to decide to do it.

If there are physicians that you think are misusing this, and there are with substances. Rush Limbaugh got into trouble with OxyContin. That does not mean because something can be legally prescribed that you look away when it has been illegally used.

So let us treat marijuana the way we treat many, many other substances with far more impact on individuals. Let us leave this to the States and leave it to the doctors, and let us stop this practice, which I have commented on before, where most of us are not doctors, but try to play them on C–SPAN.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman for yielding me this time.

Mr. Chairman, I serve on the Judiciary Committee where we look at these types of issues. I appreciate the support of the gentleman from Virginia on this cause.

As I listened to the gentleman from Massachusetts make the allegation that no doctor in no State shall prescribe medicinal marijuana, I acknowledge the statement, and the implication at least was that this is new legal ground that we are plowing here. But, in fact, the FDA says no doctor in no State shall prescribe a pharmaceutical or medicine that is not approved by the FDA. That is why we had this major debate in this Congress here a year or so ago with regard to the reimportation of drugs.

So it is not new ground. It is old ground. It is old ground, and we know the cause, and we know what the driving force is behind this. It is seeking to get the camel's nose under the tent, seeking to establish a very small sliver of marijuana so that eventually the people that are behind this, that want to legalize marijuana in their individual States and across this country, can drive that wedge in and eventually be able to legalize this substance that has not been supported by any branch of medicine that I can identify. The American Medical Association, the National Multiple Sclerosis Society, Glaucoma Society, Academy of Ophthalmology, Cancer Society all have rejected marijuana for medical purposes.

What we have here is an initiative that is designed to advance a social agenda, the social agenda of the people that want to legalize marijuana. And, in fact, if we do that, we are going to see it planted in more places around this country, not less, and more accessible to more people, and this society will be more replete with the abuse of this hallucinogenic drug, a gateway drug that reduces the productivity of the American people and causes more people to get on to serious drugs, such as methamphetamines, heroin, cocaine, et cetera.

I urge a ''no'' vote on this amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman from New York for yielding me this time, and I thank him for his leadership, he and the gentleman from California (Mr. ROHRABACHER), for bringing this important bipartisan initiative to the floor. What we are discussing today is compassion, and that is a bipartisan value. I am grateful for their leadership on this issue that is critical to many in my district and across the country who are suffering from debilitating illnesses and to those who care for them.

Before I proceed with my comments, though, I want to acknowledge the tremendous leadership of the Chair of this subcommittee of appropriations, the subcommittee that has such a long name now, but we all know it is the gentleman from Virginia (Mr. WOLF). He knows, and every chance I get, I want to tell others, of the high regard that I have for him. It is a privilege to call him colleague and to serve with him in the Congress of the United States. Again, every chance I get, I want to acknowledge his tremendous leadership, especially for respecting the human rights of every person on the face of the Earth.

I thank the gentleman from Virginia (Mr. WOLF), the gentleman from New York (Mr. SERRANO) and the gentleman from West Virginia (Mr. MOLLOHAN) as well for their leadership on this important subcommittee.

This amendment, Mr. Chairman, is especially timely coming on the heels of the Supreme Court decision last week. The Court's decision makes clear that Federal regulatory and statutory changes are needed. For that reason, I strongly support the proposed legislation of the gentleman from Massachusetts (Mr. FRANK) that would change Federal laws to permit medical marijuana pursuant to State law. Make sure you know that what we are talking about here is in regard to States passing their own laws or initiatives and what would happen in this initiative, which is needed because we do not have a Federal law to respect States' rights specifically in terms of medicinal marijuana.

This amendment is necessary because it would prohibit the Justice Department from spending any funds to undermine State medical marijuana laws. It would leave to the discretion of the States how they would alleviate suffering of their citizens. This is a States rights issue. I have been a longstanding advocate for allowing States to make medical marijuana available to patients under a doctor's recommendation to alleviate painful suffering. A doctor's prescription is needed for a substance that is not otherwise legal. Doctors write prescriptions every day for that purpose, and they should be able to do so if their States allow it in the case of medical marijuana.

In my district in San Francisco, we have lost more than 20,000 people to AIDS over the last two decades. Twenty thousand people. I have seen firsthand at the bedsides of these patients the suffering that accompanies this dreadful disease. Medical marijuana alleviates some of the most debilitating symptoms of AIDS, including pain, wasting syndrome and nausea. It is not confined to AIDS, but also cancer and so many examples that our colleagues will point out. This is just the compassionate way to go.

The previous speaker says he knows of no scientific or medical institution that has said anything positive about this. I beg to differ. The fact is this has

been supported by science. In 1999, the Institute of Medicine issued a report that had been commissioned by the Office of National Drug Control Policy. The study found that medical marijuana would be advantageous in the treatment of some diseases and is potentially effective in treating pain. Medical journals and other recent articles attest to the fact that active components in medical marijuana inhibit pain. Other proven medicinal uses of marijuana include improving the quality of life, as I mentioned before, for patients with cancer, multiple sclerosis and other severe medical conditions. That is why many medical associations support legal access to medical marijuana, again, if the State allows it with a doctor's prescription, including the American Academy of HIV Medicine, the American Academy of Family Physicians, the American Nurses Association, the American Public Health Association and the AIDS Action Council.

In addition, more than 10 States, including my own State of California, have adopted these laws since 1996. Most of these laws were approved by a vote of the people. Numerous polls indicate that three-quarters of the American people support the right of patients to use marijuana with a doctor's prescription. A recent AARP poll showed that 92 percent of America's seniors support the use of medicinal marijuana with a doctor's prescription in the States where it is allowed.

Religious denominations also support legal access to medical marijuana, including the Episcopal Church, the Evangelical Lutheran Church, the National Council of Churches, the National Progressive Baptist Convention, the Presbyterian Church, the Union for Reform Judaism, the United Church of Christ, the Unitarian Universalist Association, and the United Methodist Church.

We must not make criminals of criminally ill people. Excuse me. We must not make criminals of seriously ill people. My slip of the tongue may tell the tale. It is not a crime to be ill. If we need to have access to pain relief, the people who seek this therapy should be able to receive it. It is long past time to base our policies on science and not on misguided politics. The Hinchey-Rohrabacher amendment affects the health and well-being of so many Americans, and I urge my colleagues to vote for it.

I also want to commend again the gentleman from California (Mr. ROHRABACHER) and the gentleman from New York (Mr. HINCHEY) for their courage in bringing this important bipartisan, compassionate legislation to the floor.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), who has been a leader on this issue.

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

Mr. SOUDER. I thank the gentleman for his leadership.

Mr. Chairman, I rise in opposition to this promarijuana amendment. It has little, little to do with compassion. It is hiding behind a few sick people to try to, in effect, legalize, back door, marijuana in this country.

This amendment would prohibit the Department of Justice from enforcing Federal drug laws against anyone hiding behind a State medical marijuana statute. If passed, this amendment would put people in danger of shysters and quacks willing to recommend a dangerous drug, marijuana, in place of federally approved safe and proven medicines. You can get Marinol. We have got other ways by taking a pill to treat this. There are multiple chemicals in marijuana. It is not medicine. Marijuana is just as much medicine as the carbolic smoke ball from the late 19th century was medicine.

□ 1315

The carbolic smoke ball promised in this ad we can see promised to cure everything from asthma to sore eyes to diphtheria. Consumers were told to smoke the carbolic smoke ball three times a day for what ailed them. Similarly, snake-oil salesmen promised through their quackery that their product could cure all aches and pains.

This is why we passed the Food and Drug Act. That is why we have an FDA, to protect consumers from the nostrums of the day. Congress acted responsibly in protecting this country from fraudulent claims of nostrum sellers and from using unsafe drugs from being taken by sick or afflicted consumers. Do the Members think these people were not sick and these people did not want to be cured? But they were sold products that, in fact, could not deliver. They made them drunk just like marijuana makes one high. What they do is isolate the chemicals inside to treat the disease.

One does not smoke pot. I have told this body several times before about Irma Perez, but many seem to have a short memory about this. The rhetoric about marijuana as a ''treatment'' for medical purposes, which probably was dreamed up at some college dorm, was a factor in the death of Irma Perez. She was 14 years old. She heard all this talk about medical marijuana even on the floors of Congress, and she was suffering from an Ecstasy overdose. And her friends gave her marijuana, thinking it was medical instead of getting her a doctor. A medical examiner said that had she received real medical attention rather than so-called medical marijuana, Irma Perez would still be alive.

There is a reason that marijuana is illegal, a Schedule I controlled substance. It has not met the rigorous approval process of the FDA. In fact, nearly 60 percent of people in drug treatment in America are in treatment for marijuana. Marijuana has never been proven safe and effective for any disease. To the contrary, it has been linked to a greater risk of heart disease, lung cancer, bronchitis, and emphysema. The Office of National Drug Control Policy notes evidence that marijuana can increase the risk of serious mental health problems, and in teens marijuana can lead to depression, thoughts of suicide, and schizophrenia.

There is a cost to Members of Congress standing up here and pretending that this is medical. This is not safe medicine. It is not safe and effective. It is dangerous. It contains more than 400 chemicals. Moreover, we know from survey data that so-called medical marijuana is not used for medicinal purposes except in very few cases, but for recreational and emotional reasons. One single doctor in Oregon wrote more than 4,000 prescriptions for people to use marijuana. His medical license was finally suspended last year for his failure to provide proper examinations or oversight of this so-called ''treatment.''

We have marijuana coffee houses proliferating in these States that are supposedly for cancer patients. There are people growing tens of hundreds of acres and putting medical marijuana in front of it and hiding and saying ''we are helping cancer patients,'' which is not true.

Finally, pro-marijuana advocates exploit the stories of people who are suffering from real pain or illness as a wedge for their pro-drug agenda, claiming that marijuana is necessary to alleviate their pain. It is simply not proven, not true, and becoming less true every single year for even the exceptional case.

The good news is that Marinol, a synthetic version of marijuana's derivative THC, has been approved by FDA as medication for appropriate treatment by prescription. Marinol has met the rigorous standard for ''safe and effective'' that is required for all drugs. It will be great for cancer patients and is working now in all of them. Originally, Members got on this floor and said it could not stop vomiting. It does.

The bad news is that proponents of medical marijuana are perpetrating a fraud on the public by claiming that home-grown weed, pot, reefer, marijuana, or whatever one wants to call it, should be used as medicine. Medical marijuana is a ruse. Marijuana is a dangerous and illicit drug, period.

I urge my colleagues to vote against this amendment.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment. I rise in support of the separation of powers as established by our Founding Fathers in the Constitution. The Constitution clearly delegates the power to deal with criminal matters, like the use of drugs, to the States.

I agree with my colleagues, even the one who just preceded me, that marijuana is probably a dangerous drug, and I would not suggest that we do

anything to encourage its use. Certainly the war on drugs has not eliminated that choice for our young people one iota. Our approach at supply rather than looking at demand has not been successful. But, most importantly, this drug, which may be harmful, reflects many other drugs that may well be harmful, but that we have decided as a society should be permitted to be prescribed by doctors whom we have empowered to make such prescriptions to people who are suffering from illnesses. There are many drugs that have many serious side effects and that are harmful to people. Marijuana is no different than that. And especially we should try to discourage young people from using marijuana.

But simply to override all of the powers of the people of the States of this Union to determine that decision and to override criminal matters that have been decided by the people of States is unconstitutional. The fact is our Founding Fathers wanted these issues to be determined in the States. All this decision we are making today is, should we use Federal money and use Federal resources to override the wishes of the people of the States who have voted, and in my State there was a referendum which won handily, on this issue. And the issue is that they have a right to decide at the State level should a doctor be able to prescribe marijuana to someone who is suffering, a cancer victim, an AIDS victim, or whatever. This makes all the sense in the world.

Let us not have a power grab by the Federal Government at the expense of these poor patients and the right of doctors to make these decisions and not politicians.

Mr. WOLF. Mr. Chairman, I yield myself 1½ minutes.

I rise in opposition to the amendment. Not only does the amendment hurt law enforcement's efforts to combat drug trafficking, but it really sends the wrong message to our children. Marijuana is the most abused drug in the United States. According to the ONDCP and the DEA, more young people are now in treatment for marijuana dependency than for alcohol or all other illegal drugs.

Mr. Chairman, if I could just read that one more time: according to the ONDCP and the DEA, more young people are now in treatment for marijuana dependency than for alcohol or for all other illegal drugs.

This amendment does not address the problem of marijuana abuse, and I know and I want to stipulate that it is not the intention of the authors, but it possibly makes it worse by sending the message to young people that there are going to be health benefits for smoking marijuana. I think it is confusing to young people for the Congress to do that. I understand what the authors of the amendment are trying to do, but it would be confusing and I think the wrong message.

Last year, this amendment failed by a vote of 148 to 268, and I urge rejection of the amendment.

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

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR), a sponsor of this amendment.

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding me this time.

I stand as a Member from California, which has had a law for almost 10 years now allowing the medical prescription use of marijuana for alleviating pain. It has not been a problem in California. It does not legalize drugs. It does not get drugs into the hands of kids. That law is enforced. Drug laws in California are strictly enforced by local law enforcement. But local law enforcement also supports in my community this use of pain relief.

I mean, this issue is about doctors and patients, doctors who prescribe for pain. They can have all kinds of alternatives prescribed. In some cases, this is the way that pain is best relieved. So what we are asking is that no money be spent to enforce the laws in those States that have been working. The Supreme Court did not strike down those laws. They did not say they were illegal. This is the ability of whether Congress is going to now step in and require those 10 States that have practices in place that are alleviating pain that they can no longer do that.

Do not allow the Federal Government to bust old ladies who are suffering from pain and have a prescription for relief.

Mr. Chairman, I rise in support of the Hinchey amendment and am proud to be a cosponsor of that amendment.

Oppenents of this amendment would want you to believe that this amendment is all about legalizing pot, or about unfettered access to street drugs, or about creating a generation of drug addicts.

They know it's not and their exaggeration won't change the facts.

The facts are—

This amendment is about States rights and the ultimate right of the citizens to empower their government through the democratic process.

This amendment is about health care, under a doctor's prescription and direction.

This amendment is about compassion and caring for persons who suffer from chronic pain and/or terminal illnesses.

This amendment is not about legalizing or decriminalizing marijuana.

This amendment is not about unfettered marijuana growth, distribution or usage. It is about regulated, controlled access.

My friends across the aisle seem to forget that this body, this House of Representatives gets its power from the people. In the United States the people empower their government, not the reverse.

In this country the people have the right to tell government how to govern.

In this country the people have the right to petition their government for change.

And when that happens, this government, this House of Representatives, has an obligation to respond.

When Americans called for an end to discrimination, we had an obligation to pass the Civil Rights Act.

When Americans called for fairness to persons with disabilities, we had an obligation to pass the Americans with Disabilities Act.

Ten states and millions of American citizens have voted to make it the law in their states that marijuana is available through prescriptions for health care purposes.

They are asking us—their representatives in Congress—to change the law to make it so. We have an obligation to respond.

The Hinchey amendment is the responsible thing to do. It is the right thing to do.

I urge everyone to vote "yes" on the Hinchey amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GALLEGLY).

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

Mr. GALLEGLY. Mr. Chairman, I urge my colleagues to vote against this amendment.

Marijuana is not a therapeutic drug. It is a harmful drug. Proponents of medical marijuana claim that drugs help alleviate pain, nausea, vomiting, and loss of appetite for the terminally ill. But these alleged benefits are rejected by medical authorities. The American Medical Association, National Multiple Sclerosis Society, the American Glaucoma Society, the American Academy of Ophthalmology, and the American Cancer Society, however, have all rejected the use of marijuana for medical purposes.

Further, smoking pot is physically harmful. Smoking pot delivers three to five times the amount of tar and carbon monoxide as cigarettes. According to the National Institute on Drug Abuse, studies show that someone who smokes five joints per week may be taking in as much cancer-causing chemicals as someone who smokes a full pack of cigarettes every day. Smoking pot is not helpful; it is harmful.

I urge my colleagues to vote against this amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, like my constituents, I believe that doctors should be permitted to prescribe marijuana for patients suffering debilitating diseases like cancer, AIDS, glaucoma, spastic disorders, and many more. We want the Federal Government to get out of our way because our State of California passed Proposition 215 in 1996, allowing for the use of marijuana for medical purposes.

The Members should know that my mother suffered from glaucoma and marijuana relieved her tremendously. In fact, her favorite Christmas present was a tin of marijuana. She is gone now, but I am certain that I speak for her today in asking that those who suffer from these debilitating diseases get help and can use marijuana if that help works. We want the Justice Department to stop punishing those who are

abiding by their State laws. Join me in supporting this important amendment.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I am sorry that the debate on this issue is so limited. The gentleman from California (Mr. FARR) was unable to present the evidence that the teen use of marijuana, since the approval by the State of California, has gone down. And I would put this in the RECORD.

This is an opportunity for us to clarify that the 10 States, including my State of Oregon, which was approved by the voters, have the right to make sure that the 10,000 people who are using medical marijuana under the supervision of 1,700 doctors have that right. It is outrageous that the Federal Government would intervene over the rights of States like mine, like Arizona, like California where people are taking these steps. It is a sorry continuation of attempts by this Congress to try to criminalize Oregon's Death with Dignity law, the only State in the Union with end-of-life protection, and the sorry spectacle we had here on the floor where Congress was intervening with the Terry Schiavo family.

I strongly urge the approval of this amendment.

□ 1330

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, this amendment extends the protections already provided at the State level in 10 States to the Federal level. It ensures that critically ill patients can find relief from nausea and pain without worrying that the Federal Government will prosecute them. The Federal Government should use its power to help terminally ill citizens, not arrest them.

Compassion ought to require us that we look at what we are doing here in this debate, trying to raise marijuana to the level of some kind of bogeyman when you have people who are suffering from terminal illness, and we are saying they should not be provided relief from pain.

What are we talking about in this Congress? Where is our compassion? Where is our understanding of what families go through when someone is suffering from a terminal illness, when people are looking for relief from pain? We are going to deny that to them because of some shibboleth about marijuana?

Let us get real. Let us support the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, are we for States rights or not? I often hear from that side of the aisle we are for States rights. I guess we are for States rights until we disagree with policies adopted by a State.

My State and nine other States have by large margins adopted the right of people in a regulated way through physician prescription to receive medical marijuana for certain conditions for which there are few other effective or no other effective treatments. Plain and simple.

It is not about legalization. You say, well, do not cripple law enforcement. Do we want to divert our limited law enforcement resources, who cannot give me a permanent DEA agent to help with the meth epidemic in the rural areas of any district, into chasing around old, sick people growing marijuana? I do not think so. That is not helping law enforcement with their mission.

Let us focus them on things that are a real threat to the American people, not on issues that have been decided by the people of the various States that this is something that should be made available in a compassionate way to help a few people.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, I oppose legalizing marijuana, but I support this amendment. Just like the other voters in California, I do not see why we should prohibit doctors from providing for pain relief for their patients.

I will talk to you about someone I knew. I will call him Mr. X. He had terminal cancer, and he could not eat, and the only thing that could get him an appetite was marijuana. Mr. X, who was my age, had to go out and buy marijuana illegally. It was so horrible for him.

Why should we force the indignity on terminal cancer patients of having to do that? That is why my State voted to allow doctors to prescribe marijuana, so that cancer patients who cannot eat have the chance to get some nutrition. For the life of me, I cannot understand why we would interfere with that, and I strongly, strongly urge, on behalf of all cancer patients, please support this amendment.

Mr. HINCHEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the amendment. I ask respect for those who oppose this amendment, but I ask respect, kindness and love for those suffering with cancer. There is not a family in America that is not touched by this devastating disease.

Allow the Hinchey amendment to go forward, so there can be healing and comfort for those dying of an enormously devastating disease. That is all we ask for, and, of course, the protection of the 10th amendment, that allows States to govern the laws of their particular jurisdiction, to protect the people of their State. Support the Hinchey amendment.

I rise today in support of the Hinchey Medical Marijuana amendment. According to the Mayo Clinic, marijuana has been used as a medical treatment for thousands of years. Further, the use of marijuana for medical purposes has been proven to be beneficial in the treatment of glaucoma, cancer, multiple sclerosis, epilepsy and chronic pain.

Despite various studies and reports by medical experts, the U.S. Supreme Court, on Monday of last week, handed down its rule which would allow sick patients who rely on marijuana to relieve pain or to help with their medical conditions to be prosecuted under Federal law even if their home State allows use of the drug for such medical purposes. The 6–3 decision came as a setback to the medical marijuana movement, but it does not change the laws of the 10 States that allow patients to use the drug to ease symptoms. Needless to say, I am very disappointed with the Court's decision.

To this end, I strongly support the Hinchey amendment. This amendment would prohibit the Justice Department from preventing States that have passed medical marijuana laws from implementing them. Currently ten States have adopted laws that allow the use of marijuana for medical purposes: Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont, and Washington. These laws were passed to allow the use of marijuana to relieve the intense pain and other symptoms that accompany several debilitating diseases, including aids, cancer, multiple sclerosis, and glaucoma. The DEA has conducted numerous raids on the homes of medical marijuana users, prosecuting patients who were using marijuana, in accordance with State laws, to relieve this pain.

