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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 22, 2002.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.

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

PRAYER

Father Val J. Peter, Executive Director, Girls and Boys Town, Boys Town, Nebraska offered the following prayer:

Dear Lord, we come before You on this beautiful morning to ask Your blessing on the House this day. Give light, wisdom, and humility to all Representatives in their work today. May they seek what is best for our people. May they search for what will bring goodness to our world.

Let each this day do one blessed thing for another person. Let each this day ask pardon from another person.

Bless also all of those who are in the service of our beloved country. Keep them safe. Keep them faithful to You and their loved ones.

Finally, Lord, bless all of our children, especially those who are hurt and suffering. Send people to put joy and happiness into their hearts. We ask this in Your name. Amen.

THE JOURNAL

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

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

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. TERRY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 115. Concurrent resolution expressing the sense of the Congress that all workers deserve air treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize the gentleman from Nebraska (Mr. TERRY) for 1 minute and then will recognize up to 10 Members from each side of the aisle for 1 minute.

EXTENDING A WARM WELCOME TO FATHER VAL J. PETER

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

Mr. TERRY. Mr. Speaker, I have the honor of extending a warm welcome to Father Val J. Peter, our guest chaplain in the House of Representatives today. I also want to thank him for his thoughtful and inspiring prayer.

Father Peter is a native Nebraskan, a Diocesan priest within the Archdiocese of Omaha, and the executive director for Girls and Boys Town USA. He is also one of the foremost advocates for youth in the world and a true friend, effective educator, and caring, surrogate father to thousands of troubled youth and teenagers.

Father Peter oversees Boys Town programs stretching from coast to coast. Last year alone, Father Peter and the Boys Town staff helped brighten the future for more than 37,000 troubled, neglected, and abused children. Father Peter has earned the gratitude of thousands of children and families with his unconditional love, boundless optimism, and unwavering devotion to God.

Mr. Speaker, I know I speak for my colleagues when I say that we are pleased and honored to have Father Val Peter here with us today.

RESTORING MEMORIAL DAY

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

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minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, over the years the true meaning of Memorial Day has faded from the public consciousness. Memorial Day began after the Civil War as a solemn day of mourning, remembrance, and honor to our departed loved ones. But today, Memorial Day seems to be more about planning a 3-day weekend than remembering our fallen heroes. As a veteran of two wars, I know all too well that Memorial Day is much more than a 3-day weekend or the beginning of a summer sale.

Veteran's Day, a day set aside to honor all veterans, living and dead, is celebrated on November 11, regardless of which day of the week it falls on. The same should be true for Memorial Day.

Mr. Speaker, this week I am introducing legislation restoring Memorial Day to its actual day, May 30. We owe our loved ones and friends who died in service to their country a restored Memorial Day.

JOIN THE PICTURE THEM HOME CAMPAIGN

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

Mr. LAMPSON. Mr. Speaker, I will again digress this morning from my stories of Ludwig Koonz, but not our effort to return him to the United States from Italy.

As chairman of the Congressional Caucus on Missing and Exploited Children, I would ask that as we approach this Memorial Day that we not only pay honor to those who have given their lives to our country, but to the tens of thousands of innocent children who are still missing from their loved ones in this country. We maintain hope that the children will come home and that they will come home not only with the help of law enforcement, but with the help of the American people.

A few years back, National Center for Missing and Exploited Children instituted the Picture Them Home campaign to be observed during the month of May. I have asked my colleagues on a number of occasions to place pictures of missing children on their franked envelopes, which is allowed under the franking guidelines, and many of them have chosen to do so. This morning I ask that everyone here join me in supporting this effort and help us Picture Them Home.

Participating in this campaign only takes a few minutes of your time. First, pledge to take the time to really look at the pictures of the missing children that you see. These may be pictures on bulletin boards in your local Wal-Mart, or they may be the ''Have You Seen Me?'' cards that are sent out by ADVO. Second, if you are a parent, make sure that you maintain current, high-quality pictures of your children for use in case of an emergency.

Mr. Speaker, we know that pictures work. All you have to do is look.

NURSING SHORTAGE PLAGUING U.S.

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, health care experts are worried that a national nursing shortage could become widespread later in the decade, just as the aging U.S. population requires more care. Educational institutes, hospitals and Congress are working feverishly to fill this global shortage, because it is nurses who impact the lives of people in times of health, illness, pain, stress, and even death.

Nurses' talents, long hours and many sacrifices should be recognized. One of the ways in which Baptist Health South Florida appreciated nurses is by having recently hosted ''Shadow a Nurse Day.''

Baptist Hospital, South Miami Hospital, Homestead Hospital, Mariners Hospital, and Baptist Outpatient Services were the health care sites which participated in this event.

By helping the population to gain a greater understanding of the issues facing nurses today, these health care sites perhaps contributed to helping relieve the existing nursing shortage plaguing our Nation.

Mr. Speaker, I congratulate Baptist Health South Florida for its commitment to the future of nursing.

END THE TRADE EMBARGO ON CUBA

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

Ms. MCCOLLUM. Mr. Speaker, 90 miles from America's shore is the island of Cuba, but what really separates the people of Cuba and the American people is the U.S. Government's hypocritical trade embargo restated this week by President Bush.

This failed policy towards Cuba empowers Fidel Castro, denies American businesses the freedom to trade, and prohibits the American people the freedom to travel.

Around the world, the United States has used economic engagement to promote political reform, democratic values and human rights. With Cuba, our government does the opposite. We punish the Cuban people with a trade embargo.

For a free and open Cuba, let us free American businesses to trade with Cuba, free America's farmers to sell to Cuba, and free the American people to travel to Cuba. The trade embargo has failed. The spirit of the American people and the power of our economy can achieve the freedoms we all desire for the Cuban people.

STATE DEPARTMENT RELEASES TRAFFICKING IN PERSONS REPORT

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

Mr. PITTS. Mr. Speaker, in the coming weeks, the State Department will be releasing its annual ''Trafficking in Persons report.'' This report will highlight the very serious problem of international sex trafficking and forced prostitution around the world in the countries that tolerate it.

Still, some of the worst offenders such as India and Thailand have made no progress in combating this sex trafficking. Worse, it is on the rise.

In India, over 2.3 million girls and women are believed to be working in the sex industry against their will. Yet there are no known convictions for sex trafficking.

In Thailand, we are up to 1 million trafficking victims. Approximately 100,000 are children, boys and girls; yet there are no known convictions for sex trafficking.

Mr. Speaker, this is unacceptable.

Mr. Speaker, the complicity and tolerance of sex trafficking must stop. The State Department must not grant passing grades to these countries in its report until they show real improvement and begin to protect women and children in their country.

AMENDMENT ALLOWS DEFENSE DEPARTMENT FREE HAND FOR ENVIRONMENTAL DAMAGE

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

Mr. BLUMENAUER. Mr. Speaker, during my tenure in Congress, I have worked hard for the Federal Government to be a better partner to promote the liveability of our communities by walking the walk, by acting the way that we are asking the rest of America to behave. Yet, here today, we are going to be asking in the supplemental to exempt the Defense Department, the largest manager of infrastructure in the world, from being a good environmental citizen.

This bill contains an amendment that would relieve the Department of Defense from its responsibility for dealing with water consumption that occurs outside the control of the Secretary of Defense that is a direct result of the military installation. In particular, this is focused on the San Pedro River in Arizona, one of the richest biological reserves in all of North America. It has over 82 species of mammals, 385 species of birds, and was designated by this Congress as a National Riparian Conservation Area in 1988.

But as a result of this amendment, snuck in without debate by the substantive committee, that will not be substantively argued on this floor, we are going to basically give them a free

hand to damage the environment. It is wrong.

CONGRATULATIONS TO DANNY BROWN, THE 2002 KANSAS PRINCIPAL OF THE YEAR

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

Mr. RYUN of Kansas. Mr. Speaker, I rise today to congratulate the 2002 Kansas Principal of the Year, Danny Brown. Mr. BROWN currently serves at the Fort Scott High School in Fort Scott, Kansas. For almost 3 decades Danny Brown has demonstrated outstanding educational leadership and has humbly served his community and students.

In a letter recommending Brown for the honor, an associate wrote: ''Danny's contributions to this community, to the school district and, most of all, to the students are immeasurable.''

I, for one, am heartened to hear stories of educators like Danny Brown who live a life dedicated to serving their communities and helping students reach their dreams.

As Oswald Spengler once said, ''The influence of a genuine educator lies in what he is rather than what he says.''

I am pleased that Mr. BROWN is being properly recognized for his exceptional performance and character, and I want to add my congratulations to this outstanding educator.

NATIONAL COMMUNITY ROLE MODELS WEEK

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

Mr. KNOLLENBERG. Mr. Speaker, children need role models in their communities to help guide them through the many challenges that they face. Although we often hear inspiring stories about famous individuals, we seldom publicly recognize exceptional local people with whom children can more readily relate.

The Michigan-based R.A.R.E. foundation has established a program to recognize outstanding community residents and teach children about their work ethic, their values, and their accomplishments. The foundation helps children develop a sense of purpose and hope for the future by providing inspirational examples of ordinary people with traditional jobs who make extraordinary contributions.

□ 1015

I will introduce legislation today that encourages communities to adopt similar programs and support the goals and ideals of a national community role models week. Establishing an annual week for identifying role models in our local communities would remind us how each individual, no matter his or her profession, plays a vital role in the progress of this Nation.

JUST SAY NO TO SOCIAL SECURITY PRIVATIZATION

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

Mr. GREEN of Texas. Mr. Speaker, all we need to do is just say no to privatization of Social Security. When it comes to reforming Social Security, our Republican majority thinks they can fool the American people. They think that if they avoid the words like ''privatization'' that they will be able to mask the true nature of their Social Security reform proposal.

In Texas we have a saying, ''You can put lipstick and earrings on a hog and call it Monique, but it's still a pig.'' No matter how much our Republican friends want to dress up their proposal to disguise its details, it is still privatization.

Privatization schemes, let us just be honest and call them what they are, would cut benefits, increase administrative costs and place the financial health of the Social Security program in jeopardy, but suddenly, in an election year, my colleagues changed their tune. They will do anything, say anything, to hide their true agenda. This is a cynical ploy, and the American people will see through it.

Let us call privatization what it is, and a pig, a pig.

DEMOCRATIC PRESCRIPTION FOR SENIORS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in support of seniors who want prescription drug coverage, today, tomorrow and always, and against those who do not.

Earlier this month, Congress Daily noted that a Senate Democrat prescription drug bill would sunset in 2010. That is right, the bill would just stop in 2010. Sorry, seniors, no more drugs for them after 2010. That is plain wrong. First, Democrats block permanent tax relief. Now they want to block prescription drug coverage.

Well, seniors better start saving, so when their benefits end, they will have money to buy their drugs. Hold on, just think about this. That is impossible, because the same Democrats refused to permanently extend tax relief so people can save some of their own money or even empower seniors to save their own money in a medical savings account.

Well, two-thirds of seniors have prescription drug coverage. The one-third going without are my top concern. Our Republican plan will help, and help them for life.

RAISING THE DEBT LIMIT

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

Ms. DELAURO. Mr. Speaker, I would just like to remind my colleague on the other side of the aisle who just spoke that the Republican prescription drug plan would do nothing about bringing down the cost of prescription drugs, which is what is killing Americans, all Americans, and their plan would cover 6 percent of seniors instead of 90 percent of seniors who would like to have that kind of coverage.

However, today, the House is going to vote on a very dangerous and cynical provision that allows the Federal Government to break its own spending limit, takes hundreds of billions of dollars from the Social Security trust fund. What they would like to do is hide this plan from the American people and what they want to do is to hide this debate today without leveling with the public, and what will happen is their plan is to take the Nation back into the deficit, raid Social Security.

We oppose this plan. We support a responsible budget. What we need to be trying to do is to make investments in national security, protect Social Security and Medicare, do something about prescription drugs and the cost of those drugs in the United States today.

It is time for the House Republicans to be straightforward with the American people. We need a responsible, honest, bipartisan budget. We need to protect and strengthen Social Security and shore up the prescription drug benefit, meet our obligations today so that our kids are not saddled with debt.

PRAISING THE EFFORTS OF NUCOR CORPORATION

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to thank Nucor Corporation, our Nation's largest steel producer, for their investment in South Carolina and their commitment to our economy, our families and our environment.

Nucor's commitment to South Carolina's economy is demonstrated by its 4 statewide facilities professionally managed by Mike Gurley of Darlington, Ladd Hall of Berkeley, Lynn Strock of Florence and Jeff Carmean of Swansea. These facilities have produced more than $1 billion in total sales and have contributed more than $1 billion in total investment back into the State's economy.

Nucor has touched the lives of families across the Palmetto State by employing 1,800 skilled and dedicated South Carolinians and by contributing over $300,000 in education scholarships last year.

A leader in environmental stewardship, Nucor is the largest recycler in America, and through efficient fuel consumption, Nucor saves enough energy annually to power the city of Los Angeles for 8 years.

Mr. Speaker, I commend Nucor for their wise investment in South Carolina's economy, families and environment.

SUPPLEMENTAL APPROPRIATIONS LEGISLATION

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, as I recollect the pronouncements being made by this House just a year ago, Republicans said that we will not, this House will not raid Social Security and Medicare, from the very highest levels of their leadership. Interestingly, today, we come with a back room supplemental appropriations bill that raises the debt limit so that we can, in fact, raid Medicare and Social Security.

This is legislation that we should not support. Social Security is the very underpinnings of security for hard-working Americans. Medicare provides health care for hard-working Americans who have reached retirement. Here we are today passing a bill or attempting to pass a bill that will raise the debt limit, a very dangerous and cynical provision that allows the Federal Government to break its own spending limit, therefore undermining again the trust of the American people, believing that Social Security should be there for all who work hard.

We need a more responsible and honest and bipartisan budget. We need to protect and strengthen Social Security. We need to protect and save Medicare. We need to vote no on this rule and we need to vote no on this supplemental if, of course, it proposes an increase in the debt limit.

VETERANS NATIONAL CEMETERY IN NORTH FLORIDA

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

Mr. STEARNS. Mr. Speaker, I am glad to hear the Veterans Administration cemetery expansion is a top priority for the President next year. Florida has our Nation's second largest veterans' population in the United States and one of its oldest. In fact, it is number one.

Nearly 325,000 veterans call home somewhere in the Jacksonville City vicinity, and this is the location of 3 congressional districts, mine, the gentlewoman from Florida (Ms. BROWN) and the gentleman from Florida (Mr. CRENSHAW), as well as in nearby southern Georgia. Yet the closest VA cemetery is at least a 3-hour drive from Jacksonville. The next closest in proximity lies in Marietta, Georgia, which is just north of Atlanta.

A new national VA cemetery in the metropolitan Jacksonville area or nearby Clay County would answer the unmet need for north Floridians and southern Georgians.

My colleagues may ask why should I support a cemetery in Florida. Well, from Michigan and New York, the Midwest and elsewhere, there is a high likelihood that their constituents are contemplating retiring in north Florida. We welcome them and I hope my colleagues will sign on to my bill H.R. 1205.

We welcome your veteran constituents to call north Florida home. I hope you will consider cosponsoring my bill, H.R. 1205, and help us to provide the dignified, hallowed grounds our veterans deserve.

MILITARY APPRECIATION MONTH

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

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise to honor Military Appreciation Month. I rise to thank our men and women in uniform for their sacrifice, service and dedication.

We show our appreciation by voting them the pay raise they earned and making sure they live in quality housing and have the tools they need to defend us. In addition to our active duty personnel, nearly 82,000 members of the National Guard and the Reserves have been called into active duty since September 11.

I appreciate those who serve our Nation, put their lives on the line to defend our freedom. These men and women are heroes. They work side by side with us during the week. Their children go to school with our children, but on weekends and when called upon, they go into active duty to defend our country. I want them to know that America thanks them.

I specifically would like to thank General Andreotti and Colonel Dennis Lord of the Minnesota National Guard for their long and diligent service fighting for the interests of the Guard and Reserve. I want to thank the Minnesota National Guard and Reserve. Two weeks ago was their last week guarding the Minneapolis/St. Paul International Airport.

THE LONG WAR ON TERROR

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

Mr. PENCE. Mr. Speaker, we find ourselves in a long war on terror. There has been much discussion on Capitol Hill this week and around America about blame and about how it is that we ought to inquire and investigate institutional failures.

So I rise today, Mr. Speaker, to remind us that our experience with terror in America did not begin on September 11 in Washington and in New York. Rather, it began on February 26, 1993, with the first World Trade Center bombing. Terrorists blew a hole 6 stories deep in an attempt to topple the north tower; Mogadishu, Somalia, 18 American soldiers killed; the Khobar Towers in 1996, a barracks housing U.S. soldiers, 19 servicemen killed; U.S. embassies in Kenya and Tanzania in 1998, 245 killed; the *USS Cole* in October of 2000, 17 servicemen killed.

We are in a prolonged engagement with terror centered in a single terrorist organization. Let us stand with our intelligence committees as they rightly inquire into the institutional failures that have occurred.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 427

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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

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

Mr. Speaker, H. Res. 427 is a rule providing for the consideration of the conference report for H.R. 3448, the bioterrorism bill. The rule waives all points of order against the conference report and against its consideration. It also provides that the conference report shall be considered as read.

The Committee on Rules approved this rule last night, and I urge my colleagues to support it so that we can proceed with an hour of debate and consideration of this bipartisan conference report.

Mr. Speaker, I want to take this opportunity to applaud the commendable work of my friends and colleagues on the Committee on Energy and Commerce for the work they have done to bring this final bill to the floor today. The gentleman from Louisiana (Mr. TAUZIN), the committee chairman, and the gentleman from North Carolina (Mr. BURR), along with the gentleman from Georgia (Mr. CHAMBLISS), who is the chairman of the Intelligence Subcommittee on Terrorism and Homeland Security, all of whom played an instrumental role in securing the much-needed $600 million in authorization for the

Centers for Disease Control and Prevention to upgrade and enhance its facilities over the next 2 years, which is one of the conference report's most noteworthy proposals.

Among the many good things that this bill does, it included a bill that I introduced in the first part of November that will allow the reauthorization of the building-out of the CDC. Mr. Speaker, the CDC is a group of world class intellects in a Third World facility. It has no security. They have scientists working on computers that are covered by polyethylene so that leaking roofs do not destroy them.

As the American people recover from the discovery of anthrax in our mail system last year, we will continue to turn to the CDC for new ways to confine and eradicate these dangerous threats to the public health. This enhanced funding for the CDC to upgrade its facilities will be an important part of that process, and I look forward to President Bush, who visited the CDC with the gentleman from Georgia (Mr. CHAMBLISS), myself and other members of the Georgia congressional delegation last year, I look forward to him signing this measure into law.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks, and include extraneous material.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary half hour.

I rise in support of the underlying conference report. The Bioterrorism and Response Act enjoys strong bipartisan support, having passed the House by a vote of 418 to 2. Moreover, this measure moved forward the consultations from both sides of the aisle, a practice all too rare in the current Congress.

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Mr. Speaker, this bioterrorism measure represents the first comprehensive effort to shore up our Nation's defenses against a terror attack. This includes critical provisions calling for the stockpiling of drugs and vaccines. It outlines initiatives to help prevent, detect, and treat terrorism-related health threats, including the possibility of a smallpox epidemic. Moreover, the legislation authorizes substantial new spending to help State and local health officials prepare for bioterrorism attacks. Grants would be made available to help hospitals prepare for the treatment of victims. Funding for research and prevention and treatment would also be increased.

Of utmost importance, the bill ensures that additional steps would be taken to protect the food supply, including new authority for the FDA to bar unsafe food from entering the country. Many of us have long felt that the increased imports of food from countries outside the scope of U.S. safety regulation posed a unique threat to our citizens, especially with the advent of bioterrorism. The measure begins to address this concern by providing needed grants to States to strengthen food inspections and deal with outbreaks of food-borne illnesses. New registration and recordkeeping requirements would be imposed and safety improvements would be ordered at animal research labs.

Mr. Speaker, I would also like to highlight the provisions of the legislation designed to protect our most vulnerable citizens in the event of terrorist attack: our children. I was proud to join my colleague from New York, Senator HILLARY CLINTON, in introducing the Protecting America's Children Against Terrorism Act. The bill provided Federal resources and coordination to ensure that our children's needs are met in the event of a terrorist attack. I wish to thank the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL), for including the majority of these provisions in this comprehensive measure.

The events of September 11 have illustrated only too clearly for us the risks posed to our children by terrorism. Children perished aboard the planes that crashed. Both the World Trade Center and the Pentagon housed day care centers. Nearby schools had to be evacuated, and an estimated 10,000 American children lost a parent as a result of these atrocities, many of them losing their sole or primary caregiver.

In recent months, new concerns have emerged. With the threat of bioterrorism and chemical warfare more prominent, we have realized that the proper dosages of vaccines and antidotes for children is incomplete. Few health care providers are trained to recognize the early signs of smallpox or anthrax, which can mimic cold or flu symptoms. The National Pharmaceutical Stockpile Program is not necessarily equipped with the supplies necessary to administer drugs or other treatment to large numbers of children.

Other needs have become evident as well. Many schools lack effective evacuation plans or methods of moving children to an alternative safe location. Networks do not exist for informing parents of evacuations and the sites where their children may be found. Mental health services are not always available for children traumatized by catastrophic events.

The conference report includes our proposal to protect children against bioterrorism by examining the preparedness of our Nation's health system for mass casualties of children and youth resulting from bioterrorism. It would establish an information network to collect and disseminate information for health providers on how to prepare for a biological terrorist attack and what steps to take to ensure children get the health care they need in the case of an attack. Moreover, the measure would ensure that the National Pharmaceutical Stockpile Program includes inventories to meet the medical needs of children.

The events of September 11 have revealed to us the gaps in our preparedness for a major disaster. We owe it to all our citizens to ensure that we close these gaps before a future emergency, be it terrorism, natural disaster, or other cause, requires that we take action.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee.

Mr. TAUZIN. Mr. Speaker, I thank the Committee on Rules for bringing this rule to the floor today.

After 9–11, the Committee on Energy and Commerce began a series of roundtables with the agencies under our jurisdiction and members of both sides of our committee. The gentleman from Michigan (Mr. DINGELL), leading the minority, and myself representing the majority, had meetings with the agency officials under our jurisdiction to ask several questions, the most of important of which was: tell us a little bit about where your vulnerabilities are; tell us a little bit about where you are not prepared; and tell us a little bit about how Congress might enact new laws and new authorities to make you better prepared for the things we might now expect, that indeed might now threaten our country in ways we were never before threatened.

9–11 taught us a lesson, in effect. It taught us that we have to be willing to think like evil people. And that is not our custom. We think like good people in America. We do not think like evil people, designing ways and means to kill and destroy and to disrupt the lives of citizens who are innocent and have nothing to do with our cause. We think literally so totally different from the kind of enemy we now face in this terrorist situation that it was difficult for agency heads and even Members of Congress to think about all the things that someone with an evil mind might want to do to our citizens and our constituents; what they might want to do to this country and to the people that live here.

So as we began to have those discussions with agencies under our jurisdictions, we suddenly realized how necessary it was to put together a bioterrorism package. And here, Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for the excellent work he did in bringing to our committee ideas about how to make the CDC a much more functional and a much more effective agency for our

country, in not only just studying the prevention and treatment of diseases that are normal in our society, but now making sure we have the vaccines and the research going forward to protect us against the artificial insertion of biochemical and biological threats to our people, as we have now learned is possible. I want to thank him for bringing to our committee and to this bill the great ideas he had about beefing up the capacity of the CDC to do that for our country.

But as we began to hear from these agency heads, we began to learn that, indeed, we had a lot of vulnerabilities in our country; that we did not have enough vaccine, for example, to make sure if anthrax were introduced into our society to harm us we could vaccinate enough people in our country. So we set to work immediately to make sure our health department not only got the right amount of vaccine available for us, but that our health agencies were all preparing to make sure that other vaccines and other treatments were available to first responders in case we had such an evil attack on our people.