Before closing, it is important to note that the Hinchey amendment will not change marijuana's classification as a Schedule I narcotic, require States to adopt medical marijuana laws, stop law enforcement officials from prosecuting the illegal use of marijuana, encourage drug use in children, and legalize marijuana or other drugs.

I urge my colleagues to support this amendment.

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

Mr. Chairman, let me just say in closing that the opposition to this amendment today on the floor has presented 19th century arguments for a 21st century problem.

We have people in this country who are suffering the debilitating pain that comes from cancer and chemotherapy. No relief is available to them except by association with cannabinoids. That association should be allowed under a doctor's prescription. That condition exists now in 10 States across this country. This Congress says to those 10 States, I am sorry, but you cannot do it. We are intervening.

That should stop. This Congress should not be about inducing pain, encouraging pain. This Congress should be about relieving pain in the American people. This Congress should be about enlightened medication and an enlightened health care delivery system, not one based upon 19th century prejudices, biases and a narrow ideology.

Let us pass this amendment. Let us be sensible, creative, decent and caring

for the American people. Let us pass this amendment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just respond to what the gentleman said about this ''narrow ideology.'' My mom died of cancer, my father died of cancer, there have been many people in my family on my mother's side who died of cancer. I, at one time, supported this and changed my vote in the Congress because I have seen the devastation that drugs can have on young people, the devastation that it is doing to many people.

So people can have differences of opinion. But when the gentleman uses these inflammatory rhetoric of ''narrow ideology,'' it is like all truth is on their side, I think that is really the wrong tone. This is a serious issue. There are good and decent people on both sides. But I think the gentleman's tone and comments were really not exactly accurate.

I care as much about this issue, and I care as much about suffering and pain as the gentleman. I stood with my mom when she died and with my father when he died.

Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. SOUDER).

The CHAIRMAN. The gentleman from Indiana is recognized for 2½ minutes.

Mr. SOUDER. Mr. Chairman, let me state that my mother and father-in-law both recently died of cancer as well.

Compassion is not limited to either side, but there is science and there is not science. In fact, the Carbolic Smoke Balls and the snake oil is very similar; getting high is the same as getting splashed.

There are, in fact, medical solutions to what has been talked about today. Serostim deals with wasting in AIDS, as does Megestrol, and they have been found by FDA to treat the very things they claim that you want treated today. You do not get high in the process, but your pain is relieved. Marinol treats the vomiting questions and other questions. It isolates the substances in it. There are 200 chemicals in marijuana. One gets you high, but other parts actually can be isolated just like in other things.

Furthermore, we have heard kind of a silly argument here on the House floor today that physicians should be making up FDA law. Physicians do not do trials of different drugs when they come to market. Physicians do not have big testing agencies. That is why we have a Food and Drug Administration. This is in effect asking to repeal the Food and Drug Administration.

Then we have kind of a very interesting legal argument going on here, not whether States have rights, but when the Federal Government has ruled, can States nullify a Federal law? The Supreme Court has always ruled unanimously that they do not, ever since the Civil War. We fought a war over nullification.

We do not believe in States rights on civil rights questions and others. When the Federal Government rules, the Court is unanimous. The split decision the other week was best explained by Justice Scalia for the majority, who said that you cannot have intrastate and interstate definitions when you are dealing with marijuana.

These huge marijuana plantations that are growing in the State of California, which, by the way, there is no limitation on doctors to cancer patients. We had one testify in our committee who gave so-called medical marijuana to teenagers for ADD, that doctors prescribe it for fingernail pain.

There is not this restriction on cancer. It is a bogus debate. California does not have that restriction. These huge marijuana plantations, nobody is going after individual doctors except in a test case where somebody wants to do it. We are going after the people prescribing to thousands of people, to the coffee shops that are proliferating in these States where the people were sold a bill of goods that they were working with cancer patients, and instead now they see the proliferation of coffee houses, they see the proliferation of marijuana plantations, with signs up in front of them saying, ''This is all for medical purposes.''

We in Congress have a responsibility to lead in this country, not to buy into college dormitory-type thoughts of ''wouldn't it be great if we called marijuana medical, and then we could smoke pot?''

That is why the vote has actually declined the last few years here in Congress, and after the Supreme Court ruling last week, I believe it will decline even further, because there is not an intrastate. Not only was it previously upheld on interstate, it has now been upheld on intrastate, with Scalia being one of the great conservatives who historically has stood up for States rights explaining the difference very clearly.

I hope Members will join with the chairman in voting down this amendment.

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

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT OFFERED BY MR. SCHIFF

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHIFF:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for a DNA analysis and capacity enhancement program, and for other State, local, and Federal forensic activities, may be used for a grant to a State that does not have in effect policies and procedures to ensure that the State collects DNA from every felon convicted in the courts of the State.

Mr. WOLF. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. Pursuant to the order of the House of yesterday, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 5 minutes.

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

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as a former Federal prosecutor, I understand how the use of DNA profiles has become a powerful tool in solving crimes. States have taken the lead by expanding the use of DNA in crime-solving efforts.

The distinguished chairman's home in Virginia was the first to pass a DNA data bank law in 1989, requiring all convicted sex offenders to provide a DNA sample. Since then, Virginia has continued to be a leader in this area, expanding their law in 1990 to include all convicted felons, and further expanding it since. As a result of these laws, Virginia has obtained a staggering 2,747 hits by searching their database, solving countless crimes.

Because of the amazing crime-solving successes in Virginia, I introduced legislation in 2002 seeking to mandate an expansion of State collection regimes and an expansion of the Federal database by permitting States like Virginia to upload the increasing number and types of profiles they were obtaining.

At the time only 23 States had enacted legislation requiring DNA from convicted felons. Twenty-seven States, including my own State of California, were 12 years behind what Virginia had accomplished. Since then, I am pleased to report that 42 States have passed laws to require DNA from all convicted felons. It is now time for those last remaining eight States to come on board.

The U.S. Congress is putting a significant amount of money into DNA programs, over $177 million this year alone, with the goal of not just reducing backlogs, but also solving and preventing crimes. The eight States that do not currently collect from all convicted felons are not obtaining the hits that they should and are therefore making the entire system inefficient since cross-State matches are not being made.

These States must modernize their collection. Since these violent offenders know no State boundaries, the failure to upload these samples puts all citizens at risk, and the Federal Government has a compelling interest in making it so.

Statistics show that as many as half of the criminals that commit violent

crimes have nonviolent criminal histories. Therefore, offenders who are required to submit DNA when convicted of nonviolent felonies will be identified as they leave DNA behind later at rape and murder scenes.

States originally thought there would be no law enforcement value to collecting samples from convicted felons when the crime was not sexual in nature or not particularly violent. They were wrong. Virginia's offender hits, primarily from previous nonviolent and nonsexual convictions, have aided over 2,700 investigations, including 15 rapes, 255 murders and 521 sex crimes.

Mr. Chairman, I will cite only one of the countless examples we have seen of the tragic consequences of inadequate DNA collection schemes. Some years ago, four Springfield, Massachusetts, women fell victim to a serial rapist and murderer.

□ 1345

The man who later turned out to be the rapist and murderer had prior nonviolent felony convictions for breaking and entering and for larceny. He was sentenced to community supervision. If Massachusetts at the time had required him to give a DNA sample after either of his 1996 convictions, a DNA match could have been obtained after the first rape and murder, thereby preventing the subsequent three tragedies. Massachusetts has since modernized their law to obtain samples from all convicted felons.

Mr. Chairman, the results speak for themselves. DNA databanks are most effective with the inclusion of at least all convicted felons and applied to all forms of cases. While I will withdraw this amendment, as I know the chairman has a point of order, I intend to introduce legislation to make these important changes and would very much like to work with the chairman on it.

Mr. Chairman, I do have a second amendment which I will not speak on now because the chairman was kind enough to let me speak on it earlier, but I would like to take the opportunity immediately after consideration of this amendment to make the formal offer of that amendment.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. SCHIFF

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHIFF:

At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 8____. It is the sense of Congress that all necessary steps should be taken to provide adequate security for the judiciary and to protect and uphold the independence of the judicial branch.

POINT OF ORDER

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

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

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment proposes to state a legislative provision.

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

Mr. SCHIFF. I do, Mr. Chairman.

Mr. Chairman, I will be very brief, and I appreciate the opportunity to speak again on the substance of this amendment.

This is merely a sense of Congress respecting the integrity and the independence of the judiciary. I know the honorable chairman offered a sense of Congress amendment on Darfur last year to the appropriation bill. This is similarly merely a sense of Congress amendment asking that we not only observe the independence of the judiciary, but make sure we provide for the safety of the bench. We just saw another shooting today outside of a courthouse, and I would ask the chairman to consider this sense of Congress much as the one that was offered last session.

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

The Chair finds that this amendment expresses legislative sentiment. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 29 OFFERED BY MR. OTTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. OTTER:

Page 108, after line 7, insert the following:

TITLE VIII—LIMITATION ON AUTHORITY TO DELAY NOTICE OF SEARCH WARRANTS

SEC. 801. Section 3103a of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''may have an adverse result (as defined in section 2705)'' and inserting ''will endanger the life or physical safety of an individual, result in flight from prosecution or the intimidation of a potential witness, or result in the destruction of or tampering with the evidence sought under the warrant''; and

(B) in paragraph (3), by striking ''a reasonable period'' and all that follows and inserting ''seven calendar days, which period, upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, may thereafter be extended by the court for additional periods of up to 21 calendar days each if the court finds, for each application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant.''; and

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

''(c) REPORTS.—(1) On a semiannual basis, the Attorney General shall transmit to Congress and make public a report concerning all requests for delays of notice, and for extensions of delays of notice, with respect to warrants under subsection (b).

''(2) Each report under paragraph (1) shall include, with respect to the preceding six-month period—

''(A) the total number of requests for delays of notice with respect to warrants under subsection (b);

''(B) the total number of such requests granted or denied; and

''(C) for each request for delayed notice that was granted, the total number of applications for extensions of the delay of notice and the total number of such extensions granted or denied.''.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Idaho (Mr. OTTER) and a Member opposed each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) reserves a point of order.

The gentleman from Idaho (Mr. OTTER) is recognized for 5 minutes.

Mr. OTTER. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the chairman allowing me the opportunity to speak on this amendment that I believe renews an important balance between protecting our Nation and confirming the freedom on which our Nation was founded.

While I realize the language is subject to a point of order, I believe it is imperative that we have this debate today. This issue drives to the core of who we hope to be as Americans, and it is important to address it on the floor of this House.

The fourth amendment, which protects us from unreasonable search and seizures by the government, is fundamental to the Bill of Rights because it protects our rights to be individual and to be private. Its creators, under direction, I believe, of their Creator, endorsed the principle that it is the government's role to protect that right and not to encroach upon it. The idea of individuality, that each person is created uniquely and with certain inborn rights that government cannot take away, is the most basic expression of who we are as a Nation and a people.

That is why I am so concerned about the way we have expanded the government's power to delay notification of search and seizure of our privacy. The issue at hand is not when or where or

how often these warrants are used, but that the government holds these broad and sweeping powers at all.

It is important to know that we are safe and secure within the borders of this country. But Americans can only be secure with their liberties, and Americans are only safe, if they are free.

I understand that ''sneak and peek'' warrants were used before the passage of the PATRIOT Act, and I recognize that the courts have upheld their use in limited and extraordinary circumstances, but this does not justify the serious steps taken by the USA PATRIOT Act to erode away the protections offered by the fourth amendment. By broadening the use of ''sneak and peek'' warrants and making them the standard rather than the exception, the PATRIOT Act threatens our liberties that are given us by our Creator and protected under our Constitution.

That is why I am offering this amendment today. My amendment narrows the scope of ''sneak and peek'' and brings back the judicial oversight that was built into our Constitution and is the balance of power in our government. It more carefully defines the very specific circumstances in which a ''sneak and peek'' warrant can be used.

It also employs the notification procedure upheld by most courts before the USA PATRIOT Act. If we are going to codify this already questionable tactic, should we not at least limit it to the practice established by the courts before the USA PATRIOT Act?

This debate is even more critical this year, as we will soon be deliberating reauthorization of parts of the USA PATRIOT Act. While this amendment may not be in order today, I implore my colleagues to give this issue the consideration it deserves when the reauthorization bill does come to the floor.

As Americans, it is our fundamental belief that each of us is ultimately responsible for safeguarding our freedom and our safety. It is our obligation, nay, our duty, Mr. Chairman, as citizens of this great Nation, to see that no one, not even our own government, is allowed to take these freedoms and responsibilities away.

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

Mr. WOLF. Mr. Chairman, we still reserve a point of order.

Mr. OTTER. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me this time. I want to compliment the gentleman for bringing this amendment to the floor, and I want to express my disappointment if it is ruled out of order because this is such an important issue.

The fourth amendment is worth fighting for. The Founders of the country thought it was literally worth fighting for, and yet I see us here in the Congress willing to sacrifice it too easily.

One of the arguments is that success has been proven that these easy-to-obtain search warrants have produced success in catching certain criminals, but that does not prove that we could not have done it legitimately by following the fourth amendment; so we do not know whether they would not have been caught or not. Another thing is; does sacrificing security and liberty ever justify more catching of so-called criminals? What if we had a total police state? What if we turned our whole country into a concentration camp? We could make sure there would be no crimes whatsoever.

The trade-off is too great. We should never trade off safety and security for our liberties, and I think that is what we have done with the PATRIOT Act.

I want to congratulate the gentleman for bringing this to our attention; and, hopefully, we will eventually protect the fourth amendment.

Mr. OTTER. Mr. Chairman, might I inquire as to the time left.

The CHAIRMAN. The gentleman from Idaho has 30 seconds remaining.

Mr. OTTER. Mr. Chairman, I yield myself the remaining time.

I would like to close by saying that those people that the gentleman from Texas (Mr. PAUL) talked about are the same people that believe that sidewalks cause rain. They believe that this PATRIOT Act has truly cut down on crime.

Americans have a right to security not only in their persons and their property, but their civil liberties as well. Though I must withdraw my amendment, I am hopeful that we can work together during the upcoming days and weeks in reauthorization debate to offer security to the American people without changing the essence of what it means to be an American.

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

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

There was no objection.

SEQUENTIAL VOTES IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

amendment offered by Mr. WEINER of New York; amendment offered by Mr. INSLEE of Washington; amendment offered by Mr. HAYWORTH of Arizona; amendment offered by Mr. FLAKE of Arizona; and an amendment offered by Mr. HINCHEY of New York.

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

AMENDMENT OFFERED BY MR. WEINER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 31, noes 396, not voting 6, as follows:

[Roll No. 251]

AYES—31

Ackerman
Barrow
Bishop (NY)
Boswell
Bradley (NH)
Carson
Conyers
Davis (IL)
Green, Gene
Hastings (FL)
Higgins
Holden
Israel
Kelly
Kucinich
Lowey
McIntyre
Menendez
Murphy
Owens
Pallone
Pascrell
Payne
Porter
Ramstad
Renzi
Rothman
Strickland
Towns
Velázquez
Weiner

NOES—396

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe

Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Cuellar
Hyde
Melancon
Miller (FL)
Oberstar
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1417

Messrs. GEORGE MILLER of California, GUTIERREZ, ENGEL, MICHAUD, BERRY, BUTTERFIELD, ROGERS of Alabama, JACKSON of Illinois, Ms. SCHWARTZ of Pennsylvania, Mrs. BONO, Mr. McGOVERN, Mrs. NAPOLITANO, Mr. LoBIONDO and Mr. FORD changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MILLER of Florida. Mr. Chairman on rollcall No. 251, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. MELANCON. Mr. Chairman, on rollcall No. 251, Had I been on the floor, I would have voted "no."

AMENDMENT OFFERED BY MR. INSLEE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 8, as follows:

[Roll No. 252]

AYES—177

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Bilirakis
Bishop (NY)
Blumenauer
Boucher
Boyd
Bradley (NH)
Brown (OH)
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Case
Castle
Clay
Cleaver
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hefley
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
Kline
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Mack
Maloney
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Olver
Ortiz
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Platts
Poe
Pomeroy
Price (NC)
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Shays
Simmons
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—248

Abercrombie
Aderholt
Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Manzullo
Marchant
Markey
Matheson
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Owens
Oxley
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Saxton
Schwarz (MI)
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—8

Bachus
Cardoza
Cuellar
Hyde
Jones (OH)
Oberstar
Sessions
Shimkus

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1426

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

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 33 OFFERED BY MR. HAYWORTH

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 124, noes 304, not voting 5, as follows:

[Roll No. 253]

AYES—124

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Bonilla
Bonner
Bono
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Carter
Chabot
Coble
Cubin
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
Diaz-Balart, M.
Drake
Duncan
Emerson
Everett
Feeney
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
Kingston
Kuhl (NY)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McIntyre
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Norwood
Nussle
Otter
Paul
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pombo
Price (GA)
Ramstad
Renzi
Rogers (AL)
Rohrabacher
Royce
Sensenbrenner
Shadegg
Shaw
Shuster
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiberi
Upton
Wamp
Westmoreland
Whitfield
Young (AK)
Young (FL)

NOES—304

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Butterfield
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Green, Al
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Pickering
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—5

Cox
Cuellar
Hyde
Oberstar
Sessions

□ 1434

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 7, as follows:

[Roll No. 254]

AYES—210

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Butterfield
Camp
Capps
Capuano
Cardin
Carson
Castle
Clay
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—216

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boustany
Boyd
Bradley (NH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Case
Chabot
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Engel
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Salazar
Saxton
Schiff
Sensenbrenner
Shadegg
Shaw
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—7

Brady (TX)
Cuellar
Garrett (NJ)
Hyde
Oberstar
Sessions
Tiberi

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1442

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 161, noes 264, not voting 8, as follows:

[Roll No. 255]

AYES—161

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Beauprez
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clay
Cleaver
Costa
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larson (CT)
Lee
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Porter
Price (NC)
Rangel
Rehberg
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Solis
Stark
Strickland
Tancredo
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—264

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costello
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Conyers
Cox
Cuellar
Feeney
Garrett (NJ)
Hyde
Oberstar
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1451

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

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee, and the gentleman from Maryland (Mr. RUPPERSBERGER) on an important issue regarding democracy in Venezuela.

Mr. Chairman, 2 weeks ago, several Members of Congress went to Venezuela and heard about the intimidation by the Venezuelan Government of a democracy advocate named Maria Corina Machado. Ms. Machado is the leader of Sumate, a Venezuelan nongovernmental electoral watchdog. Currently, she is charged by the Venezuelan Government for accepting illicit foreign financial contributions from our own National Endowment For Democracy.

Recently, Ms. Machado was invited to the White House to see the President and share her concerns about the endangered state of democracy in Venezuela. This Congress should stand behind Ms. Machado and support the growth of democracy in Venezuela.

Mr. WOLF. Mr. Chairman, I thank the gentleman from Virginia (Mr. TOM DAVIS).

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

Mr. WOLF. I yield to the gentleman from Maryland.

Mr. RUPPERSBERGER. Mr. Chairman, I concur with the gentleman's interpretation of the difficult situation in Venezuela. Sumate has been one Venezuelan institution that has been willing and able to monitor the antidemocratic behavior of the Venezuelan Government. It has been able to bring the attention of the world to the decline in democracy in that country.

Mr. Chairman, this Congress should be supporting democratic institutions in Venezuela and those individuals fighting on the side of democracy. Does the gentleman from Virginia agree?

Mr. WOLF. Mr. Chairman, I do. I thank the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. RUPPERSBERGER) for their statements and leadership.

I think by their speaking today it sends a message to the world with regard to the importance of us promoting democracy and freedom in Venezuela. Democracy and human rights, whether it be in Venezuela or any place else, are basic fundamental freedoms that must always be preserved and supported.

The United States should always stand with those fighting for those freedoms. The United States should continue to send a clear message to everyone that we will stand with people like Ms. Machado and others like her who speak out for democracy.

I think what the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. RUPPERSBERGER) have done is send a message to the world. They have sent a message to the National Endowment For Democracy that when there is another grant application, that application should be met so she has that opportunity for freedom.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, moving to one other matter, it is my understanding that the 2006 Science, State, Justice and Commerce Appropriations bill requires agencies to notify the Committee on Appropriations 15 days before funds are reprogrammed to implement e-government initiatives.

As the chairman of the authorizing committee with jurisdiction over the E-Government Act, and in fact I was one of the authors of the E-Government Act, I would ask the gentleman from Virginia (Mr. WOLF) if he will share information that he obtains with the Committee on Government Reform on the funding and implementation of e-government initiatives in this bill so we could be so advised.

Mr. WOLF. Mr. Chairman, yes, I would be happy to provide the Committee on Government Reform with information received from the administration regarding e-government initiatives.

AMENDMENT NO. 1 OFFERED BY MR. CHOCOLA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CHOCOLA: Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available by this Act may be used by the National Aeronautics and Space Administration to employ any individual under the title ''artist in residence''.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Indiana (Mr. CHOCOLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF) for his good work on this bill. I also appreciate the opportunity to offer this amendment.

This amendment is really about prioritizing spending and fiscal responsibility. Over the last 2 years, NASA has spent $20,000 for an artist-in-residence program. My amendment is designed to prevent or limit that practice in the future.

Mr. Chairman, nowhere in NASA's mission does it say anything about advancing fine arts or hiring a performance artist. In fact, Laurie Anderson, the person that was chosen to perform the role of a performance artist, when she was called to be offered the job, she said, Sure, what do I do?

And the response she got from NASA was, Well, we do not know; we have never done this before.

One of the first things that I did in 2003 after I showed up as a new Member of Congress is I attended a memorial service for the Columbia astronauts. Certainly, spending money by NASA on a performance artist and a artist-in-residence program does nothing to make sure that the shuttle program gets back into space and prevents such tragedies in the future.

Now $20,000 may not seem like much in the Halls of Congress; but to the average American family, it is a significant amount of money. I wish I could say that NASA is boldly wasting taxpayer money where no agency has wasted it before, but I am afraid that the artist-in-residence program is just a symptom of a bigger problem.

Recently, the Heritage Foundation identified $386 billion of waste, fraud, and abuse in government spending. Every American business and every American family must make hard decisions to stand by their budget and eliminate wasteful funding, and the Federal Government should be no different and NASA should not be spending taxpayer dollars on a performance artist. I encourage all of my colleagues to support this amendment.

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

Mr. CHOCOLA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I think this is a good amendment and I accept it.

Mr. CHOCOLA. Mr. Chairman, I reserve the balance of my time.

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

Mr. Chairman, I rise not in opposition, I am going to agree to the amendment, but I would like to have some comment before I do.

Mr. Chairman, I think this is a regrettable amendment for a number of reasons.

First of all, it involves an awfully little bit of money. Secondly, I think it sends a really bad signal. Indeed, one of NASA's missions is to inspire; and it has had an arts program, a very small arts program since 1962. Such luminaries as Norman Rockwell have participated in it over the years.

It is in furtherance of part of NASA's mission. NASA's mission is to inspire, to educate. Indeed, in the education theme of NASA's FY 2006 budget, it states: ''To develop the next generation of explorers, NASA must do its part to inspire and motivate students to pursue careers in science and technology and engineering and in mathematics.''

□ 1500

A part of it is connectivity. One of the ways NASA has done that, if anyone has visited its facilities, is through beautiful murals and other art initiatives. This particular initiative that the gentleman is speaking to is the appointment of Laurie Anderson as an

artist-in-residence, which is another phase, if you will, in NASA's arts program. It is a worthy program. It has developed over those years since 1962 an awful lot of memorable artworks. There is no reason to believe that this initiative, which is so modest in nature, would do anything but further enhance the arts program at NASA. Again, it is so small that it is just minuscule. I am afraid the amendment really represents more art bashing than it does good fiscal policy.

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

Mr. MOLLOHAN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. As a member of the Committee on Science, might I just say to the gentleman, he could not be more correct as relates to a tool of inspiration. Let me also emphasize that the Committee on Science works in a bipartisan way on education, helping to educate young people or encourage young people to participate or to be interested in math and science.

One of the key issues happens to be girls in math and science and for them to be unafraid of those disciplines. This kind of inspirational film that was first shown internationally and then shown nationally is the kind of very small investment that seeks to inspire similarly as young people were inspired in the 1960s, led by President John F. Kennedy and Camelot, speaking about our ability to travel into space.

I am disappointed that we would focus $20,000 on this very positive effort. I would hope that we would think of this in a different manner. I would hope that boys and girls and young people across America who are deciding to go into the sciences and get graduate degrees and Ph.D.s and might, I say particularly those in the Hispanic and African American community, which we work on in a bipartisan way on the Science Committee, Historically Black Colleges, Hispanic-serving institutions, I would hope that they would still have an opportunity to see an inspiring film such as this one, and that NASA would not be limited from investing in educational projects that will generate millions of dollars in research and opportunity for our youth.

Mr. CHOCOLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is not an art-bashing amendment. Nothing could be further from the truth. It is simply a fiscal responsibility amendment. We must make decisions on how to prioritize spending. NASA will continue to have an art program. They have an art curator. They have an education program with a chief education officer. The ability to communicate the mission of NASA and the benefits of space exploration are still intact fully. But we have to make hard decisions. Having an artist-in-residence that produces a play that has minimal, if any, relationship to NASA and the mission of NASA is not wise spending of taxpayer dollars.

I appreciate the chairman's support of this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. JONES OF OHIO

Mrs. JONES of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. JONES of Ohio:

Page 108, after line 7, insert the following title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to close or consolidate any office of the Equal Employment Opportunity Commission or to make any reductions in the number of full-time officers or employees in any such office, or to reduce the number of full-time officers or employees serving as supervisors, management officials, mediators, examiners, investigators, or attorneys in such office, as part of any workforce repositioning, restructuring, or reorganizing of the Commission that is authorized under law.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I yield myself such time as I may consume.

First of all, I want to thank the gentlewoman from California (Mrs. CAPPS) for cosponsoring this amendment. Our amendment deals with the issue of the Equal Employment Opportunity Commission. I am a former trial lawyer for the EEOC and also want to add the name of the gentlewoman from the District of Columbia (Ms. NORTON) as a supporter of this amendment. She would be here, but she had another piece of legislation to work on.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my good colleague from Ohio for yielding me this time.

Mr. Chairman, for 40 years the Equal Employment Opportunity Commission has been charged with ensuring that all citizens get a fair shot in the workplace, but now the Chair of the Commission is pushing a reorganization plan which may seriously compromise the agency's ability to protect employees from discrimination. This plan has had neither hearing nor review by this body. Nevertheless, the administration proposal is that many offices will be downgraded while others will experience an increase in jurisdiction and workload without a comparable increase in staff. This is in addition to an already growing backlog of cases which have yet to be investigated.

Mr. Chairman, I wish I could say that since the passage of employment anti-discrimination laws that discrimination has been eliminated in the workplace, but the truth is discrimination still exists. Job applicants are all too frequently judged on the basis of their skin color. Women are still subjected to sexual harassment. Persons with disabilities are passed over for employment even when they have the necessary skills.

I hope my colleagues will join me in voting in favor of the Jones-Capps amendment so that we can ensure that our constituents will continue to find a resource available to them which will protect them from discrimination in the workplace.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I can assure the gentlewoman that the committee has been closely following EEOC's plan to reorganize over the last 3 years. The committee has even asked the Government Accountability Office to evaluate EEOC's proposals to reposition the agency with a particular focus on the National Contact Center pilot project. I just asked the staff. GAO has not come back yet, and they are not late. We just asked them to do this last year.

Also we have language in the bill on page 78 that says, ''Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals in accordance with the reprogramming provisions of section 605 of this act.''

The gentleman from West Virginia and myself would look at that before they could go ahead. It really does, though, unnecessarily restrict the agency's ability to restructure. We will be glad to work with the gentlewoman and listen to her, but I think just to accept this amendment now would really be wrong, particularly with the language that we currently have in this bill that provides that the Committee on Appropriations can stop any reorganization, or they have to come up to the committee before they move ahead.

I oppose the amendment.

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

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman from Virginia so much for the support he has given me with regard to repositioning of the EEOC, but the issue is so important to the people that I represent that I must continue to argue my amendment.

Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. WATT), the chair of the Congressional Black Caucus.

Mr. WATT. Mr. Chairman, I thank the gentlewoman for yielding me this time.

In the Congressional Black Caucus' agenda that we rolled out on January

27 of this year, one of the things that we said was we cannot take a step back in the employment area, and that one of the important things that we have to have is aggressive enforcement of the employment discrimination laws of the Nation.

It was shocking to us when on May 13 of this year, we received notice that on May 16, the EEOC was planning to vote on a restructuring proposal. We immediately sent out a letter to the EEOC saying, please do not reduce the number of district offices from 23 to 15 or downgrade the field offices and reduce the number of attorneys' positions, because that could have a substantial negative effect on the enforcement of our employment discrimination laws. The last thing we need is to take a step back from enforcement. We need to be taking more aggressive steps to provide more employment opportunities, not taking steps backwards.

We think this amendment is absolutely critical. On behalf of the 42 House Members of the Congressional Black Caucus, I urge my colleagues to support this amendment and absolutely guarantee that no action can be taken on this restructuring proposal.

Mrs. JONES of Ohio. Mr. Chairman, I yield myself the balance of my time.

As I said, I served as a trial lawyer for the Equal Employment Opportunity Commission in the Cleveland district office. As a part of that responsibility, we were required to oversee parts of Kentucky, parts of Cincinnati, and several other areas. It is very, very important that a sufficient number of workers are available to handle EEOC cases.

The other thing that is so very important is the fact that training in the laws of EEOC are very important. It is my understanding that there is a proposal to put in place in area offices temporary workers to answer the phone who have no experience in EEOC laws or litigating or being able to advise persons calling in. That is the reason that I would offer the amendment that says that none of the funds made available in this act may be used to close or consolidate any office of the Equal Employment Opportunity Commission, or to make any reductions to the number of full-time officers or employees in any such office, or to reduce the number of full-time officers or employees serving as supervisors.

Currently the caseload of the EEOC continues to rise at the same time we are reducing the number of workers available to try, litigate or even consolidate or settle some of these cases.

□ 1515

I thank the gentleman from Virginia (Mr. WOLF), chairman, and other members of the committee for the support they have given me with regard to the EEOC, but I would continue to say this area is so very important, we cannot afford to sit down on the issue.

Mr. Chairman, just for the record, I would like to thank my staffer Terence Houston for all the work he has done on this issue.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. I understand what the gentlewoman is trying to do. I again want to remind Members, though, that the language in the bill prohibits them from moving ahead until they come to the Committee on Appropriations. So I oppose the language because the language unnecessarily restricts the agency's ability to restructure itself to meet the ever-changing needs of its constituency. We will listen to the gentlewoman, but an outright ban on closing or consolidating offices does not seem responsible in this tight budgetary requirement. We know that the EEOC is currently managing in a tight budget, and I think tying their hands could actually make the matters worse.

I am sure the gentlewoman is going to move ahead with her amendment. I think that is fine. We will work with her if she wins. God bless her. If she loses, the gentleman from West Virginia (Mr. MOLLOHAN) and I will work to make sure that before we approve any reprogramming, we talk to her and also let her see what the GAO says when they come up with their report.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Mrs. JONES).

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

Mrs. JONES of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio (Mrs. JONES) will be postponed.

AMENDMENT NO. 21 OFFERED BY MR. HOSTETTLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. HOSTETTLER:

Page 108, after line 7, insert the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. None of the funds appropriated in this Act may be used to enforce the judgment of the United States District Court for the Southern District of Indiana in the case of Russelburg v. Gibson County, decided January 31, 2005.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Indiana (Mr. HOSTETTLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

In Russelburg v. Gibson County, a Federal district judge in the Southern District of Indiana ruled that the presence of a monument depicting the Ten Commandments in Gibson County amounts to a government establishment of religion because, as he stated, the display ''is in violation of the Establishment Clause of the first amendment to the United States Constitution.''

This decision is inconsistent with both the clear intent of the framers and the Christian heritage of the United States, which was recounted by the Supreme Court in 1892. While it is true this opinion is consistent with more recent Supreme Court decisions, it is time that Congress exercise its authority to end the practical effect of this judicial misunderstanding. My amendment would prevent any funds from being used to enforce this unconstitutional and unlawful judgment.

The local Fraternal Order of Eagles placed the monument on the Gibson County courthouse lawn in 1956. Clearly, this generous gift to the community is not the equivalent of Congress passing a law to establish a national religion.

Mr. Chairman, here are the facts: Federal statute says, ''Except as otherwise provided by law or Rule of Procedure, the United States Marshals Service shall execute all lawful writs, process, and orders issued under the authority of the United States . . . ''

Since this ruling by the Southern District Court in Indiana is not a lawful decision consistent with the Constitution, I will utilize Congress's article I, section 8 power of the purse to prevent any funding from being used by the U.S. Marshals Service to remove the Ten Commandments monument.

Mr. Chairman, the Founders of this great Nation foresaw the problem of courts imposing their own political views through their judgments and wrote about it.

In promoting the adoption of the U.S. Constitution, Alexander Hamilton wrote in Federalist No. 78: ''Whoever attentively considers the different departments of power must perceive that in a government in which they are separated from each other, the judiciary . . . is beyond comparison the weakest of the three departments of power;

''The judiciary . . . has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither force nor will but merely judgment . . . ''

Mr. Chairman, given the fact that the judiciary has neither force nor will, it is left to the executive and the legislative branches to exert that force and will.

Time and again I am sure that my fellow Members of Congress are asked about unconstitutional decisions made by the Federal courts, and many of us say there is nothing we can do. That answer is inconsistent with our Constitution and the vision of our Founders. We can do something.

And, Mr. Chairman, that is not only my opinion and the opinion of the framers of the Constitution and the authors of the Federalist Papers. It is also the opinion of a rather noted jurist by the name of John Marshall. Many in this body may recall that Mr. Marshall was actually Chief Justice of the United States Supreme Court. While he served as Chief Justice of the Supreme Court, he had an occasion to correspond with an Associate Justice, Samuel Chase.

It seems that Justice Chase was the object of impeachment proceedings in the House of Representatives for, among other things, suggesting that Federal judiciary could disregard the clear intent of the legislature when considering cases before his court.

Chief Justice Marshall asserted to Justice Chase that there was a superior mechanism for the legislature to consider over that of impeachment when the Congress disapproved of the opinion of the Federal judiciary. Marshal stated: ''I think the modern doctrine of impeachment should yield to an appellate jurisdiction in the legislature. A reversal of those legal opinions deemed unsound by the legislature would certainly better comport with the mildness of our character than would a removal of the judge who has rendered them unknowing of his fault.''

Marshall's Pulitzer Prize-winning biographer, Albert Beveridge, observes of this assertion made by Marshall 11 months after Marbury v. Madison: ''Marshall thus suggested the most radical method for correcting judicial decisions ever advanced, before or since, by any man of the first class. Appeals from the Supreme Court to Congress. Senators and Representatives to be the final judges of any judicial decision with which a majority of the House was dissatisfied.''

Mr. Chairman, today is a great opportunity for us to exercise that very authority ''advanced'' by Chief Justice Marshall concerning the legislature vis-a-vis the judiciary.

After this vote, Mr. Chairman, our constituents will ask us, Congressman, do we have a voice in these most fundamental decisions, or are we condemned to wait on a new Supreme Court Justice who may or may not inject common sense into the judiciary's opinions?

And we will be able to tell them, Yes, you do have a say. The Constitution explicitly provides it. And venerated jurists such as John Marshall have ''advanced'' it.

This legislation is where we fund any executive agency that would enforce the Southern District Court of Indiana's judgment in this case. My amendment would prevent any funds within that act from being used to enforce the erroneous decision in Russelburg v. Gibson County, and I ask my colleagues to support the amendment.

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

Mr. NADLER. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the issue in this amendment has nothing to do with the Ten Commandments. It has nothing to do with whether the Ten Commandments, or a sculpture of them, I assume, should be removed from wherever it is in Indiana. The issue in this amendment is should Congress prohibit the enforcement of a decree of a Federal court. There is nothing more fundamental to the rule of law in this country that once a Federal court issues a decision, sometimes it may be appealable, but once there is a final court order, that is the law.

Chief Justice Marshall said in Marbury v. Madison 200 years ago, and I know that the gentleman from Indiana stated he thinks that case was wrongly decided, and he is entitled to his opinion, but it is the foundation of law in this country that it is emphatically the duty of the judiciary to say what the law is.

If Congress wants to change the law, that is our prerogative. If we want to begin the process of amending the Constitution, that is our prerogative. But in terms of interpreting what the law is, what the Constitution commands, what the law passed pursuant to the Constitution says, that is the job of the courts. To fail to enforce court orders, to arrogate to this body the right to say that we do not like a particular decision, we do not agree with the court's interpretation of the Constitution, we do not agree with the court's interpretation of a law that we passed, therefore they may not enforce the law, is to say that we are no longer a Nation of laws. It is to say that we are no longer a Nation governed by a Constitution.

This amendment is subversive in the extreme. If we can adopt this amendment saying that we shall not enforce the decision ''no funds herein appropriated may be used to enforce the decision of the court,'' in this particular instance in the Southern District of Indiana, then we can pass a bill that says we shall not enforce a decision of the court that says so and so may not go to jail or so and so must go to jail or anything else.

No Member of this House who believes in the rule of law should vote for this amendment. The subject matter on which it is specifically aimed, the particular decision of the court, is not relevant. When President Eisenhower was faced in Little Rock, Arkansas, in 1957 with a question of sending in U.S. marshals to enforce the decree of the court in desegregating Little Rock High School, he did not approve of that decision. His biographers tell us he was not happy with it. But he sent in the U.S. marshals because the law, as decreed by the courts, as passed by Congress, as interpreted by the courts, must be enforced.

If that is not the case, if the court's determination of what the law is is not the final arbiter, which we had that once in our history, then the final arbiter becomes the cannons and the guns. The rule of law must be supreme in this country.

During the Clinton impeachment, we heard from the other side of the aisle about the rule of law. We disagreed with the rule of law dictated, but here there can be no question. The court orders must be enforced, and anyone who says that we shall not spend money to enforce a court order because I do not like that particular court order or we do not agree with that particular court order is subversive of liberty, subversive of the Constitution, subversive of every human right, and subversive of the very notion of American liberty and democracy.

This amendment should not be agreed to.

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

The CHAIRMAN. The Chair would remind Members that the gentleman from New York (Mr. NADLER) has 1 minute remaining, and the gentleman from Indiana (Mr. HOSTETTLER) has 30 seconds remaining and he has the right to close.

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

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

There have been the terms ''subversive'' and ''subversion'' used a lot in the gentleman's remarks. I would simply like to point the gentleman to the very words of the individual he believed he was quoting from earlier in that the final word by Chief Justice Marshall, while he was Chief Justice of the United States Supreme Court, is very clear. It may be considered by the gentleman from New York to be subversive, but it is quite clear. John Marshall said: ''I think the modern doctrine of impeachment should yield to an appellate jurisdiction in the legislature. A reversal of those legal opinions deemed unsound by the legislature would certainly better comport with the mildness of our character than would a removal of the judge who has rendered them unknowing of his fault.''

Let us today preserve the subversion of Chief Justice John Marshall and allow this amendment.

The CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on

the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 23 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 8___. None of the funds made available in this Act may be used to facilitate the issuance of affirmances by single members of the Board of Immigration Appeals (BIA) without an accompanying opinion.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

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

I look forward to working with the ranking member and the chairman of the subcommittee, and I want to thank them again for their courtesies as well as their staffs' courtesies in working through some of the issues that we find very troubling and important to address in this appropriation.

My amendment at the desk is one that I offer dealing with the Board of Immigration Appeals affirmances, which I intend to subsequently withdraw, and I would like to enter into a colloquy with the chairman as well as the ranking member of the subcommittee on this important issue.

It relates to the administrative review and appeals and immigration-related activities referenced in title I of this act. This matter is near and dear to many who understand the importance of the Board of Immigration Appeals.

I believe that we should withhold funds in the act for programs that would facilitate the issuance of affirmances by single members of the Board of Immigration Appeals, the BIA, without an opinion. This would protect the petitioner for immigration review by ensuring that their $110 filing fee does not leave them with a simple ''affirmed'' with no basis for a decision.

□ 1530

That means they have nothing to rely upon at a subsequent time. This really goes to the question of legal immigration, and it goes to the question of ensuring that we are vigorous in protecting and fighting for legal immigration as we are for fighting against illegal immigration.

This would protect the due process rights of the petitioner. The proportion of affirmances without opinion decided by a single board member has increased from 10 percent to over 50 percent of all board decisions beginning immediately after the new rules were proposed. Part, of course, of the reason is because of the overwhelming number of cases.

At the same time, the proportion of cases that are favorable to the alien decreased. Prior to proposing the procedure reforms, one in four cases were decided in favor of the opinion. Since then, only 1 in 10 is decided in favor of the alien, and there is no opinion, just an affirmation.

It is important to note that a wide number of organizations and academics in immigration law believe that these affirmances without opinion by single-member review has created bad legal and administrative precedent and an incentive to rubber-stamp immigration judges' decisions. Affirmance without opinion is much faster and easier than writing a decision and creates an incentive, whether conscious or unconscious, for board members to meet case processing guidelines by affirming removal orders, notwithstanding the merits of the appeal. The rights of the petitioner and due process requires a thorough review. That is what the appeals process is all about.

Moreover, intellectual rigor in decisionmaking may be diminished because board members no longer need to articulate the basis for their decisions. They need only to decide whether they agree with the result ultimately reached by the immigration judge. A panel of three board members is far more likely to catch an error below than a single board member.

In the immigration context, there is only one administrative hearing before the case reaches the board. Other administrative agencies that employ single-member review have several layers of administrative process. That is why it is important to change or to look into this procedure at the Bureau of Immigration Appeals.

Single-member review makes it difficult for the board itself to determine whether its members are making errors. The courts of appeal, when such review is available, similarly lack guidance when reviewing the decisions of the immigration judges and the board.

Now I would like to reaffirm my position, which is to suggest that the idea of a de novo hearing in the Federal District Court and the Court of Appeals is an option that should be considered important by giving the Bureau, if you will, more substance in its determination.

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

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

Mr. WOLF. Mr. Chairman, it is my understanding that the gentlewoman is withdrawing the amendment; is that accurate?