We learned, for example, that we had to organize better the laws that protected against people owning and transferring biological agents to one another so that we might find the owner or the possessor of an agent that enters our mail, for example, and begins to kill our people, whether it is a domestic threat or a foreign threat; that we had to make it illegal for someone to transfer the possession of some of these agents, if in fact they were legally in their possession, to make it criminally wrong for them to transfer it without authority, without a permit.

We learned, for example, that our first responders were woefully unprepared in the case of a biological or chemical threat to our country to deal with the kind of casualties we might expect if something like that happened. We learned that we needed, for example, to beef up the capacity of our ambulance services and our nurses and our hospitals to deal with those kinds of problems, if, God forbid, they should happen in our country. This bill, for example, will provide another $520 million to the hospitals of America, a special help in grants, to make sure they are prepared for those kinds of emergencies.

We learned also that our drinking water supplies needed to be better protected and safeguarded. We learned that, indeed, the incredible ability of someone to damage our country, who thinks as evilly as some of these people do, might find its way into threats against our water supplies. Just recently, I think last month, people were caught filming a water reservoir, I think in Connecticut. And we began to think, well, maybe people might indeed want to threaten the safe drinking water of our citizens, if they have such evil minds.

I was reminded in all these meetings of that aircraft that took off from New York City, I think it was Egyptian Air; and instead of landing somewhere at its final destination, some pilot dove that plane into the ocean. I was reminded of when that happened and reminded that most of us in America thought how awful it was that if this pilot did indeed want to commit suicide, if that was really his purpose, why did he have to take all these innocent people along with him.

It dawned on us, that is the way good people see an incident like that. The way evil people saw that incident was, perhaps in a desert somewhere or a cave somewhere in Afghanistan, he could have taken out more people had he taken that plane into a building. That is the way evil people think, how much more destruction he could have rendered had he done something different instead of just crashing the plane into the ocean.

So through these meetings, through all this work we have done on the bioterrorism legislation, we have tried the awful exercise of thinking as evilly as we could. What would the most evil person try to do to us with biological threats, with chemical threats, with agents of destruction? What would the most evil person do to disrupt our health supply system or to disrupt our clean water system, to make sure we did not have enough clean drinking water perhaps, to poison that system or cause people death and injury? What would the most evil mind try to do if they learned how to fly a crop duster or a mosquito spraying plane and take that equipment somewhere and spread biological or chemical agents upon our people?

We went through that awful exercise of trying to think like the most evil person on Earth and then tried to write a bill to make sure the agents of our government, those who are in charge of our health care system, those in charge of building our vaccine supplies, those in charge of testing biological agents, the first responders and those in charge of our incredibly sensitive clean drinking water supplies, what would we do in a bill to bolster our ability to meet those kinds of threats?

So, last December, our committee presented to this body our bioterrorism package, and this body approved it overwhelmingly, I think 430-some odd votes to 2, and sent that package on to the Senate. The Senate, similarly, passed a bill that mirrored in many aspects the House-passed version. It was passed unanimously in the Senate, and Senator TED KENNEDY and I have worked since that date in December to bring the best of those two packages together into a single package that we might present to the House and get signed by the President so that this country might be just a little safer from those evil minds who threaten, or would try to threaten, our country.

This week we have learned about new threats. This week we have learned that the level of communications among al Qaeda operatives around the world is beginning to rise again, and that there are conversations about hitting this country again. We have heard testimony in the last few days that maybe it is not if, it is when. Maybe, indeed, we have to think about the inevitability of some strike against our people again. So we better have our first responders ready. We had better have enough vaccines ready. We had better have enough treatment facilities available. We had better make sure we protect the drinking water of our people as much as we can. We had better make sure our hospitals and our nurses and our ambulances, and all our firefighters, all those heroes of 9–11, are as well equipped as we can make them to respond as quickly as possible to the next set of threats that are leveled against our country.

And so we have brought together in this conference the best of the Senate bill and the best of the House bill. And I want to compliment Senator TED KENNEDY and the Senate team for working so well with our team on the House side. In the end, I think we present an excellent package for the consideration of both bodies for the President to sign. And I cannot think of a better week than this week, when everybody's attention is riveted again on the new threats that are being talked about in conversations around the world against our people, that we pass this bioterrorism package and put it on the President's desk for his signature.

We have included one extra thing of significant importance that I also want to mention. Up this year for renewal is something called PDUFA. It is an acronym for a policy that has allowed this country to collect user fees from the drug companies, the big pharmaceutical companies of America, and those user fees pay the salaries of people who work at the FDA, the Food and Drug Administration.

That Food and Drug Administration set of personnel then do the testing, the analysis, all the research, all the professional analysis that goes into making sure that the pharmaceutical drugs that are patented in this country are tested first before a pharmaceutical company is allowed to sell them to your mom and your dad and your relatives, and even to those of us who need those drugs to survive or treat an illness.

□ 1045

The importance of that program, that prescription drug user fee program, is critical in America, and it is about to expire. It expires in September. If we do not reauthorize it this year, immediately, we begin laying off people at the Food and Drug Administration. So we have included in this package the reauthorization of the Prescription Drug User Fee Act which funds the work that goes forward to make sure that new prescription drugs

are properly tested before the Food and Drug Administration authorizes any pharmaceutical company to allow a doctor to prescribe them to the citizens of this country.

And so we have brought you a good package that we think draws from the best of the House and the Senate versions of bioterrorism and we have added to it the reauthorization of the Prescription Drug User Fee Act. This package again represents this Nation's first line of defense against bioterrorism at a day and at a time when all of us know now that there are people who would love to disrupt this society by attacking us with one of those forms. When you think about 9/11 again and the awful consequences of 9/11 and you sit in a cave now in Afghanistan and think about how much more damage you might do to this country than you did on 9/11, bioterrorism is one of those areas we have to be concerned about. This bill gives this country many more tools to work with to defend and protect our people. It adds a whole new arsenal of first responder capabilities to in fact respond if we do get hit again, and it gives us the reauthorization of the Prescription Drug User Fee Act, a critically important act for the continuation of prescription drug protections for our country.

I again want to thank the Committee on Rules for doing such an expeditious job last night late in bringing this rule to the floor so we can pass it before the Memorial Day recess.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentlewoman for yielding me this time.

Mr. Speaker, in the bioterrorism conference report, House leadership managed to put in a new provision that would allow Medicare HMOs more time to decide whether or not to continue offering health plans. This would allow HMOs to delay for 2½ months telling senior citizens if they will continue to offer health insurance to them. Is this not a bit out of place? We are going to have a Medicare provision in legislation that helps the country prepare for a bioterrorism attack. This is what causes the American people to wonder what in the world we do here.

We have a bill on the floor dealing with bioterrorism and suddenly it is also a bill that deals with Medicare HMOs. Here is a Medicare provision in legislation that helps prepare the country for a bioterrorist attack. Strange, because the Medicare+Choice program is wholly unrelated to bioterrorism. This provision was not considered by a committee. This provision was not considered in the underlying bill in the House or the Senate. It was added to the conference report at the very last minute. This is just another example of how the leadership is able to circumvent the established process and of the way business is done in this House. The only purpose, repeat, the only purpose of this provision is to help the insurance industry by giving HMOs more time to calculate revenue and estimate profits for next year. Every year, the Medicare+Choice program drops seniors to the tune of about a half a million seniors in the last year. Not only do senior citizens lose their coverage, but HMOs in the program have increased premiums, hiked up copayments, decreased benefits, and eliminated coverage year after year. Now, under this provision, seniors will have even less time to review their options for getting the health care that they will need. Allowing Medicare HMOs a 2½-month delay is not good for seniors. It certainly should not be added to the program. And most of all, Mr. Speaker, it should not be in a conference report for the Bioterrorism Preparedness Act.

I call upon all Members to take note of exactly what happened in slipping this provision into a conference report on bioterrorism, and I call upon all Members to remember the senior citizens in our districts who are being thrown out of health care coverage by Medicare HMOs and an insurance industry which does not give a darn about the senior citizens.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. I thank my friend for yielding me this time.

Mr. Speaker, I wanted to read into the RECORD some of the names of the incredible staff who helped finalize this important work for the country. They include the head of our health team, Pat Morrisey, Brent DelMonte, Amit Sachdev, Nandan Kenkeremath, Allan Slobodin, Tom DiLenge, Steve Tilton; and of the legislative counsel, Pete Goodlow. These are staffers who worked tirelessly day and night and, believe me, all night, weekends, to make this possible. So many times we fail to say thank you to them. I just wanted to say on the record, thank you, team.

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

Mr. LINDER. Mr. Speaker, I urge my colleagues to support this rule so we can begin the debate on this important conference report.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

A record vote on the Journal will be a 5-minute vote immediately following this 15-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 19, not voting 12, as follows:

[Roll No. 186]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver

Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Conyers
DeFazio
Filner
Hinchey
Kucinich
Lee
McDermott
Miller, George
Owens
Payne
Rangel
Sanders
Schakowsky
Stark
Strickland
Stupak
Towns
Waters
Watt (NC)

NOT VOTING—12

Burton
Deutsch
Ehrlich
Emerson
Mascara
Meek (FL)
Murtha
Riley
Schaffer
Snyder
Traficant
Watts (OK)

□ 1113

Mr. TOWNS and Mr. WATT of North Carolina changed their vote from ''yea'' to ''nay.''

Mr. MALONEY of Connecticut and Mr. HOUGHTON changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHRLICH. Mr. Speaker, on rollcall No. 186 I was inadvertently detained. Had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 361, noes 57, not voting 16, as follows:

[Roll No. 187]

AYES—361

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sawyer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velazquez
Walden
Walsh
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—57

Aderholt
Baird
Baldwin
Borski
Brady (PA)
Brown (OH)
Capuano
Carson (OK)
Condit
Costello
Crane
DeFazio
English
Fattah
Filner
Fletcher
Gephardt
Gutknecht
Hart
Hastings (FL)
Hefley
Hilliard
Hinchey
Holt
Hulshof
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
Markey
Matheson
McDermott
McNulty
Miller, George
Moore
Oberstar
Obey
Olver
Pallone
Peterson (MN)
Ramstad
Sabo
Sanchez
Schakowsky
Slaughter
Stenholm
Stupak
Taylor (MS)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Wamp
Waters
Weller
Wicker

NOT VOTING—16

Bonior
Burton
Deutsch
Emerson
Kind (WI)
Manzullo
Mascara
Meek (FL)
Riley
Sandlin
Saxton
Schaffer
Snyder
Traficant
Vitter
Watts (OK)

□ 1125

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3129, CUSTOMS BORDER SECURITY ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 426

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes. The first reading of the bill shall be dispensed with. All points of

order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

□ 1130

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

Mr. Speaker, yesterday the Committee on Rules met and granted a structured rule providing for consideration of the bill, H.R. 3129, the Customs Border Security Act of 2001.

The rule waives all points of order against consideration of the bill, and provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, House Resolution 426 is an appropriate and fair rule, and it is consistent with previous rules that our committee has reported and the House has adopted on bills from the Committee on Ways and Means.

This rule gives the chairman of the committee 10 minutes to debate his manager's amendment, while it provides 60 minutes for the minority substitute, plus the chance to offer a motion to recommit.

Mr. Speaker, the Customs Border Security Act of 2001 would authorize the budget for the U.S. Customs Service, the International Trade Commission, and the Office of the U.S. Trade Representative. It also includes a number of critical new tools for fighting terrorism, drugs, and child pornography.

H.R. 3129 will help the Customs Service close the gaps in our border that allow illegal money to be taken out of the country. This legislation will also significantly help the Customs Service's ability to stop the flow of illegal drugs from crossing our borders and getting into our children's hands.

This legislation also addresses an issue that is very important to North Carolina, and near and dear to my heart. In the last year, 60,000 textile workers have lost their jobs, 20,000 of them in North Carolina, and a large percentage of those in my district. The industry has done its best through technology modernization to compete, but they have not had a level and fair playing field in our international markets.