Ms. JACKSON-LEE of Texas. Yes.

Mr. WOLF. Mr. Chairman, I thank her for bringing this to our attention.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to yield to the chairman. This is a colloquy that is before him.

Mr. WOLF. Mr. Chairman, if the gentlewoman will yield further, I do not have a colloquy before me. We are aware of the amendment. The gentlewoman makes some valid points. What I told the staff to say is we would work to see what could be done with regard to the filing. But I understand the gentlewoman is withdrawing the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I am withdrawing it with the idea that it is an important issue, and I hope that the committee can work together with me on this issue, because, as I indicated in my earlier remarks, the importance of fighting for a system of legal immigration that shows due diligence is as important as it is for fighting against illegal immigration.

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

Mr. Chairman, we will work with the gentlewoman. As we understand more and learn about it, we will keep good faith and work with the gentlewoman, and also the gentleman from West Virginia (Mr. MOLLOHAN).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT NO. 15 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SANDERS:

At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists.

The CHAIRMAN. Pursuant to the order of the House of June 14, 2005, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself 3 minutes and 40 seconds.

Mr. Speaker, along with the gentleman from Idaho (Mr. OTTER), the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. PAUL), the gentleman from New York (Mr. NADLER) and the gentleman from

New Mexico (Mr. UDALL), I am again offering the freedom to read amendment. This tripartisan amendment, which has the support of progressives, conservatives and people of all political stripes, would prevent the Justice Department and the FBI from using section 215 of the PATRIOT Act to access library circulation records, library patron lists, book sale records or book customer lists.

This amendment is being supported throughout our country by librarians, book sellers and all Americans who want Congress to be vigorous in protecting the American people from terrorism, but want to make sure that we do that without undermining the basic constitutional rights which have made us the free country that we are.

Mr. Speaker, this amendment is similar to the amendment I offered last year, which lost by a 210–210 vote after the voting rolls had been kept open for an extra 20 minutes.

There is one difference in this amendment compared to last year's that I do want to emphasize: I have heard from some Members who have expressed concerns about the possible need for the FBI to access library Internet records. Some Members believe that by exempting library Internet records from section 215, we could be creating an opportunity for terrorists.

The amendment today addresses that concern and does not apply to library Internet records. Under this amendment, the FBI could still use a section 215 order to obtain these records. This amendment only applies to the records that contain information on which books people are checking out of the library or buying from a bookstore.

Mr. Speaker, setting aside all of the legalese, let me tell you what this amendment does. Let me also tell you why the American Library Association, the American Booksellers Association and many other organizations are supporting it. Let me also at this time remind Members that seven States, Vermont, Alaska, Colorado, Hawaii, Idaho, Maine and Montana, as well as 379 municipalities across the country, have gone on record by passing resolutions expressing their concerns about the PATRIOT Act.

Mr. Speaker, the American people want to know that when they borrow a book from a library or buy a book from the bookstore that the government will not have access to the titles of the books they are reading. They want to read what they want to read without government looking over their shoulder and without Uncle Sam becoming Big Brother and spying on them.

Under section 215 as currently written, the FBI can walk into a secret FISA court, tell a judge that he is doing an investigation on terrorism, and that judge has to grant the FBI the right to go to a library or a bookstore and obtain their reading records. The FBI need not show probable cause nor even reasonable grounds to believe that the person whose records it seeks is engaged in criminal activities. The simple truth is that the FBI could spy on a person because they do not like the books she reads or because she wrote a letter to the editor critical of government policy.

Further, those served with section 215 orders are prohibited from disclosing the fact to anyone else. Those who are the subjects of the surveillance are never notified that their privacy has been compromised.

Mr. Speaker, that is not supposed to be what America is about and not what a free society is about. If the government can make the case that getting records from a library or bookstore can help us fight terrorism, I want them to get those records. In fact, they have always had the ability to get those records and will be able to get those records in the future through normal law enforcement processes.

But whether it is through the grand jury subpoena process or the process of getting a search warrant, there are well-established judicial safeguards to protect Americans' basic civil liberties from government overreaching. Under those long-established judicial safeguards, the FBI must demonstrate that its need for information is legitimate. They cannot get it just because they want it, and that is what this amendment is all about.

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

The CHAIRMAN. The gentleman from Virginia claims the time in opposition and is recognized for 20 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on the Judiciary has held over 10 hearings on the PATRIOT Act, including a hearing devoted just to this issue. The Committee on the Judiciary is planning on marking up the PATRIOT Act reauthorization bill in the near future, and the authorizers will certainly give this very close attention.

The authority of the Justice Department to obtain a library or bookstore record is not without appropriate checks and balances. A Federal judge must approve the use of this authority before the Department of Justice can obtain business records, including book records. This authority can only be used to obtain foreign intelligence information, not concerning a U.S. person, or "to protect against international terrorism or clandestine intelligence activities." It cannot be used to review the reading habits of the general public.

Mr. Chairman, I will include for the record a letter from the Justice Department dated June 14. It says the following:

"Further, libraries and bookstores have never been exempt from similar investigative authorities. Prosecutors have always been able to obtain records for criminal investigations from bookstores and libraries through grand jury subpoenas. For instance, in the recent case of Olympic Park bomber Eric Rudolph, a grand jury served a subpoena on a bookseller to obtain records showing that Rudolph had purchased a book giving instructions on how to build a particularly unusual detonator that had been used in several bombings. This was important evidence identifying Rudolph as the bomber.

"In the 1997 Gianni Versace murder case, a Florida grand jury subpoenaed records from the public libraries in Miami Beach. Similar in the 1990 Zodiac gunman investigation, a grand jury in New York subpoenaed library records after investigators came to believe that the gunman was inspired by a Scottish occult poet and wanted to learn who had checked out that poet's book.

"Finally, bookstores and libraries should not be carved out as safe havens for terrorists and spies, who have, in fact, used public libraries to do research and communicate with their coconspirators. For example, in March and April of 2004, Federal investigators in New York conducted surveillance on an individual who was associated with al Qaeda. In the course of tracking the individual, investigators noted that, although he had a computer at his home, he repeatedly visited the library to use the computer. Investigators discovered that the individual was using the library computer to e-mail other terrorist associates around the world."

Lastly, it goes on to say, "We know that Brian Regan, a former TRW employee at the National Reconnaissance Office, who recently was convicted of espionage, extensively used computers at five public libraries in northern Virginia and Maryland to access addresses for the embassies of certain foreign governments. This evidence, which also showed that Regan consulted a book present at the library, 'How to Be Invisible,' to further his scheme, was critical during his trial."

Mr. Chairman, I include the entire letter for the RECORD.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, June 14, 2005.

Hon. FRANK WOLF,
Chairman, Subcommittee on Science, State, Justice, and Commerce, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice is pleased to provide information about section 215 of the USA PATRIOT Act ("PATRIOT Act"), an invaluable authority afforded to national security investigators when Congress overwhelmingly passed the Act more than three years ago. It is critical that Congress' decision whether to continue this vital tool in the war on terror be informed by reason, rather than rhetoric. We would oppose any amendment that would unduly restrict our ability to compel the production of records relevant to sensitive terrorism and espionage investigations. As stated in the statement of Administration policy released today on H.R. 2862—Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006—if any amendment that would weaken the PATRIOT Act were adopted and presented to the President for his signature, the President's senior advisors would recommend a veto.

Section 215 of the PATRIOT Act provides a useful tool for catching terrorists and spies by specifically authorizing the Foreign Intelligence Surveillance Court (''FISA Court'') to require a person or organization to produce ''tangible things'' that are relevant to international terrorism and espionage investigations. These are the same types of materials that prosecutors have long been able to obtain with grand jury subpoenas in criminal investigations. Moreover, section 215 and grand jury subpoenas are both governed by a similar relevance standard; with respect to section 215, the requested records must be relevant to a national security investigation while with respect to grand jury subpoenas, the requested records must be relevant to a criminal investigation. As a result, section 215 applies in a much narrower set of circumstances than do grand jury subpoenas. While grand jury subpoenas can be used to investigate all types of criminal conduct, section 215 can only be used ''to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.'' 50 U.S.C. §1861(a)(1).

Further, contrary to misleading rhetoric about section 215, it does not empower FBI agents to obtain records without a court order. Rather, section 215 can be used to obtain documents only with an order from the FISA Court. Thus the Department's use of section 215 requires more scrutiny than do grand jury subpoenas, which are generally issued without prior judicial approval. Moreover, we have taken the position in litigation that: 1) recipients of a section 215 order may disclose receipt of an order to an attorney and; 2) recipients may challenge a section 215 order in FISA court. In addition, the Attorney General has testified that the Department of Justice supports amending section 215 to clarify any ambiguity related to these points.

In addition to the requirement of court approval, this provision establishes other important safeguards. For instance, section 215 provides for thorough congressional oversight. On a semi-annual basis, the Attorney General is required to ''fully inform'' Congress on the Department's use of section 215. In addition, the Attorney General must report to Congress the number of times agents have sought a court order under section 215, as well as the number of times such requests were granted, modified, or denied during the preceding six month period. See 50 U.S.C. §1862.

The Attorney General recently declassified the fact that as of March 30, 2005 section 215 of the PATRIOT Act had been used 35 times, and had never been used to obtain bookstore or library records, medical records, or gun sale records. Rather, section 215 orders had only been used to obtain driver's license records, public accommodations records, apartment leasing records, credit card records, and subscriber information, such as names and addresses, for telephone numbers captured through court-authorized pen register devices. These figures demonstrate that investigators have used this tool judiciously and responsibly. The provision, moreover, has assisted the Department's national security investigations as there can be a number of situations in which the ability to access documents pursuant to a section 215 order is critical to an international terrorism or espionage investigation, particularly in the early stages of an investigation when officers are trying to develop leads.

Section 215 has been attacked for its potential application to libraries, with some critics suggesting that libraries should be exempted from it or that the provision should be repealed altogether. These critics ignore statutory context, well-established grand jury practice, and the reality of the terrorist threat. First, although a section 215 order could be issued to a bookstore or library if it possessed records relevant to an espionage or international terrorism investigation, the provision does not single them out or even mention them. Indeed, as noted above, the provision, as of March 30, 2005, had never been used to request library records. And, in any event, such a request would have to be approved by a court, ensuring an independent check on the Department's investigators.

Further, libraries and bookstores have never been exempt from similar investigative authorities. Prosecutors have always been able to obtain records for criminal investigations from bookstores and libraries through grand jury subpoenas. For instance, in the recent case of Olympic Park bomber Eric Rudolph, a grand jury served a subpoena on a bookseller to obtain records showing that Rudolph had purchased a book giving instructions on how to build a particularly unusual detonator that had been used in several bombings. This was important evidence identifying Rudolph as the bomber. In the 1997 Gianni Versace murder case, a Florida grand jury subpoenaed records from public libraries in Miami Beach. Similarly, in the 1990 Zodiac gunman investigation, a grand jury in New York subpoenaed library records after investigators came to believe that the gunman was inspired by a Scottish occult poet and wanted to learn who had checked out that poet's books.

Finally, bookstores and libraries should not be carved out as safe havens for terrorists and spies, who have, in fact, used public libraries to do research and communicate with their co-conspirators. For example, in March and April of 2004, Federal investigators in New York conducted surveillance on an individual who was associated with al Qaeda. In the course of tracking the individual, investigators noted that, although he had a computer at his home, he repeatedly visited a library to use the computer. Investigators discovered that the individual was using the library computer to e-mail other terrorist associates around the world. The library's hard drives were scrubbed after each user finished, and he used the computer at the library because he believed that the library permitted him to communicate free of any monitoring. This individual is now in Federal custody.

In addition, investigators tracing the activities of the 9–11 hijackers determined that, on four occasions in August of 2001, individuals using internet accounts registered to Nawaf Al Hazmi and Khalid Al Mihdar used public access computers in the library of a State college in New Jersey. The computers in the library were used to shop for and review airline tickets on an internet travel reservations site. Al Hazmi and Al Mihdar were hijackers aboard American Airlines Flight 77, which took off from Dulles Airport and crashed into the Pentagon. The last documented visit to the library occurred on August 30, 2001. On that occasion, records indicate that a person using Al Hazmi's account used the library's computer to review September 11 reservations that had been previously booked.

Similarly, investigators have received information that individuals believed to be Wail Al Shehri, Waleed Al Shehri, and Marwan Al Shehhi visited the Delray Beach Public Library, in Delray Beach, Florida. Wail Al Shehri and Waleed Al Shehri entered the library one afternoon in July of 2001 and asked to use the library's computers to access the internet. After about an hour, a third man, Marwan Al Shehhi, joined them. Waleed and Wail Al Shehri were hijackers aboard American Airlines Flight 11, while Al Shehhi was the pilot who took control of United Airlines Flight 175. Both of those flights crashed into the World Trade Center. A witness who recognized photos of the three individuals that ran in newspaper articles after the September 11 attacks, provided the information about the Delray Beach library visit. While no records exist to confirm the hijackers' visit to the Delray Beach library, the timing, location and behavior described are consistent with other information gathered in the course of the investigation.

We also know that Brian Regan, a former TRW employee at the National Reconnaissance Office, who recently was convicted of espionage, extensively used computers at five public libraries in Northern Virginia and Maryland to access addresses for the embassies of certain foreign governments. This evidence—which also showed that Regan consulted a book present at the library, How to be Invisible, to further his scheme—was critical during his trial.

Simply put, section 215 of the PATRIOT Act provides national security investigators with an important tool for investigating and intercepting terrorism, and at the same time establishes robust safeguards to protect law-abiding Americans. We hope that this information assists you.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Mr. WOLF. Mr. Chairman, I see the gentlewoman from California (Ms. HARMAN) down there. I listened to her the other day on NPR. I was the author of the National Commission on Terrorism. They all laughed on it, frankly, and had I not been on the Committee on Appropriations, we could not have gotten it passed. The gentlewoman was on, and I remember the gentlewoman's statement the other day where she said had they listened to the recommendations, which this Congress and almost nobody did, of the Commission, maybe, maybe, 9/11 may not have taken place.

I do not know if the gentleman's amendment is the right amendment or not. I do know that 30 people from my congressional district died in the attack on the Pentagon on 9/11. I also know that the first CIA agent, from my congressional district, from Manassas Park, was the first one to die in the attack when we went into Afghanistan with regard to the Taliban.

Now, is the gentleman from Vermont (Mr. SANDERS) right? Maybe. But is the gentleman from Vermont (Mr. SANDERS) wrong? Maybe.

So I say in the interest of what took place in this country, and because of the fact that nobody listened to the gentlewoman from California (Ms. HARMAN) and also the Bremer Commission, and the fact is we were ridiculed by it when it came out, and the CIA even opposed it and ridiculed it, and the gentlewoman is right, had it been listened to, and I say listened to the

authorizers, let us see what the authorizers say. Then the gentleman, after he listens can come out on that committee and offer an amendment, and it ought to be made in order.

This is not the place, and I do not want to make a mistake that may very well lead to something else happening, because, God forbid, if something else happened in this country, and the FBI comes under our jurisdiction, and the gentlewoman from California (Ms. HARMAN) knows more about it than I do, but there are people, Hamas is in this country, Hezbollah is in this country, the person who planned the bombing that killed 241 marines walks the streets of Lebanon, and nothing has been done.

□ 1545

If I thought that perhaps this amendment could maybe have one opportunity whereby we would miss somebody like that, I could not live with myself.

So the gentleman may be right, but the gentleman may be wrong. Let us defeat this amendment and allow the authorizers to deal with it and have a full, fair debate after the hearings.

Mr. Chairman, I urge a ''no'' vote on this amendment.

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

Mr. SANDERS. Mr. Chairman, before I yield, I would remind my friend, as I am sure he already knows, that we have exempted computers that he referred to in several instances from the amendment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

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

Ms. HARMAN. Mr. Chairman, I thank the sponsor of the amendment for yielding me this time, and I also appreciate the comments of the chairman in the debate that just preceded this.

Mr. Chairman, in past years, I have opposed the Sanders amendment on two grounds. First, I felt the appropriate time to revise the PATRIOT Act was this year, because key provisions are sunsetting this year. Second, as ranking member on the Permanent Select Committee on Intelligence, I know, as the gentleman from Virginia (Chairman WOLF) also knows, that terrorists use Internet sites to communicate, and believe law enforcement needs to access terrorist traffic on these sites.

This year, the amendment's sponsors have eliminated reference to library Internet sites, and their amendment arises as Congress undertakes a serious review of the PATRIOT Act. Because the amendment has been altered and the timing is right, I am pleased to support it.

Law enforcement must have the ability to prevent and disrupt terrorist plots on our soil, but this is a sensible amendment for the following reasons: first, section 215, as currently written, is unnecessarily broad. It permits the government to obtain ''any tangible thing'' as long as it is ''sought for'' a terrorist investigation. This is a sweeping power which even the Justice Department agrees can be cut back.

I believe Congress should modify section 215 to require that the government show that the items sought belong to or would lead the government to an agent of a foreign power, the traditional FISA standard.

Second, I see no evidence that seizing someone's documentary library or bookstore records is needed to combat terrorism. The Justice Department has never sought a 215 order to obtain library records. In the rare case that a law enforcement official believes access to these records is necessary, other remedies exist. The PATRIOT Act eliminated, and I supported, the so-called ''wall'' between criminal and intelligence investigations, thus allowing criminal subpoenas or warrants to be secured more easily.

And third, as mentioned, this amendment, wisely, would not preclude law enforcement from obtaining library Internet records.

Mr. Chairman, Congress has an opportunity, indeed, an obligation to modify some of the authorities of the PATRIOT Act that went too far in eroding our civil liberties. This amendment signals our intention to do so, and I urge its adoption.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the chairman for yielding me this time. I say to my friend from the Green Mountains, he and I have different political philosophies, and my friend from Vermont and I are light years apart; but he will recall I vote with him every now and then, but I think he is wrong on this one.

The subcommittee on which I sit, the Subcommittee on Crime, Terrorism, and Homeland Security of the Committee on the Judiciary, we have conducted nine oversight hearings, Mr. Chairman; and although I am not sure the public at large is aware of this, section 215 now before us, the so-called ''library provision,'' does not even mention the word ''library.'' It covers business records. And, yes, section 215 could be used to obtain business records from a library. But we also know that from the Attorney General's oral testimony to our committee on April 6 section 215 has never been used to obtain business records from a library, nor has section 215 been used to obtain bookstore records, medical records, or gun sale records.

In fact, Mr. Chairman, no evidence has been presented to this committee, or to the Department of Justice's Inspector General, of any abuse of section 215 for any use. We also know that the Department of Justice's response to questions from our committee that terrorists are indeed using our libraries; so at some point, section 215 may well be needed there, as the distinguished gentleman from Virginia just said earlier.

In conclusion, Mr. Chairman, I want to go on record: some of my best friends are librarians, so I am in no way advocating turning the dogs loose on libraries. That is not the intent at all. I think section 215 has served us well. I do not think it has been abused.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of this amendment. I do not see any necessity for the amendment. It was put in in the period of time after 9/11 where a lot of people were very frightened; and I think, quite frankly, that we as a Congress overreacted.

I just do not understand how anybody would feel safer by the government being able to get a list of books that the American people read. Now, if there is a special condition that exists where they want to know about a particular individual, nothing precludes a legitimate search warrant to find out exactly what this information is about. But I just think that it is totally unnecessary to have this.

This morning, the gentleman from Vermont was on C–SPAN; and after he left the studio, a woman called in that I found very fascinating. She was from Russia and she talked about how things were started in Russia and how the police had an ability to come into their homes without search warrants. Then she said her family had an exposure in Germany and the same thing happened. It was unrestrained government's ability to come in and know what people were doing. She spoke about this in generalities; and she was, in an alarmist sense, she was saying, and right now, in America, that is what we are doing with the PATRIOT Act, and she talked about it in general.

I might not be an alarmist about it, but I am very concerned. I do think we have moved in the wrong direction and that we should be very cautious and protect the privacy of all American citizens.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a former attorney general of the State of California.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, let us understand the context in which we are discussing this. This is post-9/11. This is after we have lost 3,000 people. This is after we understood that we had set up inappropriate barriers so that we could look at intelligence information, so that it could give us a forewarning of what might be out there.

There are those who have gotten up here and said, look, there are other

techniques that can be used, a grand jury subpoena, a search warrant. Yes, but that requires the actuality of some proof of a crime at the time.

That is not what we are talking about here. What we are talking about here is the distinction between criminal investigations, in which law enforcement uses search warrants and grand jury subpoenas, and foreign intelligence investigations, in which law enforcement uses section 215 under the Foreign Intelligence Surveillance Act to request business records.

This amendment would surely restrict intelligence investigations designed to protect against international terrorism and clandestine intelligence activities. These activities do not always appear beforehand to be a crime.

For instance, it was not a crime for the members of al Qaeda to learn to fly airplanes in the U.S. However, if a member of al Qaeda goes into the library and checks out books on the tallest buildings in New York and a book on how to fly a plane, it could be relevant to an international terrorism case under FISA before you have proof of a crime. That is what we are talking about here. You have to go before the FISA court. You have to show that it is related to international terrorism. You just cannot go willy-nilly in and ask for any sort of document that you want.

Also, the Justice Department has looked at this amendment and believes that, in fact, despite the gentleman's efforts to try and eliminate coverage of computers, they believe that the Sanders amendment would cover sign-in sheets, including those using sign-in sheets to use the computer, so that it would not allow this investigative tool to be utilized in intelligence investigations.

Let us understand what we are talking about: intelligence investigations for international espionage. We are not talking about regular crimes. That is why there is a distinction. You are going to prohibit us from utilizing this tool, and there is no example, there is no evidence of abuse.

We have had 12 hearings on this. We have looked at it. In fact, as the law requires right now, the Department has to report to us on a regular basis on these sorts of things. We examine these things. I just ask why you would resolve doubt in favor of compromising our ability to go into intelligence that could lead to the uncovering of a terrorist plot.

We do not have all the lead time when we are talking about these things. That is why there is a distinction in the law carefully built in. That is why we have a separate FISA court. That is why we have judges who have expertise on this. That is why we require the oversight by the Committee on the Judiciary. We have built in these particular protections.

I would just say, rather than present this type of response to legitimate concerns people have about privacy, examine the law as it currently exists, examine the purpose, and understand the difference between a criminal investigation and an intelligence investigation, and why we have this different procedure.

Yes, it is unique, because we have unique circumstances presented to us. We have learned from our errors in the past where we did not have unique circumstances that allowed us to do these sorts of things. That is all we have done here. We are in a new world. We are trying to deal with that world in an effective way without compromising our privacy. And when on the record there is absolutely no evidence, not one modicum of evidence that there has been an abuse by the Justice Department, why we would take this action now, I just do not understand.

So I would ask Members of this body to please defeat this amendment.

Mr. SANDERS. Mr. Chairman, I am happy to yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, the PATRIOT Act, as it stands, forces or could force users to self-censor their own reading choices, just on fear alone. Mr. Chairman, censorship is not what America is about.

Under the PATRIOT Act, the FBI can go after your library or your book-purchasing records; and librarians or book sellers, under the penalty of law, cannot inform patrons of the library or the bookstore that it is under investigation or that a patron's records have been searched.

That is why, Mr. Chairman, I rise in support of the Sanders Freedom to Read amendment. America's right to read and purchase books without fear of government monitoring has been erased by the PATRIOT Act, and Congress must repeal this unconstitutional provision.

In fact, the ultimate success for terrorists is to change our country by taking away our rights and our liberties.

Mr. WOLF. Mr. Chairman, how much time do both sides have remaining?

The CHAIRMAN. The gentleman from Virginia has 8 minutes remaining, and the gentleman from Vermont has 11½ minutes remaining.

Mr. WOLF. Mr. Chairman, I will reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I am happy to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Sanders amendment, and I thank the gentleman from Vermont for his leadership in protecting our Constitution and our civil liberties. I also commend the gentleman from Michigan (Mr. CONYERS) for his important work in that regard and, of course, the distinguished chairman of the full committee. Again, the gentleman from Virginia (Mr. WOLF), my compliments, and the gentleman from West Virginia (Mr. MOLLOHAN) as well.

□ 1600

But I am rising in support of Mr. SANDERS' amendment. The amendment reaffirms the fundamental principle of our history, our Constitution, and our jurisprudence that our civil liberties that must be protected, that any intrusion must be narrowly tailored and contain strong safeguards, and finally, that the executive branch must be accountable through vigorous congressional and judicial oversight.

In his famous dissent in the Olmstead decision in 1928, Supreme Court Justice Louis Brandeis called the right to privacy ''the right to be left alone, the most comprehensive of rights and the right most valued by civilized men.'' As he wrote: ''The makers of our Constitution sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment.''

Against these deeply embedded values that underlie our Constitution, the President has called for Congress not only to extend and again rubber-stamp all of the expiring provisions of the PATRIOT Act, but also to provide the FBI with additional and unprecedented powers to seize American citizens' records without the approval of a judge or grand jury.

The 9/11 Commission, however, last year recommended a full and informed debate on the PATRIOT Act, and placed the burden of proof on the President for extending the PATRIOT Act's provisions by demonstrating that they are actually needed, and that there is adequate oversight to ensure protection of civil liberties. These conditions have not been met.

Instead of a full and informed debate, we witnessed all kinds of other intrusions into the privacy of the American people and silencing of voices in our country.

When Congress voted for the PATRIOT Act, Members clearly understood that it would be accompanied by a strong congressional oversight so that the implementation would not violate our civil liberties. That oversight has not occurred effectively.

The Attorney General has admitted that the information has not been forthcoming to the Congress in a timely manner. But for the sunset provisions and the requirements for the inspector general reports, there is little doubt that Congress would not even receive the insufficient information it has received to date.

Section 215 of the PATRIOT Act permits the government to obtain library and bookstore records without any showing of specific facts that particular individuals are involved with a foreign power or with terrorism. The only requirement is a statement by the FBI that the records are sought for an authorized investigation, and the judges have no authority to deny the application.

As written, the statute would permit records of innocent and unsuspecting American citizens to be caught up in dragnets and fishing expeditions without notification. Finally, the statute has a gag provision that prohibits the recordholder from talking about the searches, thereby preventing the public from any information that the government is abusing these powers.

By itself, section 215 is problematic, and it is sweeping, but this provision and others are even more problematic when measured by the policy of the Bush administration which point to an absence of safeguards. These include the seizure and detention of more than 1,000 noncitizens in the United States without providing them access to counsel.

In particular, increased surveillance of political and other groups was made possible by the decision of the Attorney General, Attorney General Ashcroft, in July 2002 to effectively end what are known as the Levi guidelines. These guidelines were written in response to constitutional violations committed by the Nixon administration. The Levi guidelines prevented the FBI from monitoring political and religious activity in the absence of specific and articulable facts justifying a criminal investigation. Attorney Ashcroft, however, effectively ended these guidelines and permitted the FBI to monitor political and religious activities without the ''special care'' and supervision that the Levi guidelines required. And we saw the results of that policy: According to the New York Times, in November 2003, the FBI collected information on antiwar demonstrators.

Proponents and the Justice Department claim that section 215 will not be used solely on the basis of citizens' exercise of the first amendment, but can we be assured of that, given the effective revocation of the Levi guidelines and the reported monitoring of political groups, and the fact that section 215 does not require specific and articulable facts? Where are the safeguards?

Oversight, at least by this Republican Congress, has not worked. It is against that backdrop that we consider this amendment today. It is essential that we pass this amendment to let the world know that we will protect and defend this Nation, and, as we do so, that we will protect and defend the Constitution and the civil liberties contained therein. The amendment would not preclude law enforcement from obtaining the records of individuals that they need upon a showing of probable cause through their other authorities.

What we choose to read and the books we buy goes to the heart of our innermost thoughts and our liberty in a free society. These rights must be defended.

As we look to the future, rather than giving further unchecked powers without proper justification and safeguards, Congress should look at the measures to restore the Federal judiciary's role to make sure that law enforcement agencies do not conduct broad and indiscriminate searches.

We should not simply extend all of these provisions, but we should have extensive hearings on the PATRIOT Act, vigorous oversight and modifications to prevent abuses of our civil liberties.

Unfortunately, these essential objectives are not being met by the Republican leadership. Instead, they have sought to silence those who seek to protect our civil liberties and to protect and defend our Constitution.

We can and we must keep the American people safe without threatening their civil liberties. Our Founding Fathers knew well the balance between freedom and liberty. Let us honor their legacy and vote for the Sanders amendment.

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

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, there are two things that we can say conclusively since the enactment of the PATRIOT Act. Number one, there has not been another 9/11 attack, thanks in part to the PATRIOT Act and other tools that we have given the law enforcement community here in the United States.

And number two, there has been a great deal of hysteria generated around the words ''PATRIOT Act.'' Very little of the actual complaints can ever be pointed to with respect to anything that the PATRIOT Act did, but there is enormous amount of hysteria. For example, the very name of this amendment, the Freedom to Read Act, implies that somehow there is something anywhere in the PATRIOT Act that denies us the freedom to read anything we want. Of course the PATRIOT Act does not do any such thing.

We have heard here today that we need to have some showing of probable cause to protect American citizens' privacy. Well, I need to tell you that probable cause is a fine standard after a crime has been committed. The people that believe probable cause is the appropriate thing to demonstrate would have us wait until the next 9/11 attack until we can take efforts and steps to defend ourselves. That does not work when you are dealing with terrorism.

Folks, the next 9/11-type attack may not be a plane full of citizens. It may be full of biological or chemical or nuclear weapons. And 3,000 deaths may pale in comparison to the devastation that could be heaped upon American metropolitan areas in the next attack.

The 215 provisions are very important to understand. They require a Federal judge, a FISA court to make a determination that, number one, there is a national security investigation already under way about somebody other than an American citizen, this cannot be used against American citizens; and number two, you have to demonstrate that the entire purpose of the 215 subpoena is based on international terrorism or clandestine intelligence activities. This cannot be used to fight the traditional crimes that most Americans may be concerned about with respect to their liberties and freedoms. We want, and we are protecting, those freedoms.

By the way, President Bush's White House, the OMB, has suggested that if there is any effort to undermine their number one priority as our administration, and that is to protect the safety of Americans, they intend to veto this entire appropriations bill.

Listen, if there are terrorists in libraries studying how to fly planes; if they are studying how to put together biological weapons; if they are studying how to put together chemical weapons, nuclear weapons; if they are studying how nuclear power plants in America, how the architecture and design is structured so that they can cause a devastating attack, we have to have an avenue through the Federal court system, the FISA intelligence courts, that we can stop the attacks before it occurs. Treating it as a crime and waiting until after we have hundreds of thousands of deaths is an inappropriate way to fight terrorism. It works in crime. It does not work for the next terrorism disaster, and that is what the proponents of this amendment are asking for.

215 allows the FBI to request a judicial order. This has to go through a judge. Over and over we hear that we are going to somehow be snooped upon by Federal agents without some sort of due process. Well, a Federal judge is involved at the very outset. It has never been used in a library.

What this amendment seeks to do is to build a sanctuary where every terrorist will know in perpetuity that they will be safe to read, to plan, to do whatever they need to do as long as they do it in a library. It creates a sanctuary that every terrorist will know will protect him or her as they create their evil plots to do awful harm and devastation in the United States of America. That is at all does.

We know there are incidents of the terrorists using our libraries. And yes, so far they have primarily involved use of the Internet. But we also know that terrorists used American flight schools. We also know that terrorists are interested in biological, chemical and nuclear capabilities, and I believe it is appropriate that our law enforcement agents, after the proper showing in Federal court, can get these records and prevent the next attack, not react after we lose hundreds of thousands of lives.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank the gentleman from Vermont (Mr. SANDERS) for the time and also for

his leadership on this very important issue.

I rise in strong support of this amendment to repeal section 215 of the PATRIOT Act and to restore the freedom to read, and that is what this is about.

Millions of Americans, including my constituents, are especially incensed with section 215 of the PATRIOT Act. Under this provision the FBI has the power to search for any tangible things, including books, records, papers, documents and other items, in any location after showing minimal justification.

Across this Nation, local governments representing more than 52 million people have denounced the entire PATRIOT Act and the unconstitutional invasion of privacy it represents. The PATRIOT Act was hastily drafted and is far overreaching. It is contrary to the fundamental principles for which we stand, and section 215 is especially chilling.

Families should not be afraid to check out children's books for fear that they may be investigated for collaborating with terrorists. Section 215 is un-American. This is not the way to combat terrorism.

Mr. WOLF. Mr. Chairman, I have 4 minutes remaining if my arithmetic is still good. And I have two more speakers, plus I am going to close in 30 seconds. How much does the other side have?

The CHAIRMAN. Does the gentleman reserve his time?

Mr. WOLF. Mr. Chairman, I reserve my time.

The CHAIRMAN. Nine and one-half minutes remaining for the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Idaho (Mr. OTTER), one of the real fighters for civil liberties in this Congress.

Mr. OTTER. Mr. Chairman, I thank the gentleman from Vermont for his leadership on this issue and his tenacity in continuing to, every year, fight for the rights of people in the United States to enjoy their local libraries.

I was interested in listening to the frustrations of one of the previous speakers on this side of the aisle, and it is obviously the utterances of a former Attorney General for the government who was frustrated by the Constitution. And this is precisely what the Founding Fathers intended. They did not intend for the lawyers to run this country. And obviously, when we adopted the PATRIOT Act 46 days after 9/11, the lawyers won. And not only that, but the government won.

I just want to point out one thing to everybody here. As you heard some utterances on this side relative to the need of 215, I want to remind you that no comment was ever made that the way things happen in section 215 was legal before for the government before the PATRIOT Act passed. All they did was just changed one or two major words in that whole thing.

□ 1615

Let me share those words with my colleagues, from ''may'' to ''shall.'' Did my colleagues hear the speaker before me talk about how the judge on the question of section 215 is involved? Involved.

I will tell my colleagues what it is like is the ham and egg breakfast: the pig's committed; the chicken is just involved. I suspect that is where this whole bill belongs, back on the farm.

The freedom to read what we want—it may not be the first thing that comes to mind when we talk about those basic, unalienable rights for which generations of American heroes have fought and died.

The idea of a government controlling what we read is the stuff of history books and horror stories about tyrants and dictators. It is not something we expect to face here in America—the Land of the Free.

That was before the passage of the USA PATRIOT Act. Section 215 of that law has given Americans reason to wonder whether the government might be looking over their shoulders when they check out books and materials from their local library. It has dangerously undermined the people's confidence in their government and threatens the precious freedoms we enjoy under the first amendment.

That is why I support this amendment today. I fully recognize the need to provide our law enforcement officers with the tools necessary to combat terrorism and keep Americans safe. However, security bought at the price of the freedoms on which our Nation was founded is no real security at all.

Certain parts of the PATRIOT Act, including section 215, may have seemed understandable in the short term, but they are intolerable over time. We need to set things right before our precious constitutional rights are eroded beyond recognition.

We sacrifice something much more dear than our physical safety when we fail to be diligent in defending our freedoms. Once lost, they seldom, if ever, are regained.

And whether the tyranny that robs me of my liberties comes from abroad or starts here at home makes no difference: It is equally unwelcome. I am just as committed to protecting Americans from their own government's excesses as from the violence of foreign extremists.

The degree to which that commitment has captured America's imagination and has found growing support here among my colleagues is one of the most gratifying experiences in my public life. A vote for this amendment is a vote to restore America's confidence in the ability of Congress to protect the freedoms they hold dear.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for the time.

I feel a certain irony that we are having this debate today in the aftermath of the final disclosure of the identity of Deep Throat who was part of an effort in the Federal Government to cover up illegal acts at the highest level of American government; and, in fact, Deep Throat was the number two member of the FBI caught up in the internal swirl of politics.

I would suggest that 9/11 was not so much a failure of secret access to our library records and to bookstores; but it was the fact that the FBI did not know how to talk to itself, how to listen to people who actually had information.

We do not need to extend this reach. We have tools available. The problem that we have seen over and over again is that the Federal Government has, in fact, abused the rights of American citizens, including in the FBI.

I would suggest that rather than drag our bookstores and our libraries into this ill-considered issue, that we would be far better off to approve the Sanders amendment, which is a small step towards sanity in this regard.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the PATRIOT Act allows Federal agents to look at public and university library, patron circulation records, books checked out, magazines consulted, all subject to government scrutiny.

There used to be a time in this country when we were worried whether our young people knew how to read. Now some in our government are more worried that government agents be able to find out what people are reading.

This section that the Sanders amendment addresses gives the FBI the power to search for any tangible thing, books, records, papers, documents and other items, in a location without having to show probable cause. The Sanders amendment would restore legal standards and warrant procedures for investigations of libraries and bookstores which were in place before the passage of the PATRIOT Act.

It is time for us to remember where we come from as a Nation. This very Chamber we are standing in is dedicated to liberty, to freedom. The things we see carved in stone and wood in this place are all about freedom. Why do we not remember where we come from? Where we come from is a Nation with a heritage of standing up for basic civil liberties, for the first amendment, the right to assemble, the right to free speech; and I say it is time to address it with the Sanders amendment.

Mr. SANDERS. Mr. Chairman, can I inquire as to how much time remains on both sides.

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) has 6 minutes remaining. The gentleman from Virginia (Mr. WOLF) has 4 minutes remaining.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I thank the gentleman from Vermont (Mr. SANDERS) for the time.

Mr. Chairman, Pericles, a 5th century B.C. Athenian statesman, once said that ''freedom is the sure possession of those alone who have the courage to defend it.'' I rise today in support of this amendment and to speak on behalf of freedom.

Librarians, booksellers, and everyday Americans across the country are deeply concerned about the chilling effect of section 215 of the PATRIOT Act, which clearly encourages individuals to self-censor their reading sources.

USA Today in June of 2004 reported that an FBI agent actually went to a Washington State library branch and requested a list of people who had borrowed a biography of Osama bin Laden. The librarian refused and informed the agent that he would have to go through legal channels before the names could be released. The FBI then served a subpoena to the library a week later demanding a list of everyone who had borrowed the book since November of 2001.

With government having the ability to easily obtain records of books that everyday Americans, our constituents, are borrowing, all of us forfeit the freedom to learn more.

Section 215 of the PATRIOT Act clearly gives the Federal Government an unwarranted amount of power. There must be a higher standard of suspicion to justify this invasion of privacy.

This amendment only applies to the records that contain information about the books and reading materials that are checked out of the library or purchased from a bookstore.

It is important to note that prior to September 11, law enforcement was able to arrest Ted Kaczynski, the Unibomber, via his library records. The authority already existed in law without the secrecy and overreach of section 215.

The adage ''keep your friends close and your enemies closer'' can be upheld via the freedom to obtain knowledge about those who wish to do us harm.

I urge my colleagues' support.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I rise in support of the Sanders amendment, and this is after I opposed it last year; but I learned two things since that vote that caused me to change my position.

First of all, as has been emphasized by the opponent of this amendment, section 215 has not yet been used by the Justice Department. We hear that if we eliminate this provision, it will somehow jeopardize our entire country and that we have been able to hold off the terrorists for 4 years because of the PATRIOT Act. Yet they acknowledge at the same time that section 215 has not even been used. So, obviously, it is not critical to that effort.

The second reason is the reason this is very important. There is no clear standard for when it can be used. If a person goes to a judge and gets a subpoena by some standard, probable cause or some other standard, then that makes sense. That is in fitting with the Constitution. The problem with section 215 is that you go to the Foreign Intelligence Services Act court and seek that warrant. It is a secret court.

We do not know what the standard is. There should and must be a clear standard before the Justice Department can seek this kind of information from our citizens. If that clear standard were put in law, that could change things; but there is no standard here, and this law has not been used. So it is not critical, and it can potentially be abused. So let us eliminate that potential and support the Sanders amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for the time.

In response to the gentleman from Washington, the PATRIOT Act under 215 has been used. It has been used 35 times. There have been 35 specific reports that have been presented to Congress. It has just not been used in libraries.

This amendment is worse than previous law before the PATRIOT Act was passed because this creates a sanctuary and the sanctuary is listed in the Sanders amendment. It says library circulation records, library patron lists, book sales records, or book customer lists. That will be the place where we cannot investigate an international terrorist investigation.

It establishes a sanctuary when there has not been a single case of abuse, not a single individual that can be named. We have had 12 to 13 hearings. I have asked for those records to be presented to our Committee on the Judiciary. The request has been made by the gentleman from Wisconsin (Chairman SENSENBRENNER) as well. We have zero records that have been offered, not a single name of an individual that has been abused.

I would ask my colleagues, inform your constituents. Do not be concerned about the fear, about the phobia of this abuse of civil liberties, but send the message to your constituents that this has been properly used. A report comes back to Congress. If there is an abuse, we will deal with it. So we want to know about that abuse.

Mr. WOLF. Mr. Chairman, how much time does each side have? I have the right to close; is that right, Mr. Chairman?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 3 minutes remaining and the right to close. The gentleman from Vermont (Mr. SANDERS) has 4 minutes remaining.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for his leadership on this amendment. It is an incredibly important one, and I rise in strong support of the Freedom to Read amendment which will restore the privacy that our constituents expect and deserve.

We all agree that combating terrorism is the number one priority, but it should not be done at the expense of the fundamental rights guaranteed by our Constitution.

Many organizations support this, the librarians, the booksellers, the publishers, many, many organizations, but very importantly, my constituents. My constituents tell me that they feel that they cannot go to the library anymore without feeling that the government is looking over their shoulder.

So I ask my colleagues, what in the world do we gain if we deny basic privacy rights to Americans in our efforts to combat terrorism?

This is a balanced amendment. Section 215 is far too broad, and it has appropriate exemptions. It is an important amendment. I urge bipartisan support for civil liberties, for privacy. Support the Sanders amendment.

Mr. WOLF. Mr. Chairman, I reserve my time.

Mr. SANDERS. Can I ask my friend how many speakers he has left.

Mr. WOLF. Mr. Chairman, I have two speakers. The gentleman from Connecticut (Mr. SHAYS) will have 2 minutes, and I will have 1 minute. If my math is right, we do have 3 minutes; is that correct?

The CHAIRMAN. That is correct.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise to support this amendment. What is the difference that this amendment will make? The difference is between good police work and fishing expeditions.