This bill will help fight that problem, and it will fight illegal textile transshipments. Transshipments are illegal because some countries ship their goods through another country illegally to avoid the quotas, and they also give a false declaration, which allows them to circumvent the law. Ninety percent of all illegal transshipments originate out of China, so without extra agents to enforce these laws, they get away with it.

H.R. 3129 provides the Customs Service with $9.5 million for transshipment enforcement operations. These funds must be used to hire 72 new employees who will be stationed both here, at home, and abroad to enforce our textile trade laws. Our textile workers are hurting, and they are hurting bad, so I am pleased that the government is beginning to take action.

H.R. 3129 also directs the Comptroller General to conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment. I look forward to their report, and will be interested in their recommendation for improvements to the transshipment monitoring system.

So to that end, I urge my colleagues to support this rule and to support the commonsense underlying legislation.

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

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

Mr. Speaker, as my good friend, the gentlewoman from North Carolina (Mrs. MYRICK) noted, H.R. 3129, the Customs Border Security Act of 2001, authorizes the budget for the U.S. Customs Service, the United States Trade Representative, and the International Trade Commission. These three agencies are vital parts of our government, as they police our borders and promote the export of U.S. manufacturers.

The rule we are considering today allows for a Democratic substitute, as well as a motion to recommit. I commend the majority for the construction of today's fair rule, and I urge the majority to give consideration for similarly fair rules in the future.

The underlying bill was originally considered by this Chamber in December of 2001 under suspension of the rules, and it failed to gain the two-thirds majority needed for passage. H.R. 3129 failed because many of us on both sides of the aisle had grave concerns about the damage this legislation does to our civil liberties, our right to privacy, and bonus pay for Customs Service agents.

For example, under section 141 of this legislation, customs officers are granted immunity from lawsuits stemming from personal searches of people entering the country, so long as the officers conduct the search in good faith. Additionally, under section 583 of this legislation, customs officers are granted the right to stop and search at the border without a search warrant any outbound mail being transported by the United States Postal Service.

Last night in the Committee on Rules, the chairman of the Committee on Ways and Means, my good friend, the gentleman from California (Mr. THOMAS), made the claim that the major sticking point in the bill last December was the section concerning bonus pay.

Frankly, I am a bit troubled by the chairman's remarks. True, many of us were concerned about the bonus pay provision in the initial bill. However, it was not the gravest concern that some of us had, nor was it the only concern that we expressed. Instead, as I said in this Chamber last December, H.R. 3129 as written imperils some of our civil liberties and some of our right to privacy.

The Rangel substitute offers a more balanced and fair compromise, and I urge our colleagues to carefully consider it. It addresses all of the concerns of our fellow legislators. The Rangel amendment, like the Thomas amendment, includes a provision providing bonus pay to customs agents. It includes a provision stating that the United States government consents to be sued and be held liable for civil damages for suits brought in connection with a wrongful personal search by a customs agent.

The Rangel substitute also contains a provision that raises the standard for searches of outbound mail to one of ''reasonable cause,'' as opposed to the lesser standard of ''probable cause.''

Mr. Speaker, make no mistake, my concerns for civil liberties and our right to privacy do not blind me to the dangers of terrorism. My district in south Florida is surrounded by 3 major ports and 3 international airports. Just this past week, it was reported by the Coast Guard that 25 Islamic extremists

had snuck into this country by way of ports in Miami, Fort Lauderdale, Savannah, and elsewhere. These individuals allegedly hid themselves in cargo containers, and then walked away from the ports dressed as stevedores.

This body must provide our customs agents with the tools they need to defend our borders and wage a protracted war on terrorism. We should not, however, give these same agents an incentive to violate our privacy and our civil liberties, particularly when doing so will provide us absolutely no extra security. If we allow our fears to goad us into abandoning the Constitution, then the enemies of freedom and democracy will have won.

Ostensibly, security measures such as the provisions of this bill I have just discussed should be crafted in a manner to protect our democracy. If those security measures actually end up imperiling the democratic rights and freedoms their sponsors claim they protect, then they should be abandoned.

I urge my colleagues to support the rule. I further urge them to please support the Rangel substitute, and oppose the underlying bill if the substitute is not adopted.

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

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

Mr. Speaker, I thank the gentleman from Florida for bringing up the fact that there were those 25 extremists who came in through the ports in shipping containers. It just drives home again the need for this bill and additional enforcement. I thank him for that.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. MYRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 386, nays 32, not voting 16, as follows:

[Roll No. 188]

YEAS—386

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—32

Becerra
Bilirakis
Capuano
Clay
DeFazio
DeGette
Delahunt
Filner
Ford
Frank
Hinchey
Jackson-Lee (TX)
Jones (OH)
Kucinich
Lee
Lewis (GA)
Markey
McDermott
Meehan
Miller, George
Neal
Obey
Olver
Pastor
Payne
Rangel
Sabo
Schakowsky
Stupak
Tierney
Waters
Watt (NC)

NOT VOTING—16

Berman
Burton
Deutsch
Emerson
Hall (OH)
Linder
Mascara
McKinney
Meek (FL)
Peterson (PA)
Riley
Schaffer
Snyder
Solis
Traficant
Watts (OK)

□ 1203

Ms. LEE, and Messrs. FORD, WATT of North Carolina and MEEHAN, Mrs. JONES of Ohio and Ms. JACKSON-LEE of Texas changed their vote from ''yea'' to ''nay.''

Mr. GILLMOR and Mr. TOWNS changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 188 on H. Res. 426, rule providing consideration of H.R. 3129, I was unavoidably detained. Had I been present, I would have voted "no."

CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

Mr. TAUZIN. Mr. Speaker, pursuant to House Resolution 427, I call up the conference report on the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FOSSELLA). Pursuant to House Resolution 427, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 21, 2002 at page H 2691.)

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, it is my privilege to bring before the House the conference report to accompany H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. This bill will in short order help ensure America's health security, and I urge my colleagues to join me in sending it to the President's desk.

I want to thank the gentleman from Michigan (Mr. DINGELL), first of all, the ranking minority member of our committee, who, together, with our other members of our committee, put this bill together and secured over 400 votes on this House floor last December for its passage. Now we bring my colleagues back the conference report, bringing together the best of the Senate bill, authored by Senator TED KENNEDY and Senator BILL FRIST, and I want to thank them on the Senate side for their work.

Over 25 Members worked on this conference between the House and Senate, and I want to also thank the Committee on Agriculture and Committee on the Judiciary members, the administration, and the many interested parties who have helped us draft this conference report.

Mr. Speaker, it is crucial that America's public health emergency system be prepared to respond to the new and emerging threats, and we are here to take care of that job today. The conference report makes broad and dramatic investments in our public health infrastructure to help secure our country and provide safety for the American people.

Let me emphasize a few areas. First of all, communications. The conference report will improve communications between all levels of government, public health officials, first responders, health care providers and facilities during emergencies. It authorizes grants in fiscal year 2002 and beyond in grants to State, local governments, public and private health care facilities to improve planning, preparedness, enhance laboratory capacity, educate and train health care personnel.

It will make the Department of Health and Human Services, give it a new focus so they can improve coordination and accountability through a new Assistant Secretary for Emergency Preparedness. We will also ensure that sufficient drugs, vaccines and other supplies are available for our security.

It enhances those controls on deadly biological agents, agents to help prevent bioterrorism to establish a database of dangerous pathogens. It imposes new registration requirements on the most dangerous of those agents and toxins and mandates tough new safety and security requirements to ensure that only legitimate scientists working on appropriate laboratory facilities can gain access to these potential weapons of mass destruction.

The conference report also helps to protect the safety of America's food supply. We are substantially increasing the resources of the FDA so they can hire inspectors at borders and develop new methods to detect contaminated foods. In addition, we are providing the Secretary with the additional regulatory authority he has requested so that FDA can detain foods where there is credible evidence that it is contaminated or poses a threat to human beings.

H.R. 3448 will also ensure that drinking water systems across the country assess their vulnerability to terrorist attacks and develop emergency plans to prepare for and respond to such attacks. Americans deserve to know that we are taking concerted efforts and action today to protect the safe drinking water of our country.

Finally, Mr. Speaker, I am pleased to report that this bill contains a reauthorization of the Prescription Drug User Fee Act, a critical act that provides the money to test prescription drugs before they are authorized by the FDA for use in our society.

Mr. Speaker, I urge my colleagues to support the conference report. This is a critical, must-do piece of legislation to help this country face the new threats we face, and I urge the adoption of this conference report.

On December 20, 2001, Environment and Hazardous Materials Subcommittee Chairman PAUL E. GILLMOR provided a detailed explanation of Title IV for the RECORD as passed by the House. I want to expand upon those remarks and note several aspects of this title as they have been supplemented in conference with the Senate. As evidenced by the conference report to accompany H.R. 3448, the Senate did not have any comparable provisions to Title IV in their bioterrorism legislation. Therefore, the House and Senate conferees utilized Title IV as passed by the House as base text for the final provision.

In this regard, the first and most significant change agreed to by the conferees was the requirement that community water systems submit a written copy of their completed vulnerability assessment to the Administrator of the EPA. The choice of "written copy" in this context is intentional. Since vulnerability assessments contain highly sensitive information, the conference report avoided any requirement or option for electronic submissions and there is no authority for EPA to put such information into its data systems or to create public access of any kind. In addition, the submission requirement applies only to copies of the assessment itself and does not include any supporting documentation, work papers or other preparatory or analytical material.

Second, I would note that the Federal FOIA exemption covering these submissions and information flowing from these submissions is complete; all information and all information derived from these submissions is exempt from disclosure. Moreover Title IV does not create "FOIA events" at the state and local level since it provides that the requirement to submit a vulnerability assessment to EPA does not create any obligation under State and local law to submit a copy of the assessment to any other governmental authority. And while it permits U.S. officials to "discuss the contents" of the vulnerability assessments with appropriate state and local officials, the substitute does not authorize U.S. officials to provide copies of these assessments to anyone, except as specifically provided in the bill.

Third, EPA is required to handle all submitted information under strict security arrangements and protocols. These protocols are to ensure that no one, other than specifically authorized personnel, have access to any part of the submission or to information derived from the submission. The only allowed exceptions to this restriction are for specified actions under identified sections of the Safe Drinking Water Act. Knowingly or recklessly violating these restrictions is subject to criminal prosecution and fines.

Fourth, it is important to note that the conference agreement on Title IV did not establish any new regulatory role or transfer any new regulatory power to EPA. No new authorities were transferred to the Agency beyond the passive receipt of vulnerability assessments under Section 1433. As noted in the previous statement by Subcommittee Chairman GILLMOR, EPA has no power to promulgate regulations or guidance to define what is an "acceptable" vulnerability assessment; there is only a one-time duty to provide information to community water systems by August 1, 2002. In addition, Section 1433 only defines a vulnerability assessment to the extent that it includes a review of certain specified items, most of which are based on the definition of a public water system under Section 1401 of the SDWA. Thus, no community water system is required to use any particular vulnerability assessment tool, to conduct any specific type of analysis, to determine the consequences of any intentional or terrorist acts, analyze the use of any specific chemicals or characterize the risk of any offsite impacts.

In addition, Section 303 of the conference Substitute authorizes the Secretary to detain a shipment of food where FDA has credible evidence or information indicating that such food "presents a threat of serious adverse health consequences or death to humans or animals." This section does not grant FDA authority to detain whole categories or types of foods, rather it applies to specific shipments or articles of food that the Secretary has credible evidence or information of, based on an investigation, examination or investigation, that they present a threat of serious adverse health consequences or death to humans or animals. The "serious adverse health consequences or death" standard that is used consistently in Title III, Subtitle A was drawn from title 21, Section 7.3 of the Code of Federal Regulations, relating to the situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death.

Furthermore, Section 307 of the Conference Substitute authorizes the Secretary to develop a regulation for prior notice of food imports. In developing such a regulation, the Secretary of

Health and Human Services should coordinate and consult with the Secretary of Treasury regarding the notifications already required by the U.S. Customs Service with the goal of eliminating, reducing or consolidating duplicative or unnecessary notice requirements and minimizing potential trade impacts of the prior notice requirements of this section. Finally, Section 305 of the Conference Substitute does not impose a registration fee.