This amendment is designed to say you can read without being afraid the government will someday reveal what you are reading. We do not want the chilling effect on free speech. If there is a real reason the government needs this information, that the government suspects someone is looking up how to make atomic bombs, then let the FBI go to a court and get a search warrant or show probable cause and get a subpoena. That is the American way. That is the way we have always done it.

The gentleman from Virginia says, well, we had an attack on 9/11. Indeed, we did. In my district, 3,000 people were killed; and he says, maybe, who knows, this power could be used to stop a future event. But we can say that about anything.

Ours is a government of limited powers. That is what distinguishes us from the Soviet Union or Communist China or any other tyranny; and those powers must be limited so as to protect liberty, even in the face of threats.

The gentleman says no instance of abuse has been shown. Well, sure, because all of this is secret. No instance of abuse can be shown.

Mr. Chairman, the point of this amendment is that we need not surrender fundamental liberty to protect ourselves from terrorism, and we

should not; and this is why we should adopt this amendment. We can have our protection. We must have our protection. We must also have our liberty.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, the Cold War is over, and the world is a more dangerous place. It cannot be contain and react. It has to be replaced by detect and prevent. We want to prevent a crime. There is a serious problem of chemical, biological, radiological, nuclear or even a serious conventional attack. You all seem to want to wait until the crime is committed and then you can use your criminal law to get at it. We want to detect and prevent it.

I have never felt more outraged in my heart as I listen to this debate in 19 years. Do we not get it?

The issue with the Unabomber is he committed the crime. I say to the gentlewoman from Florida, so we should wait till after he commits the crime, then we can go into a library? I want to get the information before. I want to know what that Unabomber knew, that treatise he knew in that library in Montana which we got an act for.

I like this law better than the criminal law because you have got to go to a court and the court has to keep the record. You want to just say, in my judgment, that we will have a grand jury, and as soon as you have a grand jury, the prosecutor almost at will can get this information. He does not have to go to a court.

You are trying to give the impression that civil liberties are in jeopardy. I say under this law they are protected, and then I say something else. Public safety under this law is protected.

□ 1630

I find it amazing that we want a free zone in a bookstore. I find it amazing we want a free zone in a library. I find it amazing that librarians would allow someone to come in for a crime, but for a clandestine operation that might blow up New York City? Nope, do not go there.

Mr. SANDERS. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) has 1½ minutes remaining, and the gentleman from Virginia (Mr. WOLF) has 1 remaining and the right to close.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

This amendment is supported by the American Library Association, the American Booksellers Association. Seven States in America, Democrat and Republican legislatures, have gone on record expressing serious concerns about the PATRIOT Act. And hundreds of thousands of Americans, hundreds of thousands, have written Members of Congress about this issue.

Mr. Chairman, all of us and all Americans grieve the horror of 9/11 and the deaths of thousands of our fellow citizens. And every Member of this Congress is on record pledged to do everything he or she can to defend the American people from another terrorist attack. We have spent tens of billions of dollars, and we are prepared to spend more. But, Mr. Chairman, the reason that conservatives and progressives and people in between have come together is that we understand that what we are talking about is freedom; is liberty; that we can fight terrorism, we can defeat terrorism, we can protect the American people without undermining the constitutional rights that men and women have fought for, have died for, and that made us the greatest country on Earth.

Let us go forward defeating terrorism, but let us do it in a way that makes us all proud, that protects the greatest document ever written, the American Constitution. And that is what this amendment is about.

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

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

Mr. Chairman, Hamas and Hezbollah and al Qaeda are opposed to liberty.

The gentleman was wrong last year, because he has changed his amendment from that. So he was wrong last year, so maybe he is wrong this year.

We are at war, as the gentleman from Connecticut (Mr. SHAYS) said. Go to the Pentagon and look at the monument, go to the World Trade Center. Two of my children live in the district of the gentleman from New York (Mr. NADLER), and I know that gentleman does not speak for them on this issue.

When in doubt, do no harm. Be careful. The Justice Department made a mistake on the Moussaoui. They did not look at what was in his computer, and as a result of that mistake, we have paid a tremendous price. And if we make a mistake here, we may pay another tremendous price.

Please, vote ''no'' on the Sanders amendment and let the Committee on the Judiciary deal with this.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of this amendment, which I am proud to cosponsor, and which would help restore the privacy and First Amendment rights of library and bookstore patrons.

On the day that the PATRIOT Act passed this body, few Americans were aware of some of the harmful provisions contained within it. Over the course of the past few years, however, our constituents have learned about some of its harmful provisions, and they are justifiably concerned. Over 365 cities, towns, and counties in 43 States have passed resolutions expressing concern about the PATRIOT Act or an extension of it. In my home State of New Mexico alone, ten cities and four counties have passed resolutions.

Section 215 granted authorities unprecedented powers to search, or order the search of library and bookstore records without probable cause or the need for search warrants. Because these surveillance powers were cast so broadly and the law prohibits them from revealing to the subject that an investigation is occurring, librarians, storeowners and operators are left in an impossible position. As a former State attorney general, I fully understand the need, and support swift justice for criminals and terrorists. Every member of this body does. But I also believe that we can be both safe and free.

This common sense amendment before us would prohibit the expenditure of funds for the implementation of these questionable searches. It would protect our citizens' rights to read, learn and purchase books without undue government influence. At the same time, it would maintain established formal procedures that allow law enforcement agencies to obtain warrants and receive records from libraries and bookstores for terrorist-related or criminal investigations. And it is important to note that this amendment does not exclude funding for library internet records.

The opponents of this amendment argue that those of us who are concerned about it are making up far-fetched scenarios to drum up opposition. But it doesn't take fiction to do that. Take this example: When a patron at a public library in Whatcom County, Washington discovered a handwritten note quoting Osama bin Laden in the margin of a biography of Osama bin Laden, the patron contacted the FBI. Citing powers given by the PATRIOT Act, the FBI confiscated the original book and served the library with a grand jury subpoena, and demanded the names and addresses of everyone who had checked out the book. The library refused, filing a motion to deny the subpoena. The FBI withdrew, but reserved the right to issue the subpoena in the future. If the library had told anyone that they had been subpoenaed, they would have been violating the PATRIOT Act's gag order.

Our concerns are not make believe. Our founders understood the value of open access to knowledge. I think we would all agree that one of the measures of a great democracy is the ability of ordinary citizens to explore ideas without government interference. I believe that this amendment is a positive step towards restoring some of our personal freedoms.

Mr. Chairman, I strongly urge you to allow a full and fair vote on this amendment. My colleagues will recall that during a vote on this same amendment during consideration of the fiscal year 2005 CJS Appropriations bill, the majority held open the vote on the Sanders amendment twice as long as scheduled to ensure its demise. This, despite the strong and audible support of Americans to pass this common sense amendment.

I thank my colleague from Vermont for offering this important amendment, as well as the amendment's other cosponsors, and I urge my colleagues to support its passage.

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 Vermont (Mr. SANDERS).

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

Mr. SANDERS. 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 Vermont (Mr. SANDERS) will be postponed.

AMENDMENT NO. 28 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. KING of Iowa:

At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) For expenses necessary for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), $1,000,000.

(b) The amount otherwise provided in this Act for ''DEPARTMENT OF JUSTICE—LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES'' is hereby reduced by $1,000,000.

The CHAIRMAN. Pursuant to the order of the House of June 14, 2005, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume, and I first want to say that I appreciate the opportunity to bring this amendment forward. I want to thank the gentleman from Virginia (Mr. WOLF) for his extraordinary work on this entire bill. I want to remark that his persistence here on the floor yesterday, today, and quite likely tomorrow has been a long marathon, and he has maintained his composure, his intellect, and his judgment.

I bring before the Congress, Mr. Chairman, an amendment that seeks to upgrade this good appropriations bill that we have on Justice, and it recognizes that there is a Federal law today that prohibits sanctuary policies. Presently many cities have been enacting sanctuary policies which prohibit local police from asking about a person's immigration status or reporting illegal aliens who commit crimes to immigration authorities for deportation.

The law I am referring to was passed in 1996, and it is called the Illegal Immigration Reform and Immigration Responsibility Act. It forbids localities from preventing their police officers from asking or reporting immigration information to the Federal Government. The existing Federal law says, and I quote, ''Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving information regarding the citizenship or immigration status, lawful or unlawful, of any individual.''

Now, Mr. Chairman, despite this ban, some cities continue to prohibit their officers from asking about immigration status or providing information to the Federal Government. Make no mistake, this is a situation of local governments blatantly violating Federal law. As a result, U.S. taxpayers pay to incarcerate illegal alien prisoners who are later released back onto the streets.

Sanctuary policies tie the hands of local law enforcement officers and keep illegal aliens who commit crimes in our country from being deported according to U.S. law. These sanctuary policies have disastrous consequences. A case in point, a tragic case in point, was the issue regarding a Denver police officer, Donnie Young, who was assassinated in cold blood about a month ago. The suspect in the case, Raul Garcia-Gomez, was an illegal alien, who has since fled to Mexico. He has since then actually been arrested in Mexico.

But Denver has an illegal alien sanctuary policy, and it is based upon the mayor's executive order. The current mayor, by the way, is a successor mayor to the executive order, but it is still his executive order, and he could rescind that executive order. The mayor happened to also own at least a part interest in the restaurant where this illegal alien worked. They had gotten a letter from the Social Security Administration saying that this Social Security number you sent on this individual does not match the individual.

But the individual continued working at the restaurant. He had sanctuary there. He was picked up three times on the streets of Denver. He offered no driver's license one time, a Mexican driver's license at least one other time, and no insurance card on another occasion. Each time he was allowed to drive away. There were at least four different opportunities for that community to enforce the laws and take action against this illegal alien, and each time he has been shielded by the sanctuary policy that is a direct violation of Federal law.

Last month we passed an amendment that will provide the necessary resources and training to State and local governments so that they will be more willing and better prepared to work with the Federal Government and to protect our Nation's citizens. Even with the proper training, though, law enforcement officials cannot help in this area if they are forbidden from doing so.

My amendment today would provide funding for the Department of Justice to enforce the law as it presently exists. It does not enact any new law. It does not promote a new policy. I want to repeat, it simply provides funding to see that our current law is enforced.

Our State and local governments serve as the front line of defense against terrorism and criminal aliens. Every murder, every rape, every violent gang crime committed against Americans by illegal aliens is an utterly preventable crime. If we better enforce our immigration laws to keep criminals out, we will save lives. We must use the law enforcement resources that we have to enforce our laws, with the end result of making our Nation a safer place for our children and grandchildren to grow up in.

This amendment simply directs $1 million of the $600-and-several million in this appropriations process to that enforcement of the existing Federal law. It is an issue that we raised last year as well. It is an issue I know the Chairman is very much concerned about.

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

The CHAIRMAN. Does any Member wish to claim time in opposition?

If not, the question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. NADLER:

Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SECTION 801. None of the funds made available in this Act may be used to issue a national security letter, for health insurance records, under any of the provisions of law amended by section 505 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001.

The CHAIRMAN. Pursuant to the order of the House of June 14, 2005, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment prohibits funds from being used to issue national security letters to health insurance companies under the provisions of section 505 of the PATRIOT Act.

Currently, any FBI field office director is authorized to issue secret national security letters to insurance providers without any judicial approval, not even a FISA court. These NSLs open the door to a secret seizure of highly personal medical information. The FBI, if this amendment passes, will still be able to get all these records because they have so many other tools available to them, which I will describe in a moment.

Almost limitless sensitive private information from health insurance companies, including medical records, can be collected secretly by simply issuing a national security letter under section 505 on an FBI field director's own assertion that the request is merely relevant to a national security investigation. These private health insurance records can be demanded without any court review or approval, not even a FISA court.

Worse yet, the target of the NSL will never know that his health records were inspected by government agents, because health insurance companies are barred by law from telling him or anyone else that the records were demanded.

Government officials already have access to so much of our personal information, such as credit reports, library use, and telephone communications. Do we want the government to keep files detailing our personal lifestyles as revealed by our medical histories, psychiatric profiles, lab studies, and diagnostic tests like CAT scans or MRIs?

Why does the FBI need access to health records? How is this information pertinent to a terrorist investigation? If somehow your medical records are, in fact, relevant to a terrorist investigation, the government should be required to explain to a judge, in a secret FISA court if need be, why that is, instead of simply allowing an FBI field agent to demand those records in secret.

In any criminal investigation the FBI can obtain a search warrant for documents or other tangible things if there is a judicial finding of probable cause that a crime has been or will be committed. The FBI can use grand jury subpoenas issued under the supervision of a judge and the U.S. Attorney. And in international terrorism cases, such as we are talking here, the FBI has sweeping authority to obtain business records, including medical records, under section 215, which we discussed a few moments ago.

Given these existing powers, there is no reason to authorize the FBI to issue unchecked and reviewable national security letters demanding personal medical records.

I am not seeking to repeal the PATRIOT Act. This amendment seeks only to modify the application of one provision that poses a serious potential to abuse. Through this very narrow amendment we can provide checks and balances with regard to our sensitive medical records.

However, since I was greatly restricted by the House rules, this amendment does not fully address all the problems created by section 505 and national security letters. I am hopeful I can work with the Committee on the Judiciary to address these problems more completely. This amendment addresses only the health insurance provider's records; not bank records, not credit company records, not credit bureau records, not car dealerships. But when it comes to health insurance, what terrorist has health insurance? The problem is that most, but not all, innocent Americans do have health insurance, and the FBI should not have easy access to this information, at least not without telling a judge why he needs this.

I have also introduced, along with the gentleman from Arizona (Mr. FLAKE), a stand-alone bill to address more fully the issues presented by section 505.

In Doe v. Ashcroft, the New York Federal District Court struck down this section on the grounds that it violates free speech rights under the first amendment, as well as the right to be free from unreasonable searches under the fourth amendment.

We can all agree that giving the FBI access to our most intimate private information is too great an intrusion of privacy to leave unlimited and unsupervised. We can be both safe and free. And if the FBI thinks that for a terrorist investigation it needs access to private medical records, let them at least show to a judge, in a secret FISA court, under section 215, which we did not take the power away from them to do, why that is relevant to an ongoing terrorist investigation.

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

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment, and I yield myself 30 seconds.

Mr. Chairman, I rise in opposition. The Committee on the Judiciary has held over 10 hearings on the PATRIOT Act, including a hearing devoted just to national security letters.

We saw this amendment for the first time Monday night. It is unclear to me why health insurance records are different than any other records. We do not know how this amendment would impact a counterterrorism investigation. We just do not know. And here we are with 7½ minutes on each side. What is this? This is no way to protect the country.

I could never support 7½ minutes. And I do not care if it is just the naming of some government building somewhere. So I strongly urge Members to vote ''no'' on this. Seven-and-a-half minutes? We cannot do it. I urge a ''no'' vote.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY).

□ 1645

Mr. FEENEY. Mr. Chairman, again, I appreciate the gentleman from Virginia (Mr. WOLF) yielding me this time, and he is exactly right. The Committee on the Judiciary has had no less than 10 hearings on the PATRIOT Act, including one specifically devoted to national security letters.

This may be an issue as we move forward on the process to find a way to reform or modify, but there have been no abuses. This is a solution in search of a problem. The fact of the matter is these types of subpoenas are already available to investigate insurance fraud or bad doctors. If we can use these subpoenas to find bad doctors taking advantage of the Medicare or the Medicaid system, why can we not use these subpoenas to track down a terrorist? We are not talking about medical personal records of anybody. We are talking about financial records.

Let us say theoretically, since there have been no abuses, let us say hypothetically al-Zawahiri was injured and sought medical attention. We could potentially track down the financing to locate him.

Let us suppose we had a known terrorist here in the United States that underwent plastic surgery to change his or her identity. We could track down the financial records to possibly intercept that.

These subpoenas have been used since 1996 under the Clinton administration as a tool for health care fraud investigations. If we can use these appropriately under the proper circumstances to find bad doctors, surely a national security letter can be used to track down evil terrorists.

I do not think this is a widespread tool being used on a regular basis, but there may come a time when we rue the day that we have taken away one more law enforcement tool to track down the bad guys.

Mr. NADLER. Mr. Chairman, there are no abuses we know of because they are all secret and they cannot tell us about abuses.

Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in strong support of the Nadler amendment to prohibit the release of medical records under section 505 of the PATRIOT Act. The PATRIOT Act was drafted in a rush to respond to a perceived need of new law enforcement powers immediately after 9/11. As such, the law must be considered a work in progress at best.

Section 505 of the PATRIOT Act authorizes FBI field office directors to collect in secret almost limitless sensitive personal information, including medical records from health insurance companies. This is done without court review or approval. This is a major invasion into the right to privacy. We must draw the line at this invasion into our personal lives.

This critical Nadler amendment provides crucial checks and safeguards. Records held by health insurance companies may include laboratory tests, medications prescribed, the results of operations and other medical procedures. The FBI has no business examining America's health records without a court order.

I believe it is a rare occurrence that the FBI would truly need access to health insurance records. For the most part, such information is not pertinent to a terrorist investigation. There is a better way. If the FBI did have a real need for such records, the FBI could simply use other legal mechanisms to gain access, and those options include judicial review and thus protection of privacy.

Protection of our personal privacy is a basic and fundamental responsibility of this Congress, and that is why the Nadler amendment elevates the condition of this Congress to where we can be in the defense of the right to privacy. Support the Nadler amendment. Support the right to privacy.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for yielding me this time and for the opportunity to say a few words with regard to the Nadler amendment, an amendment that would prohibit the use of national security letters to get medical reports of all kinds. That would also include insurance company records which qualify as financial institutions.

We have another amendment on the floor of this Congress which qualifies as a sanctuary amendment. It carves out another region that terrorists then would know that they can go ahead and go in and operate on without fear of government intervention or government investigation.

In fact, there is a significant case. Suspects have bought bulk amounts of Cipro, which is the antidote for anthrax. That may be an indicator of a dirty bomb or a series of dirty bombs that could be set up and staged and the perpetrators would want to have the antidote. Could that also be the case for smallpox?

These kinds of indicators need to be available to our investigators. This creation of this fear of Big Brother, this relentless attack on the PATRIOT Act without substance is causing concern amongst the citizens. I have civil libertarian instincts within me, but I have come to the conclusion that we are far safer, the requirement that these reports come back to Congress and we review those reports, we are far safer that way than we are erring on the side of liberty safety without merit on the other side.

I think it is important that we put protections in the PATRIOT Act. The standards that have been there before with criminal investigations are higher for the PATRIOT Act, not lower. We did not expand any access into information to speak of. We made a high standard. That high standard is held and it is maintained, and the records come back before Congress without a single case of abuse; but we want to carve out another sanctuary for another issue here to placate some people who have been caused to have fear of the PATRIOT Act by a propaganda campaign across America.

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

Mr. Chairman, this amendment does not carve out a sanctuary as the gentleman says, nor do they report to Congress. They report to Congress on other things, but on section 505 they report nothing. We get no information.

All this amendment says is if the FBI thinks that your personal medical records, and that is all we are talking about, the medical records from the medical insurance company, are relevant to a terrorist investigation, they go to a judge and tell him and he says yes. They can even go to a FISA court judge in a secret proceeding.

Also, we were told they can get these records by administrative proceedings on other subjects. On other subjects they get the proceedings, they ask you for the records about yourself, and you can move to quash it. You can challenge it. They do not go to the insurance company and say give me the records about him under administrative subpoenas.

Under this section, the government can go, the FBI can go to the insurance company and get your personal medical records without even telling any judge, even in a secret proceeding, why it is necessary. All this amendment says is if they want your personal medical records, they have to tell a judge why it is relevant, in secret, why it is relevant to a terrorist investigation. They do not have to not get the records, but they have to tell a judge why it is relevant, and the judge can say it is relevant.

That is the minimal standard we should insist on for liberty. Indeed, in other amendments we say it is not good enough, and I agree. But in this amendment, that is all we are asking. For personal medical records, if the government wants to rummage through your personal medical records, they should have to say to a judge in a FISA court in a secret proceeding why they think it is relevant to an investigation. Not why there is probable cause, but why it is relevant. It is a very low standard, and if the government cannot meet that standard, they should not have your personal medical record information.

I urge my colleagues to vote for this amendment.

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

Mr. WOLF. Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. DANIEL E. LUNGREN), a former attorney general.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, let us understand first what we are talking about here. We are talking about national security letters, NSLs. They are administrative subpoenas that can be used in international counterterrorism and foreign counterintelligence investigations, not even domestic terrorist investigations. So we are limited to that category.

Secondly, some of the statements that have been made here are questionable in terms of their conclusions, that is, that there is no reporting to Congress. As a matter of fact, NSLs are reported to our intelligence committees, both the House and the Senate. Obviously, not all Members are on those committees, but it is my information that Members can go to the Permanent Select Committee on Intelligence and examine the documents presented by the Department of Justice in this regard.

The Supreme Court has upheld the use of administrative subpoenas where the demand is definite and the information sought is relevant. As with other types of subpoenas, the national security letter is a request for information and is not self-executing. In fact, they cannot enforce it. If the recipient refuses to accept the request for information, there is no enforcement mechanism. The FBI would have to obtain an enforcement order from a Federal court, not an NSL.