In addition to my earlier remarks on Title II, I want to clarify two other provisions contained in this important title. First, in both the HHS and USDA regulatory program sections, the conference substitute creates a new notification requirement whenever ''a release, meeting criteria establish by the Secretary, has occurred outside of the biocontainment area'' of a registered person's facility. As is clear from the statutory text—''a release . . . has occurred''—this provision covers actual releases, not threatened or possible releases. Second, the phrase ''meeting criteria established by the Secretary'' is meant to make clear that we are leaving it up to the two Secretaries to determine, independently, the type or nature of releases to be covered by this provision as it applies to each regulatory regime. We expressly do not intend to incorporate the definitions and interpretations of the term ''release'' as it is used in a Comprehensive Environmental Response, Compensation, and Liability Act.

Finally, we create a ''(b)(3)'' statute exempting certain categories of information relating to select agents from the Freedom of Information Act (FOIA). Specifically, we bar disclosure under FOIA of registration and transfer documents, including information derived therefrom that could identify a registered person, or the agents being stored by a registered person; security-related information; and compilations of registration and transfer information. We also protect site-specific information on inspection reports, provided that the agency determines public disclosure would endanger public health and safety. By adding this additional requirement for inspection documents, we are striving to ensure a fair balance between public accountability and security. When a registered person is publicly known to be working with select agents, public disclosure of an inspection report is less likely to endanger public health or safety (provided that security-specific information is redacted), and may improve it by ensuring public accountability. But when the activities of a registered person are not publicly known, revealing the identity and location of a registered person would more likely endanger public health or safety. The agencies will need to consider such matters on a case-by-case basis.

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

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Speaker, I want to rise first to commend my good friend and colleague, the gentleman from Louisiana (Mr. TAUZIN), for the distinguished work he has done not only on producing a good bill but on producing a good bipartisan bill.

This is a good piece of legislation. Many have worked on it and I can recommend it to the House without reservation. We bring them an excellent legislation to the floor, a matter of great national importance. This is going to improve our preparedness against terrorism. All of us know why the legislation is needed, and now.

The bill, which was sponsored by the gentleman from Louisiana (Mr. TAUZIN) and I and a number of our colleagues, passed the House originally by 418 to 2. The Senate bill, an excellent piece of legislation, sponsored by Senators KENNEDY and FRIST, passed by unanimous consent. It is, as I mentioned, an excellent bill.

The conference report we have now before us is a superb product, thanks to the leadership of the gentleman from Louisiana (Mr. TAUZIN) and Senators KENNEDY and FRIST, as well as all of the conferees who worked very hard on this legislation, and the staff, which deserves great commendation for their labor.

The Act authorizes funds for planning, preparation, and response and activity across the board to deal with those questions, with special emphasis on the State and local level, an area where there is needed and necessary concern. It is hoped that this bill will then make it possible for those who will be provided in this bill and their funding to move directly to the front lines where they are needed, and that will include assistance in shoring up our frayed public health network and our first responders, who are largely officers of the local and State governments.

The bill has important new protections for the food supply of the Nation, an area of particular and long-standing concern. We provide new inspection resources for imported food, but these will only be a down payment on what is ultimately going to be necessary.

Other new authorities are included in the report, registration and detention provisions of the legislation which will help the Secretary to manage imports more efficiently and effectively in the public interest and in the interest of consumers.

There are many other excellent provisions, including improvement in drinking water supply safety, tighter controls on dangerous biological agents. These are important steps and they must be taken now.

Finally, we reauthorize the Prescription Drug User Fee Act which has led to faster FDA approvals of prescription drug applications, and we increase funding for drug safety efforts.

I repeat, this is a good bill. It is an excellent start as our Nation works to improve its abilities to defend against an assault by enemies using biologic agents and other kinds of agents to create danger, hazard and death for our American people.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent to yield the balance of my time to the gentleman from Ohio (Mr. BROWN) for him to control on behalf of the minority.

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

There was no objection.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD), a distinguished member of our committee.

Mr. NORWOOD. Mr. Speaker, I just want to point out that this bill represents a mammoth undertaking by the Committee on Energy and Commerce, and I would like to compliment the hard work done by the gentleman from Louisiana (Mr. TAUZIN), the chairman, and the gentleman from Michigan (Mr. DINGELL), the ranking member, in bringing this important legislation to the floor. It is something that we must pass, we must get into law immediately, and I am delighted that we are doing so in a bipartisan way.

There are things I would like to see different in this bill, as I presume most Members would, but we simply do not have that luxury. We have to find a way to protect the American people from bioterrorism today with a bill that can become law immediately.

The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) and too many others to mention have actually found that way in this bill. This bill will provide additional support for the Centers for Disease Control and Prevention, and I want to thank the gentleman from Georgia (Mr. CHAMBLISS), my good, dear friend, for his work in that area, as well as the public and private health care systems throughout America's local communities.

It will improve communication among all levels of government, which is where we clearly have the greatest problem at present. It provides a stockpile of sufficient drugs, vaccines and other supplies that we found we were short of when forced to abandon our offices to anthrax last year. It encourages a development of new drugs and vaccines to combat bioterrorism, and it increases the security at our borders and for our food and drug supplies and waterworks.

I compliment the chairman for getting the Prescription Drug User Fee Act reauthorized through 2007 as an important precursor to solving the long-term challenges of the prescription drug cost.

Mr. Speaker, we can make improvements later. We need action yesterday. I urge the passage of this bill today.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 4 minutes.

American lives depend on the strength and the reach and the cohesiveness of our public health system. For far too long, we have neglected our public health infrastructure, the men and women on the front lines, and the resources they need to do their job.

This bill makes a new investment in the Nation's public health and vaccines and in food safety. I am particularly gratified by the strong language concerning antibiotic resistance and the

very positive work we have done to improve the safety of imported food.

I want to recognize the hard work of staff who has been laboring over this bill for several months, pulling some all-night sessions, long weekend sessions. On the Committee on Energy and Commerce, Edith Hollaman and John Ford and Bruce Guinn and Jonathan Cordone on the minority; and with the majority, Nandan Kenkeremath, Amit Sachdev, Tom DeLinge and Pat Morrisey; also with the gentleman from California's (Mr. WAXMAN) office, Ann Witt; and especially three people in my office, Ellie Dghongy, Katie Porter and Earl Seeley, for their outstanding work on this very complicated and extraordinarily complex issue.

□ 1215

This legislation authorizes PDUFA, the Prescription Drug User Fee Act. By increasing the resources available to FDA, PDUFA has enabled the agency to reduce the time needed to assess safety and efficacy of new prescription drugs. Expediting access to beneficial new medicines is good for consumers and good for public health. However, more rapid approval times, coupled with increasingly aggressive marketing by drug manufacturers, all too often have safety consequences.

More new drugs in the marketplace, more Americans taking these drugs due to the barrage of direct-to-consumer advertising, if a lethal side effect surfaces once a new drug hits the market, millions of Americans are affected. That is why it is critical to bolster FDA's drug safety capabilities. One of the most important provisions in this bill enables FDA to devote a portion of the user fees it collects from the drug industry to enhance its pre- and post-market drug safety functions.

We took steps to ensure that the focus on rapid approval time does not put pressure on FDA to drain resources from other important functions, like drug safety, like the review of drug advertising, and, importantly, the review of generic drugs. We also laid the groundwork for improving the process by which drug user fees are established.

The public interest is never served when a regulatory body and the industry it regulates get too close. FDA depends on user fees from the industry it regulates, consumers depend on FDA to focus on public health and public safety, not on drug industry profits. FDA has established performance goals to demonstrate that it is applying the user fees in an effective manner. Historically, the drug industry and FDA have jointly established these goals behind closed doors.

We have taken steps to make sure consumers are part of that process. Regardless of where the revenues come from, FDA's responsibility is the consumer, not the drug industry, something they need to always remember. Any and every goal it sets should reflect that fact.

Mr. Speaker, I want to briefly mention one disappointment in this process. Last year, we passed legislation giving the drug industry a patent extension if they conduct tests to make sure their drugs are safe in children. Some of us question why the Federal Government had to bribe drug companies in order to get them to do tests that should be mandatory. We know many new drugs are prescribed for kids now. We know doctors are forced to fly blind, making decisions about the right medicine, the right dose, without the benefit of clinical testing.

We were told the patent extension incentive was important to get drug companies to conduct tests on drugs already on the market, but that the bill did not supplant FDA's authority to require the testing for new drugs. Well, it appears the drug industry and my Republican colleagues, who on this issue apparently are doing its bidding, have changed their mind. The administration has waffled on whether to maintain the regulations that affirm the testing requirement.

My colleague, the gentleman from California (Mr. WAXMAN) has introduced legislation to codify that requirement, in other words, to ensure that children receive the proper drugs in the proper dosage. If we could depend on the drug industry to make sure their drugs are safe, the drug industry would not be fighting regulations that require them to do so.

Other than those small number of criticisms, Mr. Speaker, this is good legislation.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health of the Committee on Energy and Commerce.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the conference report.

This important legislation strengthens our ability as a country to detect and respond to bioterrorist threats or attacks. Just this week, the Vice President stated that another terrorist assault is almost certain. Therefore, Mr. Speaker, it is crucial that we quickly pass this legislation and send it to the President for his signature.

The legislation is a strong and comprehensive measure that enhances the security of our Nation. First, we strengthen our public health systems by increasing State and local preparedness to detect and respond to an attack. Secondly, this bill enhances security measures in relation to the handling, transport and storage of dangerous substances. Third, we strengthen our Nation's food security systems. And, fourth, we improve the safety and security of our drinking water systems.

Mr. Speaker, this is a comprehensive approach and a meaningful step to improve our Nation's security systems. The conference report includes provisions to reauthorize the Prescription Drug User Fee Act. This is critically important, because without this program the Food and Drug Administration would have lost millions of dollars and numerous personnel which are used to review and approve lifesaving medicines. I am very pleased we worked in a truly bipartisan, bicameral manner to reauthorize this program.

Unfortunately, we were not able to reach resolution on medical device changes. But I am committed, Mr. Speaker, I like to think we all are, to working to update device laws this year.

I want to take a moment to thank the staff who worked so hard to complete this legislation, particularly to single out Pete Goodloe, the House's Legislative Counsel. We would not have been able to complete this legislation in a timely fashion without his expert services.

Unfortunately, there are so many other staff that have worked so hard, I am unable to name each of them here today. But please know that our country will be better prepared in the future because of your hard work.

Mr. Speaker, this is a strong measure supported by all the conferees, and I urge my colleagues to support this conference report.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I rise in support of H.R. 3448.

Mr. Speaker, I rise today in support of H.R. 3448, the Bioterrorism Preparedness Act conference report. I appreciate the work that Chairman TAUZIN and Ranking Member DINGELL have put into this bill, and I want to thank them both for the respectful and helpful way they have dealt with concerns raised by the agricultural community.

However, I do need to express my concerns about the thoroughness of the process in regard to many provisions under the jurisdiction of the House Agriculture Committee. I would have been much more comfortable with a more deliberative process, including a hearing record and outside input.

The conference report includes significant changes in the following areas: the regulation of biological research facilities; changes in the way our food is inspected; changes to human and animal disease monitoring efforts, and many more.

Many of the provisions of this conference report appear to be needed, and are very logical in light of our Nation's current security concerns. For example, language in this agreement to coordinate and enhance our control of dangerous biological agents and toxins is certainly timely and important. In addition, this conference agreement contains needed authorizations to upgrade and secure facilities working with biological agents, both for human and animal disease research.

Given the importance of these issues, along with the willingness of the other conference

members to make a few important changes to the bill, I am going to support the conference agreement. Still, I feel I must reiterate that it would have been better if many of the provisions in this agreement, the majority of which are not emergency in nature, had gone through a more thorough and regular legislative process.

Given the reality of the choices before us today, and the importance of some of the provisions in this legislation, I urge Members to support passage of the conference report.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), a member of the committee.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me this time; and I hope that he will add my staffer, Carolyn Cobberly, to the list of brilliant staffers who have added to this legislation.

Mr. Speaker, serving on the Committee on Energy and Commerce is a high honor. The chance to work on impressive bipartisan legislation like this is why I came to Congress.

The possibility of another bioterrorist attack is real and our Nation must be prepared to respond. Our top priority must be to develop a national strategy to identify the most likely threats and prioritize our response. We already know that al Qaeda and rogue states like Iraq have attempted to acquire biological agents, and we have yet to discover and prosecute the individual or group responsible for the anthrax attacks that killed five people in October and November.

Our government's response to the bioterrorist attacks of October and November was deeply flawed. We have talented people, but we have been lacking the resources and coordination to make our response effective. We must act now to improve our terrorism response before another tragedy occurs.

This legislation moves us in the right direction. It creates lines of communication and organizations to coordinate the roles that our public health agencies, military, and FBI will play in bioterrorism response. It also directs substantial investments to the State and local governments that need it most. All terrorism is local, and our response must be local. This bill provides resources where they are needed most.

I am particularly glad that this bill includes funds to speed up the renovation of CDC's buildings and facilities. I have visited the Centers for Disease Control and Prevention in Atlanta and seen talented people working there in the shabbiest conditions. This legislation authorizes $300 million in each of the next 2 years to improve the security of CDC facilities and construct much-needed research facilities.

I am also glad this bill will increase our investment in improving the IT capabilities of public health agencies across the Nation. One-third of public health agencies are not connected to the Internet. If we are to communicate effectively, we need to develop comprehensive, syndromic surveillance systems to detect the outbreak of diseases, and we need to have all public health agencies on line.

This bill is excellent legislation, and I urge its passage.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from North Carolina (Mr. BURR), the distinguished vice chairman of the full committee.

Mr. BURR of North Carolina. Mr. Speaker, I thank the chairman of the Committee on Energy and Commerce for yielding me this time.

At this time, Mr. Speaker, let me recognize the tremendous work of the chairman, of the ranking member, the gentleman from Michigan (Mr. DINGELL), Senator KENNEDY, Senator FRIST, who headed the Senate side, but more importantly the great work of committee and personal staffs of all the Members who served on that conference. This was not an easy thing to hammer out. It took many late nights on the part of staff. There was a lot of give and take; but it meant that something that was important to this country, something that was timely and urgent, actually got addressed in a sufficient way.

Mr. Speaker, I rise today in support of the conference report. This legislation has been long in the making and is long overdue when we look at what we have gone through. But H.R. 3448 puts in motion the resources, $4.6 billion in 2 years, and authorities needed to close the gaps in our Nation's public health infrastructure.

I would like to speak briefly about a few of the many important provisions included in this bill. I am grateful that the managers agreed to retain the provisions authorizing the National Medical Response System. These provisions are built around legislation introduced earlier and recognize the critical role played by personnel of the National Disaster Medical Response Teams in responding to all disasters, not just bioterrorism. The members of the National Disaster Medical Response Teams are nearly all volunteers who are called away from their real jobs on a moment's notice, and they deserve the liability and job protections we extend to them in this bill.

I am also pleased the managers recognized the need to revitalize and modernize the lab facilities and other buildings at the Centers for Disease Control. This section, which builds on the hard work of the gentleman from Georgia (Mr. CHAMBLISS), the gentlewoman from California (Ms. HARMAN), and the gentleman from Georgia (Mr. LINDER) and their bill H.R. 3219, authorizes a dramatic ramp-up in our facility spending for the CDC.

The legislation also takes into account the central role played by the centers in operating and maintaining a robust public health communications and surveillance system that we were shocked to find out was not electronically connected to every public health entity in this country. But after this bill, it will be connected. The centers are a national asset, and they need our support in order to carry out their very important mission.

The grant program authorized in this legislation, Mr. Speaker, is the real heart of this bill. Building on the work being done on an emergency basis by the administration, these grants will enable our State and local governments as well as hospitals to train personnel, purchase needed equipment, and strengthen the communication and disease surveillance that they have done up to this point. It is our hope spending in these areas will not only help improve our ability to respond to bioterrorist attacks but also strengthen critical elements in our overall public health system.

The bill also tightens control on access to dangerous biological agents and toxins by establishing a reporting and tracking system that was not in place. We do not mean to introduce these provisions to be burdensome on researchers, but as we have learned post-September 11, our ability to know where these agents and toxins are is vitally important.

Title 3 strengthens the safety of the food and drug supply in the United States. I believe that with subsequent regulations from HHS, we found a balance between information requirements and information activities. None of us want to make it a burden to import food and bulk drugs. But after 9–11, we realized we have to have a better handle on the items that cross our borders and where they are.

In this legislation, Mr. Speaker, we also reauthorize the Prescription Drug User Fee Act. The last time we reauthorized this act was when we passed the food, drug modernization act in 1997. This time, PDUFA is reauthorized with increased emphasis on post-market surveillance and generic drug review. The FDA and patients across the United States will benefit greatly from this legislation and that reauthorization.

Finally, let me once again extend my thanks to the many personal and committee staffs on both sides of the Hill who put really invaluable time into working out the differences on this. Like many others, it is not perfect; but it is pretty darn good. It is this legislation will go a long way in restoring the viability of our Nation's public health infrastructure at a time when it is vitally needed.

Mr. Speaker, today I urge my colleagues to support this conference report, support the good work of the House and the Senate, and let us move forward with rebuilding things that we know now we need to rebuild.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

□ 1230

Mr. MARKEY. Mr. Speaker, the litany of saints has been mentioned of staffers who have worked on this bill. I

would like to add just two more: one is Jeff Duncan, who is my legislative staff director; the other is Kristen Kulinowski, who is in the gallery right now with her mother and father and husband, who worked on the provision that will provide for the Federal Government to give to the States or to local communities who request it the potassium iodide which would serve as the antidote to thyroid cancer which is the very real and greatest danger in the event of a successful attack of a bioterrorist group at a nuclear power plant or an unwanted accident at a power plant.

And so this is a huge step forward, which I believe is going to really increase public health and safety. I want to thank the majority for their great assistance on this and thank all the people in the minority as well for their great help.

Mr. Speaker, I rise to commend the conferees for their hard work on this important bill. H.R. 3448 includes a provision of mine that will take an important step toward protecting public health in the event of an act of terrorism at our Nation's nuclear power plants. I thank Mr. TAUZIN for working with me in the House Energy and Commerce Committee to include a provision on stockpiling potassium iodide to protect public health in the event of a successful terrorist attack against a nuclear power plant. Potassium iodide is a safe and effective drug that protects the thyroid gland by saturating it with a safe form of iodine so that it cannot absorb the radioactive iodine produced during the plant's normal operation.

My provision, which was adopted in committee and passed by the House with broad bipartisan support, will provide greater protection of public health than existing programs. The Nuclear Regulatory Commission has a voluntary program that provides States with free potassium iodide for people within 10 miles. However, a State must submit a formal request to the NRC to get the free pills, and some States have refused to do so. My provision allowed States or local governments to request potassium iodide for people within 20 miles of these plants, thus expanding the radius of protection beyond the 10-mile emergency planning zone, and would have allowed local governments to request this important protection even if the State had refused to accept the NRC's offer.

The bioterrorism bill that was passed by the Senate had no potassium iodide provision, so we worked together in conference committee to produce the amended provision under consideration today in title 1, section 127. This amended provision directs the President to provide potassium iodide to States and local governments, and provides a mechanism for local governments to request the pills where the State has not done so. The local government is eligible to request potassium iodide from the President only if the State government does not have a plan for stockpiling or has a plan that does not go beyond 10 miles. The local government must first petition the State to modify the State's plan to include the population requested by the local government. If the State does not modify its plan, the local government must submit a stockpiling and distribution plan to the State and the State must certify that the local government's plan is not inconsistent with the State's emergency plans.

In addition, the conferees agreed to commission a study by the National Academies on the most effective and safe way to distribute and administer potassium iodide on a mass scale. I wish to make clear that this study will not consider the overall safety and efficacy of potassium iodide as a medical preventative to thyroid diseases caused by exposure to radioactive iodine. The Food and Drug Administration, Nuclear Regulatory Agency, and Federal Emergency Management Agency have all concluded that potassium iodide is safe and effective. In fact, the FDA has stated that the risks of radiation-induced thyroid cancer in children so far outweigh the negligible risk of side effects, that it is better for a child to take a full adult dose than to take no potassium iodide at all. Thus, the study will only address how best to incorporate potassium iodide into a comprehensive emergency plan that may include evacuation and sheltering.

One thing I would like the National Academies study to consider is whether a 20-mile radius goes far enough to protect people in the event of a core melt-through plus breach of containment. The Nuclear Regulatory Commission's own documents show a significant risk to the thyroid as far away as 200 miles from the plant in such a scenario, yet the official evacuation zone only extends to 10 miles. The NRC disputes this documentation yet has failed to produce for me any new studies that justify the 10-mile zone. The Chernobyl accident resulted in increased thyroid cancers hundreds of miles from the plant. I would strongly recommend the National Academies study whether 20 miles is sufficient.

While this provision doesn't go as far as I would like, it is an important first step in expanding the radius of protection from nuclear terrorism. I thank all the members of the conference committee who worked on this bill and I urge my colleagues to vote for its passage.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind Members not to refer to people in the gallery.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a distinguished lieutenant colonel.

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

Mr. SHIMKUS. Mr. Speaker, the committee and our work, especially the Committee on Energy and Commerce, is two-for-two, 2 days in a row, two good bills, bipartisan agreement. I want to applaud both our majority side and our colleagues on the other side for two good pieces of legislation.

Since the attacks of September 11 and the recent anthrax exposures, our Nation has had to reevaluate its ability to respond to a bioterrorism attack. The anthrax attacks, though small in scale compared to the scenarios envisioned by bioterrorism experts, strained the public health system and raised concern that the Nation is insufficiently prepared to respond to bioterrorist attacks. Improving public health preparedness, food safety protection, and response capacity offers protection not only from bioterrorist attacks but also from naturally occurring public health emergencies.

This conference report substantially improves our country's ability to plan and prepare for such an emergency. It increases the ability of the Federal Government and communities to plan for any future biological emergencies. This includes improving communications and the public information flow, updating lab capabilities, authorizing a national stockpile, and assisting our health care providers to be prepared to provide care.

In particular, Mr. Speaker, title II of this legislation creates a list of all biological agents and toxins and regulates which individuals can work with them. As many of the Members are aware, the Justice Department will start giving lie detector tests to hundreds of current and former Federal employees who worked at two Federal facilities where anthrax was kept. One former researcher at one of the labs said that nothing was in place to prevent workers from removing the deadly germs from the labs. This legislation will make sure that the government is well aware where these dangerous toxins and agents are being researched and stored and exactly who will be doing the research. If this provision had been in place prior to last year, the anthrax attacks might have been prevented.

In addition, title I of this bill includes a provision that addresses health personnel shortages that would impact the ability of the Nation to respond during a bioterrorism attack. The bill establishes grants for training and education of these critical health care providers.

I ask for full support of this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), a registered nurse who is on our committee.

Mrs. CAPPS. I thank my colleague for yielding time.

Mr. Speaker, I rise in support of the conference report on the bioterrorism preparedness bill. This bill is a good example of what we can accomplish when we work together. The bill we produced under the leadership of Chairman TAUZIN and Ranking Member DINGELL will strengthen our public health infrastructure and make a much-needed increase in resources for food and water safety and security.

I am very pleased that one of my bills, the Community AED Act, was included in this legislation. I introduced this bill earlier this year with my colleague, the gentleman from Illinois (Mr. SHIMKUS). It will help local communities place automatic external defibrillators in public places. Quick access to AEDs can mean the difference between life and death for victims of sudden cardiac arrest. Making sure AEDs are readily available will improve our ability to cope with public health emergencies.