In fact, the Justice Department has argued both in and out of court that the current law allows for a recipient to obtain preenforcement judicial review of an NSL. As a matter of fact, some of us working on this on the Committee on the Judiciary believe that information ought to be presented to the recipient. They ought to be notified ahead of time, and that is one of the things we ought to be working on.

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

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, a NSL, unlike an administrative subpoena, is not the target of the inquiry and has no interest in contesting or refusing it.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I appreciate what the gentleman is saying. It is a third party. There is no doubt about it.

In some cases it is essential to be able to get that information if you are involving yourself in a counterterrorism investigation precisely because you do not want those people to know you are going after that. But the recipient of the letter has the ability to refuse to give that to the authorities.

The idea that somehow we have such an abuse of these letters flies in the face of any presentation we have had from the committees of jurisdiction, that is, the Intelligence Committees of the House and the Senate. There has been no report to us that there has been an abuse.

I think those of us on the Committee on the Judiciary can work on this if we want to refine it more, if we want to make sure that there is an affirmative presentation to the recipient to let them know they do not have to comply, if there are some sort of other protections we want to wrap around it.

But I also think it is wrong for us to try to do it in this particular venue, and especially when we have a definition of all health records. That goes beyond just personal records. The gentleman's definition is much broader than that in terms of the whole health industry, the whole health insurance industry.

I suggest this is a precipitous action by this body, and I would ask Members to vote down the gentleman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the amendment authored by the Gentleman from New York, Mr. NADLER, to the Commerce-Justice-State-Science Appropriations Act for Fiscal year 2006. His proposal is simple but carriers tremendous weight in terms of protecting the Constitutional rights of individuals who live in this nation. it withholds funds from government action to issue a national security letter (NSL)

for the purpose of obtaining health insurance records under any provisions amended by Section 505 of the PATRIOT Act.

Currently, under Section 505 of the PATRIOT Act, the FBI is authorized to issue self-authorized secret national security letters to insurance providers, which opens the door to he secret seizure of highly personal medical information.

Section 505 of the PATRIOT Act authorizes FBI field office directors to collect, in secret, almost limitless sensitive personal information, including medical records, from health insurance companies that are not under investigation themselves but have customers whose records the government wants by simply issuing a ''national security letter'' carrying the weight of law on the FBI's own assertion that the request is relevant to a national security investigation.

This unfettered access to information that has been held to be Constitutionally protected since the passage of the Bill of Rights must be checked, and the Nadler Amendment provides that check in the context of fulfilling funding requests for the Department of Justice. Not only is the scope of the searchable material under this provision unconstitutional but the prohibition on notice to the individual searched contravenes the notions of privacy that have formed the foundation of our fundamental freedoms.

Records held by health insurance companies about their customers must be turned over regardless of whether they concern financial matters, because ''financial records'' are defined as ''any record held by a financial institution pertaining to a customer's relationship with that institution.'' The records sought may include laboratory test results, medications prescribed, and reports that indicate the results of operations and other medical procedures. This kind of authority might well be described as ''terroristic'' to Americans in and of itself.

The existence of alternative ways of accessing this kind of information with grand jury subpoenas and orders issuing under Section 215 justify offering this important amendment. This section allows the FBI to obtain virtually any business record simply by asserting the information is ''relevant'' to a national security investigation. It can be used to obtain records of individuals who are not suspected or accused of any crime.

Citing Section 215, the government may, unbeknownst to the suspected person, secretly obtain employment, medical, and financial records, membership lists, and even a key to one's office. The only oversight is an annual report to Congress of the number of warrants issued.

Mr. Chairman, I have been involved in the limited oversight that the House Judiciary Committee has begun. On Friday, June 10, 2005, the manner in which the Committee Majority Leadership conducted that hearing is only indicative of the manner in which the highly controversial provisions of the PATRIOT Act have been foisted upon the American people. I support the Gentleman's amendment and urge my colleagues to do the same.

The CHAIRMAN. All time has expired.

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

The amendment was rejected.

AMENDMENT NO. 17 OFFERED BY MR. STEARNS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. STEARNS:

Page 108, after line 7, insert the following title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the design, renovation, construction, or rental of any new headquarters for the United Nations in New York City or any other location in the United States.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Florida (Mr. STEARNS) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I yield half of my time to the gentleman from West Virginia (Mr. MOLLOHAN) and ask unanimous consent that he be permitted to control that time.

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

There was no objection.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

This amendment is more symbolic than it is substantive. It is really giving an opportunity for Members on both sides of the aisle who feel frustrated with the increased cost for things that happen around here. We know that we start out with a project that costs $40 million, and it ends up costing $550 million, and I am talking about the tourist center right outside the Capitol. We saw what happened in Boston with the Big Dig.

Basically, my amendment says before we give any money to the United Nations, $1.2 billion, that we should have a study. We should have a GAO audit. We should have some kind of reference put down before they go out and spend this money.

□ 1700

The U.N. wants to spend $1.2 billion in renovating the New York City United Nations headquarters. Then they want to spend $650 million to house the organization in the meantime for rental purposes or existing office space in Manhattan and elsewhere, so we are roughly up to $1.8 billion. It could be $2 billion. It could be $3 billion. I think before we allow the United Nations to spend any of this money, why do we not have a GAO audit, or why do we not at the very least impanel a panel to determine how they are going to spend this money? Because we know the rental price of real estate in New York, it costs a lot of money. It keeps going up every year. There is no doubt that the estimate that the U.N. gave of $1.2 billion and roughly $650 million to relocate while they renovate is very small. These initial financial estimates probably are not accurate. As I mentioned earlier, look at the Big Dig in Boston, the money we put up there, it is still going on. It is just a total overrun.

I just urge my colleagues to look at this, not so much as substantive because the money was appropriated. It was in last year's bill. This is basically saying, before we go ahead and give this money, we should tell the United Nations, give us a plan, let us have an opportunity to review the cost before you go ahead, and then we can look at it more carefully.

This is not an amendment that is against the United Nations. It is just an amendment asking for some kind of fiscal responsibility by these people before they spend the money.

The amendment that I am offering today proposed a very simple goal. It merely states that none of the funds made available in this act shall be used to renovate and modernize the U.N. headquarters in New York City.

As we all know, the United States already pays roughly 22% of all U.N. expenses. We do so despite the fact that the U.N. often goes against American values and American interests.

Now the U.N. is planning a $1.2 billion renovation of its New York City headquarters. They are also considering either the construction of a new building costing $650 million to house the organization in the meantime, or the rental of existing office space in Manhattan or elsewhere in the city. No doubt this rental of prime real estate will also cost hundreds of millions of dollars. So we are talking a renovation costing approximately $2 billion, at least.

I say ''at least'' because these are just the initial financial estimates, and there's a good chance the costs will increase substantially, as these projects often do.

Just look at the Big Dig in Boston, or even the Capitol visiting center, to see projects that were only expected to cost a billion or two, but have since far exceeded their initial cost expectations.

I'd like to note that even though Congress voted last year to offer a $1.2 billion loan to the U.N. for the purpose of renovation, several member countries complained that we charged interest on the loan, a modest 5.5%. As such, the U.N. General Assembly has not yet accepted the loan and its conditions, so it is possible that may find different financing. Either way, American taypayers will end up paying the lion's share of this renovation.

Mr. Chairman, there are serious questions about the costs of this renovation project. It is considered wasteful by Donald Trump, who, whatever his faults, knows a thing or two about real estate in New York City.

''The United Nations is a mess,'' said Trump recently, ''and they're spending hundreds of millions of dollars unnecessarily on this project.''

In fact, according to published reports, Mr. Trump recently met with Kofi Annan and offered to manage the renovation of the U.N. building for the much lower total of $500 million, yet he never received a response from the U.N.

Several other real estate experts have concluded that renovations in New York City should cost a fraction of what the U.N. is claiming is necessary to fix their buildings.

I submit these press accounts detailing the opposition of New York City real estate developers for the record.

If these real estate experts are right, then it appears that hundreds of millions of dollars may be unaccounted for, either through incompetence or corruption.

We are still trying to get to the bottom of the Oil-for-Food scandal, in which $20 billion in U.N. funds were also somehow "lost." The U.N. does not have the best track record for competent and legitimate spending.

Mr. Chairman, there are obviously serious questions about the U.N.'s renovation project, which, along with their plans for temporary housing, will cost close to $2 billion.

The questions involved with this renovation project are not dealt with in Chairman HYDE's bill, in the Gingrich-Mitchell report.

This amendment is not an anti-U.N. amendment. What this amendment is attempting to do is make sure that American taxpayer dollars are spent wisely. We need to make sure that this renovation project is being run in a transparent and cost-effective fashion.

If we waste hundreds of millions of dollars on this renovation, that's money that won't be able to go toward peace and humanitarian efforts.

So what this amendment will do is tell the U.N. that we will have no part of financing this renovation until we see some sort of action taken to ensure that there is financial accountability.

I urge my colleagues to support this amendment and to support financial accountability.

[From the Weekly Standard, May 16, 2005]

TROUBLE AT TURTLE BAY

(By John Hinderaker)

The United Nations has been in the news of late. As usual, most of the news is negative: evidence suggesting that one or more members of the Security Council were bribed by Saddam; an inability to deal effectively with various crises in Africa; the embarrassing presence of nations such as Iran, Syria, Libya, Zimbabwe, and Saddam's Iraq on U.N. commissions on human rights, proliferation and weapons of mass destruction; the oil for food scandal.

In the midst of these controversies, the United Nations is proceeding with plans to upgrade its Manhattan headquarters. The organization's headquarters at Turtle Bay were completed in 1950 and renovated in the 1970s. The United Nations now believes that another renovation project is necessary, and has prepared a $1.2 billion plan to carry out the work.

While the construction is underway, the organization will need to be housed elsewhere. In its original form, the U.N. plan included construction of a new, 35-story building over Robert Moses Playground, a park near Turtle Bay, at a cost of an additional $650 million. This new building was slated to be the U.N.'s home during the renovation project, and to continue in use by the organization thereafter.

It was the construction of this new building—for which approval by the New York legislature was required—that first drew public criticism of the project. Bipartisan opposition to the new building stalled legislative action in the New York Senate. With no sign that senators opposing the project would relent, Kofi Annan, on May 10, issued a statement urging the United Nations to abandon its plan for the new building, on the ground that it could not now be completed in time for its projected use as a temporary home. Instead, the United Nations will look for existing office space elsewhere in Manhattan.

There has been little debate over the broader issue of the renovation project itself, perhaps because so few people are aware of it. Establishment figures such as Colin Powell, Ed Koch, and Mortimer Zuckerman have been enlisted to head a committee to lobby for the project. With the notable exception of the New York Sun, however, the press has been virtually silent. This seems odd, in view of the serious questions that have been raised about the cost of the renovation.

The U.N.'s Capital Master Plan states that a total of 2,651,000 square feet will be renovated. Assuming that figure to be correct, the per square foot cost would be $452. But, as reported by the Sun, real estate experts question whether the U.N.'s facilities contain anywhere near that amount of space. According to the U.N.'s web site, the organization's headquarters include four main structures, whose size has been estimated as follows:

Secretariat Building: 39 floors and three subfloors, approximately 500,000 square feet.

General Assembly Building: Five total floors, approximately 380 ft. by 160 ft., or 304,000 square feet.

Conference Building: Four stories, approximately 115,000 square feet.

Dag Hummarskjold Library: Four stories and two sublevels, 219 ft. by 84 ft., total 110,376 square feet.

If these estimates are correct, only around 1,029,000 square feet will be renovated under the U.N.'s proposal. At a total cost of $1.2 billion, the project would then weigh in at over $1,100 per square foot.

Either of these figures is regarded by local real estate developers as stunning. The New York Sun reported on February 4, 2005:

The United Nations has said its plans to renovate its headquarters at Turtle Bay will cost $1.2 billion.

That strikes Donald Trump as far too much. "The United Nations is a mess," the developers said yesterday, "and they're spending hundreds of millions of dollars unnecessarily on this project."

And he's not the only one. Several Manhattan real-estate experts told The New York Sun this week that renovating premium office space should cost a fraction, on a per-square-foot basis, of what U.N. officials expect to pay.

An executive managing director at the commercial real-estate firm Julien J. Studley Inc., Woody Heller, said a thorough renovation of an office building would probably cost between $85 and $160 per square foot.

An executive vice president at Newmark, Scott Panzer, said renovation prices could range between $120 and $200 per square foot. Mr. Panzer, who works with many corporations to redevelop their buildings for future efficiency and energy cost savings, put a price of $70 to $100 per square foot on infrastructure upgrades. Those would include heating; ventilation; air conditioning; replacing the central plant; fenestration (specifically, switching from single-pane to thermal-pane windows); upgrading elevator switch gears, mechanicals, and vertical transportation; improving air quality, and making security upgrades. On top of that amount, another $50 to $100 per square foot would take care of the inside office improvements.

The chairman of global brokerage at commercial real-estate firm CB Richard Elis, Stephen Siegel, said high-end commercial renovation usually runs $50 to $100 per square foot. For a renovation that does not include new furniture—according to the 2002 Capital Master Plan, the United Nations' will not—but does provide for improved heating, ventilation, and air-conditioning equipment, as well as work on the building exterior, the cost would be closer to the $100 end of the range, Mr. Siegel said. Even accounting generously for upgrades that might be peculiar to the United Nations, Mr. Siegel added, he would set $250 per square foot as the absolute maximum.

I would appear, then, that hundreds of millions of dollars are unaccounted for, even on the most generous assumptions.

Trump has gone further, expressing the view that the expenses projected by the U.N. can only be the result of graft or incompetence. In a speech on the Senate floor on April 6, 2005, Senator Jeff Sessions recounted his conversation with Trump:

Let me share this story with you, which is pretty shocking to me. The $1.2 billion loan the United Nations wants is to renovate a building. Some member of the United Nations, a delegate, apparently, from Europe, had read in the newspaper in New York that Mr. Donald Trump . . . had just completed The Trump World Tower—not a 30-story building like the United Nations, but a 90-story building, for a mere $350 million, less than one-third of that cost. So the European United Nations delegate was curious about the $1.2 billion they were spending on the United Nations. He knew he didn't know what the real estate costs are in New York. So, he called Mr. Trump and they discussed it. Mr. Trump told him that building he built for $350 million was the top of the line. It has the highest quality of anything you would need in it. They discussed the matter, and an arrangement was made for Mr. Trump to meet Kofi Annan, Secretary-General, to discuss the concerns. . . . So according to Mr. Trump, who I talked to personally this morning, they go meet with Mr. Annan, who had asked some staff member to be there. . . . When the European asked how these numbers could happen, Mr. Trump said the only way would be because of incompetence, or fraud. That is how strongly he felt about this price tag because he pointed out to me that renovation costs much less than building an entirely new building. So he has a meeting with Mr. Annan, and they have some discussion. And Mr. Trump says these figures can't be acceptable. He told me in my conversation this morning, he said: You can quote me. You can say what I am saying. He said they don't know. The person who had been working on this project for 4 years couldn't answer basic questions about what was involved in renovating a major building. He was not capable nor competent to do the job. He went and worked on it, and talked about it, and eventually made an offer. He said he would manage the refurbishment, the renovation, of the United Nations Building, and he would not charge personally for his fee in managing it. He would bring it in at $500 [million], less than half of what they were expecting to spend, and it would be better. . . . Yet he never received a response from the United Nations.

It appears there are serious questions about the U.N.'s renovation project. Depending on which assumptions one accepts about cost and square footage, anywhere from $500 million to $1 billion in expense is unaccounted for. Given the U.N.'s history, is there any reason to doubt that the costs projected by that organization include substantial sums representing, as Trump put it, incompetence or fraud? Given what we know about the oil-for-food program, is there any reason to trust the U.N.'s business or accounting practices?

American taxpayers have a legitimate interest in knowing the answers to these question. The renovation is to be financed by a low-interest, 30-year, $1.2 billion loan from the U.S. government. (Kofi Annan's original request for an interest-free loan was turned down.) And, of course, the loan will then be repaid largely by American taxpayers, who foot a little over 20 percent of the U.N.'s bills.

A few congressmen and senators have finally begun to ask whether the U.N. building project is a boondoggle. It's about time.

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

Mr. WOLF. Mr. Chairman, I yield myself 1 minute. I think the gentleman makes some decent points. There were the Gingrich-Mitchell recommendations which have been made. The gentleman said that he would withdraw the amendment if we got a GAO study. I think we ought to look at this thing. I think that the committee will ask the GAO to do a study to look at the cost and make sure. It is hard to argue against the gentleman for wanting a study because we now know, and being the author of that task force, that the U.N. failed on the Oil-for-Food program. I think it makes sense.

With that, I will pledge and I will wait to hear what the gentleman from West Virginia says, but we will ask the GAO for a study to look at these things.

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

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume. I rise in opposition to the amendment. It is my understanding that the gentleman will withdraw his amendment upon an understanding that the chairman, who I would support, would encourage a GAO study?

Mr. STEARNS. If the gentleman will yield, I will. I am reluctant to do it, but I would.

Mr. MOLLOHAN. Then I agree to proceed in that manner.

Mr. STEARNS. Let me just complete my presentation, then. I will be glad to withdraw it as long as I get the confirmation that there will be a GAO study before these moneys are issued.

Mr. MOLLOHAN. With that representation, I will not oppose the gentleman.

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

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

These are serious questions when you spend $1.2 billion. Obviously we are going to pay one-fourth of this. At the very least, with all this kind of waste we have seen and fraud in some of these estimates around here, it is not unreasonable for taxpayers to have some kind of control over this. We are just trying to make sure that American taxpayers' dollars are used wisely, and that the renovation project is being run in a transparent and cost-effective manner, and, in fact, when these employees go to other places to live while they do the renovation, that they do not waste hundreds of millions of dollars in doing so.

I think the United Nations has had several offers from developers in town, in New York City, to say we will do this for one-third of the cost. I think the United Nations has to tell us, if you are going ahead with this project, we have got to have assurance that there is going to be a fixed-cost basis on this contract and not procurement on a cost-plus fee basis or cost-plus-plus basis. These are the kind of contracts that just roll out of pocket. We need to tell the United Nations that they have to be accountable and provide good financial accountability, not just for United States dollars, but also for all the dollars.

Mr. DAVIS of Illinois. Mr. Chairman, the Legal Services Corporation (LSC) is a private nonprofit, federally funded corporation that helps provide legal assistance to low-income people in civil matters. When the LSC was first established, its initial goal was to provide all low-income people with at least minimum access to legal services, defined as the equivalent of two legal services attorneys for every 10,000 poor people. This goal was achieved briefly in FY 1980 but not maintained due to inflation and subsequent budget cuts.

Legal services provided through LSC funds are available only in civil matters to individuals with incomes less than 125% of the federal poverty guidelines. The LSC places primary focus on cases that deal with family related issues like divorce, separation, child custody, support, adoption, spousal abuse, child abuse or neglect, evictions, foreclosures, access to health care, debt collection, employment, health and education. Most cases are resolved outside the courtroom via legal advice and telephone calls by attorneys. This is a very cost-effective approach to settling legal matters.

I opposed Representative STEARNS amendment to reduce the Legal Services Corporation FY2006 appropriations allocation by $10 million. The LSC is already underfunded to provide low-income people with adequate and necessary resources to solve their legal matters.

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

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

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 8____. None of the funds made available in this Act may be used to deny the production of safety reports regarding the NASA Space Shuttle program and the International Space Station.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Mr. Chairman, this amendment is very clear and straightforward. None of the funds made available in this act may be used to deny the production of safety reports regarding the NASA space shuttle program and the international space station. To the credit of NASA and to the credit of the members of the House Science Committee, we have joined together along with the Senate and been diligent and steadfast as it relates to safety issues in the human space shuttle and international space station.

Those of us who come from the region that I come from and have as our neighbor the Johnson Space Center have lived through *Challenger* and then *Columbia*. These are our neighbors, our friends, and certainly the families are families that we care for. In fact, so many of the names are household names to us because, as I said, they are our neighbors.

This amendment simply reinforces the importance of safety and safety reports as it relates to the human space shuttle and the international space station. Just recently NASA was able to report that 3 out of the 15 safety requirements that were recommended by the Columbia report have now been completed. At the same time, the international space station is making steadfast but slow progress in securing that facility. Over the last couple of months, we have seen article after article about air quality and a number of other concerns that will require our oversight.

This amendment wants to reinforce the fact that we are committed to exploration in space, but likewise, we are committed to safety. One of the issues that was very important during the time of *Columbia* and the review that occurred, one, to put forward the most effective and efficient commission that we could, and the Gehman Commission did an outstanding job; but, two, to ensure that we retained skilled workers.

I am very gratified to note that language in this legislation indicates that if a worker is trained along the line of safety skills, then their work position should certainly be protected, or there should be some reason for their termination if that occurs.

This amendment is to focus us again on the fact that if we are recommitting ourselves to the vision of Mars, the vision of exploration, then we should commit ourselves to the safety of the personnel who are engaged, the safety of those who reside on the international space station, the safety of those who will travel.

Let me also say, Mr. Chairman, that in reviewing the articles that I have seen over the last couple of weeks listing and reviewing reports, we note that we have just discovered that the potential for falling debris can be as threatening to the human space shuttle as it was 3, 4, 5, 6 years ago. That is a safety question. No manner of reports or study are too much to determine that safety.