I am also pleased that this bill sets aside funds to train health care workers to identify and treat symptoms of bioterrorism. And it provides the Secretary of Health and Human Services

with a small pool of funds to address workforce shortages. But as a part of our goal of preparing for bioterrorism, we still need to do more to address the shortage of nurses. Nurses, for example, will be called upon to deal with patients who may have been infected by a biological agent, and we do not have enough nurses. That is why I have been working with Chairman TAUZIN, Chairman BILIRAKIS, the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BROWN), and others in the House and Senate to complete the Nurse Reinvestment Act passed here last year. The passage of this nursing legislation as a complement to the bill before us today is essential to making us ready for bioterrorism.

I am pleased that Chairman TAUZIN and Chairman BILIRAKIS have given me their assurances that we will finish this bill by the end of June. These bills together can help our Nation be ready for tragedies we do not even want to imagine.

I urge my colleagues to support this bioterrorism bill and commit to final passage of the Nurse Reinvestment Act.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from South Dakota (Mr. THUNE) from the Committee on Agriculture which contributed a great deal to this bill.

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding time. I want to commend the gentleman from Louisiana (Mr. TAUZIN) for his hard work in bringing together different bills in a bipartisan way that meet the public health threats that we face as a Nation. I particularly want to thank both Chairman TAUZIN and Chairman COMBEST for including language in this bill to authorize an agricultural bioterrorism early-warning surveillance system for animal diagnostic laboratories. This network will provide early detection of bioterrorist events, natural or intentional contamination of our food supply, animal disease outbreaks involving agents which impact human health and early recognition of newly emergent and economically important diseases such as foot and mouth disease. The network will also enhance coordination between State and Federal laboratories as well as public health agencies. In my State, South Dakota State University will benefit greatly from this particular provision.

Mr. Speaker, the infrastructure our Nation needs to protect and prepare itself for bioterror attacks cannot be overlooked. This legislation meets those needs so that people across our Nation can feel safe and secure with the understanding that should the worst happen, we will be ready.

I ask my colleagues to support the conference report.

Since the attacks of September 11th we have all become far more sensitive to the threat of a bioterrorist attack here at home. It is critical that our citizens feel secure at home, that our first responders are properly trained and prepared and that the food that crosses our borders is safe.

I want to thank my colleague Chairman BILLY TAUZIN for his hard work to bring two different bills together in a bipartisan compromise that meets the public health threats we face as a Nation. This bill uses new ideas and new resources to help government officials at every level prepare for bioterrorist threats and public health emergencies.

The bill authorizes more than $1.5 billion in grants to improve bioterror planning and preparedness and to develop new drugs, therapies and vaccines.

The bill authorizes $300 million for the Centers for Disease Control and Prevention to upgrade and improve their facilities and capabilities.

The bill authorizes more than $1.15 billion for the Secretary of Health and Human Services to expand medicine stockpiles and the purchase of additional small pox vaccines.

The bill also grants authority to USDA to impose new registration requirements to regulate those agents that are most devastating to crops and livestock. Additionally, the bill creates tough new criminal penalties to enforce these important new regulations.

Importantly, the bill authorizes $545 million for FDA and USDA to hire hundreds of new inspectors at our borders and to develop new methods to detect contaminated foods. The bill also provides new regulatory powers to FDA to safeguard our food supply. These new resources and authorities will substantially improve the federal government's ability to ensure the safety of America's food supply.

Finally, I would like to thank both Chairman TAUZIN and Chairman COMBEST for including language to authorize an agricultural bioterrorism early warning surveillance system for animal diagnostic laboratories. This network will provide early detection of bioterrorist events, natural or intentional contamination of our food supply, animal disease outbreaks involving agents which impact human health and early recognition of newly emergent and economically important diseases such as Foot and Mouth Disease. The network will also enhance coordination between State and Federal laboratories, as well as public health agencies. In my state, South Dakota State University will benefit greatly from this provision.

Mr. Speaker, the infrastructure our nation needs to protect and prepare itself for bioterror attack cannot be overlooked. This legislation meets those needs so that people across our Nation can feel safe with the understanding that should the worst happen we will be ready.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), who is a leading force on the Subcommittee on Health.

Mr. PALLONE. Mr. Speaker, I rise today in support of the conference report. As a conferee on title IV, the drinking water security and safety provisions, I am very pleased with the compromise that was reached. Title IV of this bill includes strong provisions that will, first, require community water systems to conduct detailed assessments of their vulnerability to attack by terrorists and of available remedies; and, second, require EPA experts to review the findings of the vulnerability assessments.

An FBI warning issued in January of this year notified water officials that Osama bin Laden's al Qaeda network had considered and investigated the possibility of attacking water distribution systems. That is why my colleagues and I thought it was absolutely critical that the final bioterrorism legislation address this issue.

The final bill assures that all vulnerabilities to terrorist attacks, including attacks intended to contaminate the water supply and to release chemicals into neighboring communities, are identified and that available safety measures are evaluated. The bill accomplishes this by requiring community water systems serving over 3,300 persons to conduct vulnerability assessments. Each community water system must certify to the administrator of the EPA that they have conducted a vulnerability assessment. The administrator is also required to provide baseline information regarding which kinds of terrorist attacks or other intentional acts are probable threats. Then these vulnerability assessments, once completed, will be sent to the EPA for secure keeping and to help the government understand the threats to our water systems and develop plans to protect our safe drinking water supply. We authorize $160 million through fiscal year 2005 for this goal.

I want to thank the gentleman from California (Mr. WAXMAN). The language in title IV is a tremendous improvement over the House-passed bill. I would also like to thank the conferees and the staff on the Democratic side, Dick Frandsen, also Greg Dotson with the gentleman from California's office, and Heather Zichal with my office.

This is a good bill. I urge its passage.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Indiana (Mr. BUYER), a distinguished and valued member of the Committee on Energy and Commerce.

Mr. BUYER. Mr. Speaker, I would like to thank Chairman TAUZIN and Ranking Member DINGELL for their diligence and hard work on the conference report. Also after September 11 as we were coming together to put together a bioterrorism bill, Chairman TAUZIN gave me an assignment. Given my expertise with regard to the Department of Defense military health delivery system and the VA, it was to actually draft a medical education piece, a component of this bill. The expertise with regard to how to identify and treat chemical and radiological agents and biological toxins and pathogens rests with the Department of Defense. We have taken this knowledge from the DOD and moved it into the VA because of the VA's nexus as teaching hospitals. We are not going to establish new community standards of medical practice, that is what is extremely important here, but we are going to make sure that our first responders, our doctors, are able to identify and treat these new threats in the future. That is what this bill does.

I want to thank the chairman and the gentleman from Michigan for their hard work at the conference, along with the gentleman from Ohio (Mr. BROWN). I appreciate their work.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN), whose two staff people, Karen Nelson and Tim Westmoreland, did particularly outstanding work. He was on the conference committee with the gentleman from New Jersey (Mr. PALLONE).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me time. I want to congratulate the leadership of our committee on both the Republican and the Democratic side and all the staffs who worked on this legislation and urge support for the conference report. It includes many valuable provisions that deserve our support. In particular, it provides significant funding to the Centers for Disease Control and Prevention and to State and local public health systems and hospitals to improve their ability to respond to bioterrorist attacks and other public health emergencies.

The report also includes important new food safety authority to the Food and Drug Administration, authority that will be essential in the event of a bioterrorist attack.

I am also pleased that we were able to make significant improvements to title IV of this legislation to help protect the Nation's drinking water from terrorist attack. Under these provisions, community water systems will prepare vulnerability assessments and provide these assessments to EPA. EPA will then be able to use the assessments to address the threat of terrorism and for any other lawful purpose. These provisions are a step forward. I am glad they have been included in this legislation.

This conference report includes many valuable provisions that deserve our support. In particular, it provides significant funding to the Centers for Disease Control and Prevention and to State and local public health systems and hospitals to improve their ability to respond to bioterrorist attacks and other public health emergencies.

The report also includes important new food safety authority to the Food and Drug Administration—authority which will be essential in the event of a bioterrorist attack. The report authorizes the FDA to: Require food companies to register with the FDA their names and locations; detain food if there is information that it may present a serious risk to health, either at the border or in domestic commerce; require importers to give the FDA prior notice that a food will be coming into the US; require food companies to keep records that will assist the FDA to trace contaminated food; and inspect food establishments when there is a reason to believe that they are holding food that presents a serious risk to health.

We were also able to make significant improvements to Title IV of this legislation to help protect the nation's drinking water from terrorist attack. Under these provisions, community water systems will prepare vulnerability assessments, and provide those assessments to EPA.

EPA will then be able to use the assessments for a number of critical purposes: To ensure that vulnerabilities are being adequately assessed; to ensure that federal grants are awarded appropriately; to conduct thorough inspections under the Safe Drinking Water Act; to address significant vulnerabilities under section 1431 of the Safe Drinking Water Act; to share with law enforcement and intelligence agencies; and for any other lawful purpose.

I would also note that the report contains reauthorization of the Prescription Drug User Fee Act. For the first time, we have included provisions that will allow the FDA to use user fee money to watch over the safety of drugs after they are marketed. This is of great importance, particularly at a time when questions have been raised about whether faster drug approvals have undercut drug safety.

These provisions are a step forward, and I am glad they have been included in this legislation.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. GILLMOR), the distinguished chairman of the Subcommittee on Environment and Hazardous Materials of the Committee on Energy and Commerce.

Mr. GILLMOR. Mr. Speaker, I want to commend Chairman TAUZIN, Ranking Member DINGELL, and the others who have worked so hard to produce a conference committee report that certainly I am in very strong support of.

In particular, I want to highlight the need to support the drinking water protection provisions contained in title IV. Just yesterday, newspapers were running front page stories about New York City worrying about the vulnerability of their water system. As chairman of the Subcommittee on Environment and Hazardous Materials, I am pleased that our committee is tackling that issue, which is a serious concern not only of some of our biggest systems but some of our medium and small-sized systems as well.

I believe the original House language on title IV was preferable to the provisions in the conference report, but I am glad we were able to retain the core features of the House bill. Specifically, we require drinking water systems to do vulnerability assessments and to compile emergency response plans. In addition, we provide money for mandates and establish emergency funds.

I strongly support the bill.

As chairman of the Environment and Hazardous Materials Subcommittee of the House Energy and Commerce Committee, which has jurisdiction over the Safe Drinking Water Act, I am taking this opportunity to elaborate on and clarify the provisions of the conference report on Title IV of H.R. 3448, the Public Health Security and Bioterrorism Preparedness Response Act of 2002. I want to provide a more detailed explanation of Title IV for the RECORD.

Title IV of the Public Health Security and Bioterrorism Preparedness Response Act of 2001 requires community water systems serving over 3,300 individuals to conduct vulnerability assessments and to prepare or revise emergency response plans which incorporate the results of the vulnerability assessment. The legislation, however, also recognizes that many community water systems have conducted or will be in the process of conducting vulnerability assessments at the time of enactment. Title IV is thus explicitly drafted not to create a regulatory program which could slow down ongoing efforts or to require systems that have completed vulnerability assessments to undertake another such assessment. The title only requires that systems certify that an assessment has been completed by a specific date, not that the assessment was initiated and/or completed before or after the date of enactment. Moreover, the title only requires that systems submit a written copy of the assessment to the Administrator of EPA. Thus, the title does not require that any preparatory or supplementary material or analysis be provided to the Agency.

By only requiring submission of a written copy, Title IV recognizes that vulnerability assessments can contain highly sensitive information which would pose a danger if disclosed. The conference agreement on Title IV did not include any requirement or option for the submission of these assessments in electronic form. This recognizes that the information protocols required under Title IV will tightly control access to the assessments and that these documents will not be available or placed on EPA electronic systems which have been demonstrated to be vulnerable to unauthorized access.

Title IV requires strict security arrangements, procedures, equipment and locations be established at EPA before the Agency shall receive the submitted written copies of vulnerability assessments. These protocols are to ensure that no one, other than specifically authorized individuals, have any access to any part of the submission or to information derived from the submission. Only very specific exceptions to these restrictions are allowed under Title IV and knowingly or recklessly violating these restrictions carries with it criminal sanctions of both imprisonment and fines.