This amendment, as I said, is straightforward. I ask my colleagues to support it, which is to emphasize the importance of safety reports and review by NASA to ensure that whatever we do, it be done safely, protecting the lives of Americans who are willing to go forward and explore space on our behalf.

I thank the chairman and the ranking member of the subcommittee for their hard work in making the conduct of this floor consideration a bipartisan experience thus far, and I thank them for making the Jackson-Lee amendment in order. This amendment, designated as ''Jackso 110,'' seeks to preclude funds that in any way obstruct or otherwise hinder the production of safety reports as to the NASA Space Shuttle program and the International Space Station.

As a member of the House Science Subcommittee on Space and Aeronautics as well as a Representative of the 18th Congressional District, home of the Johnson Space Center, which is where astronaut training and Mission Control take place. The safety of our space missions is paramount, and this is the impetus behind the Jackson-Lee amendment. I offered this important amendment with the upcoming launch of Space Shuttle *Discovery* next month for International Space Station Flight LF1 in mind. During this mission, new inspection and repair techniques will be implemented; therefore, it is important that full reporting remain unimpeded.

In the past, I have introduced legislation that would provide for the establishment of an independent, Presidentially appointed Commission to assess the safety of the International Space Station and its crew, H.R. 4522 in the 108th Congress. The Jackson-Lee amendment is consistent with the spirit of this legislation by preserving the oversight and reporting functions that are in place.

Since the tragic *Columbia* Space Shuttle accident safety must be our number one priority. I am working with the majority party appropriations to have language inserted in the Conference Report for this bill which would direct NASA to report the amount of money spent in its budget for safety overall as well as for each major program and initiative for it fiscal year 2007 budget request and for all following years. This language about NASA safety will help determine if enough funds are being dispersed for safety procedures. In addition, it will allow appropriators to determine from year to year whether there has been an increase or decrease in safety spending. However, more can be done and must be done to assure our brave astronauts that we have done all we can to ensure their safety.

Given the great distances that NASA has traveled in terms of progressing from widespread scrutiny and speculation as to whether it operated with a culture of safety, the Jackson-Lee amendment will preserve the transparency and the commitment to safety that will help the families of the brave astronauts who will travel with *Discovery* feel an added comfort. In the summer of 2003, *Columbia* accident investigators condemned NASA's safety culture and put as much blame on poor management as the flyaway piece of foam insulation that tore a hole in the shuttle's lift wing at liftoff. The shuttle was destroyed during reentry on February 1, 2003, killing all seven astronauts aboard.

Mr. Chairman, this is a simple amendment that does not affect the functionality of NASA. Rather, it seeks to strike the balance between the need to explore and learn expeditiously and the need to remain deliberate, responsible, and safe in doing so.

I ask that my colleagues support this amendment.

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

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

Mr. WOLF. Mr. Chairman, we support the amendment. We support safety. I thank the gentlewoman for offering it. We accept the amendment.

Ms. JACKSON-LEE of Texas. Reclaiming my time, let me thank the gentleman and let me thank my colleagues. I thank them for the accepting of this amendment.

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

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

The amendment was agreed to.

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

I would just say, that chart has been used a lot today for different issues. This is probably the right issue for this time; is that correct? It has been up here before. It is the chart that keeps reappearing.

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 thank the gentleman for yielding. This is the right poster this time. This is a poster that illustrates a number of the States that have participated in sending their law enforcement officers to the Regional Training Center in Sioux City, Iowa. In fact, now it is the National Training Center in Sioux City, Iowa, that has trained hundreds and hundreds of police officers.

Drug trafficking and its many associated crimes such as robbery, burglary and murder contribute to the decay of our social fabric. This problem is not only found locally or regionally, but also nationally. Unfortunately, small-town and rural America are no longer shielded from the impact of illegal drugs. Methamphetamine producers and traffickers are some of the most dangerous drug offenders in our communities.

I want to thank the gentleman from Virginia for his recognition of the importance of the Regional Training Center in Sioux City and its inclusion as a line in the House report. The Regional Training Center utilizes a regional and national approach to bring communities and criminal justice agencies together to receive training to control the growing national problem of methamphetamine, poly-drugs and their associated crimes. The Regional Training Center seeks a comprehensive approach to control and reduce meth trafficking, production and usage along with other drugs. It provides training that serves small rural communities as well as large metropolitan areas, including the 38 States here in this poster.

As of last March, the center has instructed a total of 19,308 law enforcement professionals from 1,338 different agencies and actually some foreign countries as well. It establishes a central clearinghouse for organization, coordination, curriculum development and resource and intelligence sharing that will benefit everyone impacted by the meth problem. It draws on the input and cooperation of local law enforcement, the business community, educational institutions, health centers and community groups to create a network of cooperation and an atmosphere of mutual support that will exist well into the future. It provides up-to-date information and training on the growing trend of terrorists using the sale of illegal drugs to fund their activities.

Meth can be manufactured a lot of ways. We have talked about that in this appropriations process.

I want to also emphasize that they have opened up a canine training center to train drug dogs here at the Regional Training Center, now just really renamed the National Training Center. They have struggled to put together the funding. This is something that was initiated by the gentleman from Iowa (Mr. LATHAM) some years ago. Today they can hang on for a little while, but they need an appropriation. They need an appropriation that hopefully will either be implemented in the Senate or else come out of the conference report. I would ask him with confidence if the gentleman would be willing to work with me on that particular initiative.

Mr. WOLF. We will definitely work with the gentleman in conference to ensure that this program is funded.

Mr. KING of Iowa. I thank the gentleman very much for his work on this issue and on many others on this appropriations bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment offered by the gentlewoman from Ohio (Mrs. JONES), amendment No. 21 offered by the gentleman from Indiana (Mr. HOSTETTLER), and amendment offered by the gentleman from Vermont (Mr. SANDERS).

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

AMENDMENT OFFERED BY MRS. JONES OF OHIO

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 222, not voting 10, as follows:

[Roll No. 256]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bono
Cuellar
Garrett (NJ)
Hyde
Napolitano
Northup
Oberstar
Sessions
Sullivan
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1735

Messrs. TIBERI, BOEHNER, BASS and LoBIONDO changed their vote from ''aye'' to ''no.''

Mr. TAYLOR of Mississippi, Ms. LORETTA SANCHEZ of California and Ms. McKINNEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. NAPOLITANO. Mr. Chairman, on rollcall No. 256, had I been present, I would have voted "aye."

AMENDMENT NO. 21 OFFERED BY MR. HOSTETTLER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 242, noes 182, not voting 9, as follows:

[Roll No. 257]

AYES—242

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kline
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Tancredo

Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Granger
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wolf
Woolsey
Wu

NOT VOTING—9

Bono
Boucher
Cuellar
Garrett (NJ)
Hyde
Oberstar
Sessions
Sullivan
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1745

Mr. BUTTERFIELD and Ms. WATERS changed their vote from ''aye'' to ''no.''

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. SANDERS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 238, noes 187, not voting 8, as follows:

[Roll No. 258]

AYES—238

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Flake
Ford
Frank (MA)
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Rehberg
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn
Young (AK)

NOES—187

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
English (PA)
Everett
Feeney
Ferguson
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Murphy
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Pickering
Pitts
Platts
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—8

Bono
Cuellar
Garrett (NJ)
Hyde
Oberstar
Sessions
Sullivan
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1754

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. THOMPSON of Mississippi. Mr. Chairman, I am deeply disappointed with the level of funding in this apropriations bill for the State Criminal Alien Assistanace Program which helps States and localities jail criminal aliens. The bill is better than the President's budget fiscal year 2006 request of $0 for SCAAP, but that isn't too difficult.

According to the Congressional Research Service, the President's Budget request hasn't included a funding request for SCAAP since fiscal year 2003. Unfortunately, even the level provided in this bill is far below levels necessary to address the need of States and localities.

Senator FEINSTEIN and a bipartisan House group including Congressman KOLBE, the gentleman from Arizona, introduced bills that address the need for higher funding levels for SCAAP, including S. 188 and H.R. 557 calling for a SCAAP funding for fiscal year 2006 of $750 million.

The President's home State of Texas is one of SCAAP's big beneficiaries. From fiscal year 1997 to fiscal year 2004 the President's home State, Texas, has received over $351 million in order to incarcerate criminal aliens. But that doesn't even come close to the approximately $1.6 billion that California received in the same period or the $691 million that New York received.

The need for SCAAP funds to jail criminal aliens may well be why Governors Jeb Bush of Florida, Rick Perry of Texas, Arnold Schwarzenegger of California, Janet Napolitano of Arizona, Bill Richardson of New Mexico, Richard Codey of New Jersey, Kenny Guinn of Nevada, George Pataki of New York, Ruth Ann Miner of Delaware, Tom Vilsack of Iowa, Rod Blagojevich of Illinois, Sonny Perdue of Georgia, Charles Turnbull of the Virgin Islands, Christine Gregoire of Washington and Tim Pawlenty of Minnesota wrote to Congress asking the appropriations committee to provide $750 million for SCAAP.

Their letter made clear that "SCAAP provides only partial, but important, reimbursement for the cost to incarcerate these individuals."

I agree with the Governors and with Senator FEINSTEIN and with some of our colleagues in the House that in fiscal year 2006 that the $750 million level is the correct one and that increases may well be necessary in future years.

Just looking at fiscal year 2004 SCAAP awards, at the level of funding contained in this appropriations bill, California alone will eat up at least a third of the monies available through SCAAP.

As the ranking member of the Homeland Security Committee I believe that Congress must get its funding priorities right. We must focus on terrorists and criminal aliens. At a time when this Congress wants to outsource the enforcement of our civil immigration laws to the States, we need to set the right priorities. We need to fund SCAAP at higher levels.

Incarcerating criminal aliens is strongly in the homeland security interest. Making sure that our States have the money to help the Federal Government meet this commitment is in the homeland security interest.

MAY 6, 2005.

Hon. FRANK R. WOLF,
Subcommittee on Science, State, Justice and Commerce and Related Agencies, Committee on Appropriations, House of Representatives, Washington, DC.

Hon. ALAN B. MOLLOHAN,
Subcommittee on Science, State, Justice and Commerce and Related Agencies, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CHAIRMAN WOLF AND REPRESENTATIVE MOLLOHAN: We write to express our continued support for the State Criminal Alien Assistance Program (SCAAP) and to request you appropriate $750 million for this program in Fiscal Year 2006. SCAAP is vital to states such as ours who bear a significant financial burden for the federal government's failure to control our nation's borders.

Congress has provided help in maintaining this program—but more is needed. As Governors, we are well aware of the difficult choices that must be made in prioritizing funding. It is for this reason that we join together to write you now. We want to reiterate our strong support for SCAAP and to assure you of the critical importance of this program. Each year, thousands of undocumented aliens who have committed crimes in our states are incarcerated in state or local facilities. SCAAP provides only a partial, but important, reimbursement for the cost to incarcerate these individuals.

Our states are committed to working with the Federal government to protect our nation. While we are doing what we can in this important effort, immigration policy and controlling the nation's borders are clear, fundamental responsibilities of the Federal government and an essential component of homeland security. Every effort should be made to help States and local governments cover a greater share of the expenses they incur to incarcerate criminal aliens.

Thank you for your consideration of our request. Again, we appreciate your past support and we look forward to continuing our work with you to ensure that SCAAP remains a viable program for reimbursing State and local governments for the burden they carry to incarcerate criminal aliens.

Sincerely,

Arnold Schwarzenegger, Governor of California; Rick Perry, Governor of Texas; Richard J. Codey, Governor of New Jersey; George E. Pataki, Governor of New York; Thomas J. Vilsack, Governor of Iowa.

Janet Napolitano, Governor of Arizona; Bill Richardson, Governor of New Mexico; Kenny Guinn, Governor of Nevada; Ruth Ann Miner, Governor of Delaware; Rod R. Blagojevich, Governor of Illinois.

Tommy Perdue, Governor of Georgia; Charles W. Turnbull, Governor of Virgin Islands; Jeb Bush, Governor of Florida; Christine Gregorie, Governor of Washington; Tim Pawlenty, Governor of Minnesota.

Mr. GORDON. Mr. Chairman, It is unfortunate that our current budget situation is forcing us today to make choices between funding for state and local law enforcement, science and technology, and other important programs funded in this bill. I am very concerned about the cuts to COPS and other law enforcement programs. These important programs deserve additional funding. However, I must oppose the amendments offered today that will pay for these programs by cutting funding for critical science and technology investments. Many of the science programs funded in this bill have already been reduced, and I cannot support additional reductions that will weaken our science and technology capabilities and undermine our future economic strength.

I urge my colleagues to vote "no" on amendments that reduce our commitment to science programs.

Mr. KNOLLENBERG. Mr. Chairman, I rise today in strong support of the Fiscal Year 2006 Science, State, Justice Appropriations bill and to compliment my colleague, FRANK WOLF, for a job well done.

I am particularly pleased with the increase given to the Manufacturing Extension Partnership, MEP and I would like to commend Chairman WOLF for his support of this important program.

The manufacturing sector in this country faces many challenges. There are several major issues that we and other policy makers on the Federal level need to address to improve the business environment for manufacturers. Those will take time. But the MEP program has a direct impact on thousands of small and medium manufacturers each year.

MEP is a Federal-State-private network of over 60 centers with 400 locations in all 50 States. These not-for-profit centers work with small and medium-sized manufacturers to help them adopt and use the latest and most efficient technologies, processes, and business practices.

The MEP Center in my home State, the Michigan Manufacturing Technology Center, or MMTC, helps Michigan's small and medium-sized manufacturing companies get competitive and remain that way. Founded in 1991, MMTC has six offices in Michigan. I have heard from numerous companies throughout Michigan that have benefited from MMTC's services.

Let me point out one such company, Tru-Val Tubing Company in Waterford, Michigan, which is located in my district. Tru-Val fabricates metal tubing for General Motors and DaimlerChrysler as well as several other Tier I automotive suppliers and employs approximately 120 people.

Tru-Val Tubing began working with the MMTC in 1999, and over the past 6 years of improvements, the company's defective parts-per-million have dropped from 3,500 to zero. This resulted in General Motors reclassifying Tru-Val from the bottom 5 percent to the top 5 percent of their supply base. Furthermore, Tru-Val's employees are much more satisfied with their jobs than they once were, as the company has seen a dramatic reduction in employee turnover. Most importantly, Tru-Val increased its employment from 85 to 120 as a result of the improvement in the company.

Helro Corporation of Rochester, Michigan, also located in my district, is another excellent example. Helro, a small manufacturer with 19 employees, was established in the 1960s as a form toolmaker, using a patented carbide coating and whitewall tire buffing. After relocating to Rochester, Michigan, in April 1998, Helro recognized that it would need to achieve certification if it wanted to compete in the tooling marketplace.

Finding the idea of a peer group exchange of information appealing, Helro quickly joined MMTC's ISO 9000 User Group and got everyone in the company involved. As a result, Helro came through its ISO 9001 certification audit with flying colors and was certified in September 2000. Through the certification process, Helro identified areas of waste, resulting in savings that covered the cost of its participation in the User Group. Moreover, Helro improved customer satisfaction and its credibility in the marketplace, allowing for easier introduction of its new product line.

The results at Tru-Val Tubing and Helro are not an anomaly. In fiscal year 2003 alone, MEP served more than 18,0 0 manufacturers nationwide. Those manufacturers reported an additional $2.6 billion in sales, $686 million more in cost savings, $912 million of additional investment in plant modernization, and more than 50,000 more jobs just as a result of

their projects with MEP Centers that year. Additionally, an estimate of the Federal return on our investment in MEP Centers is $4 in Federal tax revenue for every $1 invested in the program.

MEP has a documented positive impact on our manufacturing sector, and is particularly vital to our small manufacturers. As vital as this program is to our manufacturers, fiscal year 2006 funding is vital to MEP.

In addition to the funding restored to MEP, I am also pleased with the increase given to the National Science Foundation. NSF is the most important funding source for universities who educate the next generation of scientists engineers and thereby plant the seed for America's future prosperity.

I hope that NSF will continue its strong support of university based laboratories and user facilities, including the National Superconducting Cyclotron Laboratory at Michigan State University. These NSF-supported labs create powerful synergies between cutting edge research and education and are a model of state and federal partnership.

We can't afford to underestimate the importance of these programs. Our educators tell us that students are attracted by on-campus capabilities; not by the promise of an airline ticket to some remote laboratory in the U.S. or even abroad where they can visit for a few weeks.

As well, the current funding level should provide NSF with the flexibility to support both its planned activities and fund peer-reviewed, non-solicited proposals. Progress in science is often unpredictable and NSF must reserve the institutional agility to invest in "bottom-up" ideas that result from fast-breaking research discoveries.

Timely, flexible funding through NSF is a critical investment in our economic future and continued scientific leadership in the world. It deserves our support.

In closing, I would like to again extend my thanks to Chairman WOLF for his excellent work, and I encourage all of my colleagues to support this bill.

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. MARCHANT) 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. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 939

Ms. MILLENDER-MCDONALD. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 939.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2745, HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–132) on the resolution (H. Res. 319) providing for consideration of the bill (H.R. 2745) to reform the United Nations, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO ELIZABETH JACKSON, MORGAN BOAEN AND THEIR PARENTS

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

Mr. KINGSTON. Mr. Speaker, I rise today to submit for the RECORD a great article on Elizabeth Jackson, who is a high school junior in Savannah, Georgia, going to St. Vincent's Academy. The article also talks about another young lady that I have had the privilege of knowing most of her life, Morgan Boaen.

Elizabeth is the daughter of Libby and Kevin Jackson, and Morgan is the daughter of Danny and Robin Boaen, all of Savannah. These two young women are very aggressive, very hard-working, very strong up-and-coming athletes. The article talks about how they play aggressively, how they play on the team, how they give it their best effort, and how they play to win.

It is interesting, having known these young women all their lives, to know what great competitors they are. And although all parents are very, very strong supporters of their children, Robin Boaen is certainly a great enthusiastic parent from the stands, and Kevin Jackson, who is Elizabeth's father, is also very, very vocal and loud as a parent. And I always say if you are going to go to one of these games, you do not want to be sitting in between Kevin Jackson and Robin Boaen because they will be calling every shot from the stands.

But it takes great parents to have great athletes, and both these young ladies are blessed to have parents who are supportive, and getting them there through those tough moments and the long practices and the long drives across the State of Georgia to go to some of those games. So I applaud the efforts of the families and Elizabeth and Morgan.

And I want to say that I am sure in the next few years they will be playing college-level soccer, and we will be hearing about them regionally and nationally in the years to come.

JACKSON SET UP SVA FOR SUCCESSFUL SEASON

When Elizabeth Jackson takes the center of the soccer field, she expects to be heckled.

The 5-foot-1 midfielder knows sooner or later she'll win a 50/50 ball against a smaller girl.

That player will end up on the ground looking to officials for relief.

Parents follow by blaming Jackson for the next series of grass stains.

Fair play or not, she is the one viewed as dirty.

"I'm a very aggressive player," Jackson said. "When I step on the field it's game time. I don't play around. I go for the ball. I don't care who the player is."

Conversely, coaches and opponents immediately recognize the girl nicknamed "E.J." by her St. Vincent's teammates.

Not just because of how Jackson goes after the soccer balls but what she does with them at her feet.

At. St. Vincent's this season, the junior emerged as the communicator, the workhorse, the power and the playmaker for the Saints (15–1–2).

She merged the talents of a speedy defense behind her and a precise offense in front.

Her efforts helped the Saints move forward to the Class AAA semifinals and earned Jackson 2005 All-Greater Savannah Area Girls' Soccer Player of the Year honors.

"She didn't go out and plow through everybody," said Sister Pat Coward, who coached St. Vincent's with Andy Kaplan. "She listened, analyzed her opponents and figured out what she had to do (to make the play0."

Her teammates responded.

Midfeleder Morgan Boaen, for instance, signaled Jackson again and again this season with a click of her right hand. Her index finger pointed straight to goal.

"She would put her hand up and that was my key," Jackson said. "I'd put it right where she wanted it."

With just one or two touches, Jackson could move the ball from her skilled fullbacks to the midfield.

Her teammates would bounce passes back and forth as though parts of a pinball machine.

If Jackson wasn't delivering the breakthrough chip or through ball, she directed the players who did.

The Saints facilitated goals and wins off the well-scripted plays.

Boaen ended the year as the statistical leader of the Saints' offense with 20 assists. Jackson initiated many of those connections.

"This is my role on the team," she said. "I don't care if I'm not the finisher."

Her chief heckler did mind for a time, though.

Jackson's father, Kevin, a former University of Georgia football player, used to wonder about his daughter's style.

No doubt he roared a wish or two from the sidelines that she would "Shoot!"

"All I ever wanted her to do was score," Kevin Jackson said. "I'd say, 'You didn't have a good game because you didn't score any goals.' Then you realize there is so much more to it."

Many more people likely realized the thrust of Jackson's talent this season.

She didn't just put down opponents.

She set up St. Vincent's.

"What would we have been like without Elizabeth?" Coward asked, rhetorically. "Who would know? Game after game we never took her out. We never tried it."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.