Title IV does not create a regulatory role for the Environmental Protection Agency (EPA) in defining what is or is not an acceptable vulnerability assessment. EPA is provided no regulatory authority in this regard; instead, the Agency is only to provide information once to community water systems (by August 1, 2002) regarding what kinds of terrorist attacks are probable threats. EPA is to coordinate its efforts with other agencies and departments of government who have expertise in this area, to compile information readily available or already developed, and to promptly distribute this information. The statute does not provide a continuing duty for EPA in this area past the date specified in the legislation.

In this regard, vulnerability assessments are defined in statute only to the extent that they include a review of certain specified items. These items are those which make up the physical structure of a public water system (as defined in section 1401 of the Safe Drinking Water Act (SDWA)), electronic, computer or other automated systems, physical barriers, the use, storage, or handling of various chemicals and the operation and maintenance of a drinking water system. Title IV recognizes that there are many different types and sizes of community water systems (CWS) and gives CWS wide discretion to devise and conduct a vulnerability assessment. EPA is not given any

rulemaking or other authority to define further what is or is not a vulnerability assessment meeting the requirements of section 1433. Nor does Title IV require that a community water system utilize any particular vulnerability assessment tool, or conduct any specific type of analysis. Community water systems are not required to determine the consequences of intentional acts or terrorist acts, analyze their use of specific chemicals, including chlorine, as opposed to other chemicals, or to characterize the risk of any offsite impacts. Further, the term ''physical barriers'' does not necessarily include ''buffer zones'' or any other area around physical structures.

Title IV recognizes that vulnerability assessments could contain very sensitive information about a drinking water system which would be of assistance to a terrorist or an individual contemplating an attack. Therefore, Title IV provides a full, complete and airtight exemption from disclosure under the federal FOIA requirement (5 U.S.C. 552) for all information submitted to EPA and any information derived therefrom. Further, the Title addresses the situation where a state or local FOIA requirement could be ''triggered'' by submission of a written copy of a vulnerability assessment to EPA. The Title provides that no community water system will be compelled to submit a copy of the vulnerability assessment to any governmental entity that is occasioned by the requirement that the system submit such assessment to EPA.

Title IV does not contain any requirement that the EPA or any other governmental body receive for review emergency response plans prepared by water systems. Nor does Title IV contain any requirement that community water systems provide such information to EPA or to any other person or governmental entity. Community water systems are to coordinate with local emergency planning committees (LEPCs) in the preparation or revision of emergency response plans for the purpose of avoiding duplication of effort and taking advantage of previous information developed by the LEPCs for first responders and local government response. There is no requirement that community water systems disclose any of the information developed by the vulnerability assessments to the LEPCs.

The legislation authorizes EPA to provide financial assistance to CWS for several specified purposes. EPA may provide assistance for vulnerability assessments, for developing or revising emergency response plans and for expenses and contracts designed to address basic security enhancements of critical importance and significant threats to public health. The Title also authorizes assistance for small water systems and immediate and urgent security needs, subject to limits specified in the Title. Title IV does not define either ''basic security enhancements of critical importance'' or ''significant threats to public health.'' However, existing SDWA programs which provide assistance to water systems have not provided assistance for continuing expenses such as operations and maintenance or personnel expenses. This legislation does not change this long-established public policy and specifically indicates that basic security enhancements do not include expenditures for personnel costs, or monitoring, operation or maintenance of facilities, equipment of systems.

Finally, Title IV clarifies that EPA has discretion to act under Part D, Emergency Powers, of the Safe Drinking Water Act (SDWA) when the Agency has received information about a specific threatened terrorist attack or when the Agency has received information concerning a potential terrorist attack (but not necessarily a specific, identified threat) at a drinking water facility. In exercising this discretion, the EPA should only rely upon substantial, credible information. EPA should not interpret ''potential terrorist attack'' to mean that there is merely some possibility or statistical probability of a terrorist attack. Neither should EPA interpret a general warning, general announcement or general condition to be sufficient information of a threatened or potential terrorist attack. Specific, credible information is required, and all other elements of section 1431 must be met, including the existence of an imminent and substantial endangerment to the health of persons, that appropriate State and local authorities have not acted to protect the health of persons served by the drinking water system, and that the EPA Administrator has consulted with State and local authorities regarding the correctness of the information regarding both the specific threat and the actions which the State or local authorities have taken. The authority granted to EPA in section 1431 is a limited, case-by-case, contingent emergency power.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, let me start out by congratulating the committee for putting together this legislation and putting together the conference report. This is a very good bill. I think it says a lot about the Congress that it has been able to respond as quickly as it has to the events of September 11 and the subsequent events of anthrax that we felt right here on Capitol Hill.

Subsequent to September 11, I had the opportunity to meet with the heads of a number of the institutions in the Texas Medical Center which is in my congressional district and is the largest medical center in the United States. In discussions with those individuals, I learned that while we had the knowledge throughout the United States in our various medical complexes to deal with the threat of bioterrorism, we did not necessarily have the means to deploy that knowledge. We really were not prepared to deal with it. And so a number of the institutions followed the lead of the Committee on Energy and Commerce and others in the Congress to try and address this and say that the Federal Government and the taxpayers would make an investment in making sure that we could deploy those medical assets the next time there is an attack.

As some of the speakers said, this bill may not go far enough, and I would concur with that; but it certainly is a very good start to begin to address this situation, to make sure that not just in the Nation's capital but throughout the United States that our local communities, with their local health care facilities, will begin to put together the plans to be able to deploy these assets to protect the American populace.

□ 1245

That is what we ought to be doing in this body to address that. So I want to commend the Members, the chairman and ranking member of the full committee and subcommittees that worked on this, and I urge my colleagues to pass the legislation.

Mr. Speaker, I rise today in support of the conference report for H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act. In the wake of the September 11 terrorism attacks on the United States, it is clear that we need to invest in our public health infrastructure to ensure that we are prepared for future terrorism attacks. As the representative for the Texas Medical Center, the nation's largest medical center, I have learned that our nation's hospitals are not adequately prepared for bioterrorism attacks and need federal assistance in order to upgrade their facilities.

I am pleased that this conference report authorizes federal funding of $1.6 billion in Fiscal Year 2003 for grants to states, local governments, and public and private health care facilities to improve planning and preparedness activities. Of this total, $520 million in state grants will be made for the preparedness of hospitals, including children's hospitals to enhance their capacity to deal with emergencies such as bioterrorism attacks. I believe that all hospitals should be eligible to receive this funding in order transform their emergency department. This legislation also authorizes $300 million to upgrade and expand the Centers for Disease Control and Prevention (CDC) facilities. During the recent anthrax attacks, we learned that the CDC does not have adequate staff and laboratories to conduct testings for individual anthrax tests. This legislation will correct this insufficiency and invest in our public health response. This measure also authorizes funding of $1.1 billion to expand the supply of vaccines, medicines, and supplies available to treat biological weapons such as anthrax. This funding will also ensure that we have adequate supply of smallpox vaccines and other antidotes for biological agents.

In order to protect public health, this legislation would also give the Food and Drug Administration additional authority to detain and bar food products. While we know that certain imported foods can kill children, yet the FDA does not currently have the ability to bar those who have knowingly imported these foods which have been adulterated or misbranded. This conference report also authorizes the FDA to require food importers to notify the FDA in advance of their arrival. This will help the FDA to carefully monitor which foods are being imported into the United States in order to protect public health. Finally, this bill would require all facilities that manufacture, process, pack, or hold food for consumption to register with the FDA. With registration, the FDA will be able to quickly track food products and appropriately act when any food products result in sickness or illness for our Nation's population. This measure would also provide new resources to protect our water supply. This conference report authorizes $160 million in Fiscal Year 2002 and such sums as necessary for future years. Under this bill, the 353

largest water systems which serve a total of 116 million people will be required to conduct annual vulnerability assessments. The legislation also requires those water systems which serve more than 3,300 persons to prepare an emergency response plan. Both of these requirements will encourage our water systems to carefully analyze their vulnerability to biological attacks and to prepare when their water supply may have been contaminated.

Finally, this legislation includes provisions to reauthorize the Food and Drug Administration's prescription drug user fee program through Fiscal Year 2007. This measure would authorize the collection of $1.2 billion in fees over five years in order to ensure that the FDA has sufficient resources to review prescription drug applications. These additional fees help the FDA to hire additional personnel who can review prescription drugs and medical devices.

I urge my colleagues to support H.R. 3348, legislation that will ensure that our Nation is better prepared when the next terrorism attack comes. With recently warnings of potential terrorism attacks, I believe that our public health infrastructure is well prepared.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute to introduce the next speaker.

Mr. Speaker, the gentleman I am about to introduce was not only one of the conferees on this important legislation, but he and the gentleman from Georgia (Mr. LINDER) and I believe the gentlewoman from California (Ms. HARMAN) were extraordinarily diligent in offering this House a special bill to upgrade and enable the Centers for Disease Control, which was woefully inadequate prior to the passage of this bill today.

CDC is an incredibly valued institution in America. Not only does it track and help respond to the spread of infectious diseases, but it is going to be critical in the efforts to defend this country from biological or other forms of attack.

The gentleman from Georgia (Mr. CHAMBLISS), the gentleman from Georgia (Mr. LINDER) and the gentlewoman from California (Ms. HARMAN) are to be congratulated for not only leading this effort, but ensuring that this bill contains those important provisions to enable and improve and to strengthen the quality of the work done by the CDC.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

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

Mr. CHAMBLISS. Mr. Speaker, as someone who spent several years working on issues of terrorism and advocating better preparedness and readiness to meet the unique challenges we face from terrorists who want to harm Americans, I am very pleased with the final agreement on this bill. It is clear that we continue to face very real threats from sophisticated terrorists who would use dangerous biological agents in their savage and relentless efforts to carry out acts of violence against Americans.

We must do all we can to keep dangerous biological agents out of the wrong hands. However, whether in response to a terrorist attack, accident or natural outbreak of infectious disease, our public health and disease surveillance system is not as robust and capable as it needs to be to meet the demands which will be placed on it in a severe public health emergency. We recognize that local officials and our doctors, police, firefighters and local emergency responders will be on the front lines of an attack, and we must make sure that they are trained and ready to respond.

This bill will address many of these concerns. A critically important provision taken from the bill authored by the gentleman from Georgia (Mr. LINDER), the gentlewoman from California (Ms. HARMAN) and myself will provide $300 million per year and multi-year contracting authority to the Centers for Disease Control to upgrade and modernize their old and decaying facilities which are in desperate need of repair.

I am particularly pleased that we are taking concrete and far-reaching steps to address the particular issue of agroterrorism. I have felt for a long time that our agriculture infrastructure is very vulnerable to the threat of intentional damage and disease. As part of this bill, we bolster the Department of Agriculture's ability to detect animal and plant diseases and respond as needed to protect our food supply and American agriculture. We expand inspection activities and provide much-needed increases in agriculture biosecurity at colleges, universities and laboratories, including funding for a biocontainment laboratory at the University of Georgia.

Thanks to the strong leadership of the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. DINGELL), Senator FRIST and Senator KENNEDY and their staffs, we worked in a bipartisan way to craft a bill that will go a long way toward making our country much better prepared to respond to biological attacks.

Mr. Speaker, I urge the passage of this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me time, and I would like to thank the chairman of the Committee on Energy and Commerce and the ranking member of the Committee on Energy and Commerce along with the conferees for a report that has taken us a very long way since September 11.

I served on the Homeland Security Task Force chaired by the gentleman from New Jersey (Mr. MENENDEZ), and we worked some hours after September 11 and our focus was in many areas. But I want to raise 2 points that were extremely important to the work that I did on local law enforcement.

We know the first responders were always very important to our communities, but we saw them at work after September 11 in a light that we had never seen before. I want to applaud the State and local preparedness allocation of $1.6 billion in particular, but I do want to emphasize the $520 million for State grants to enhance the preparedness of hospitals, including children's hospitals, clinics, health centers and primary care facilities for bioterrorism.

It was my emphasis in that committee to give the resources to our local clinics, our public health systems, such as the Harris County Health District in my community, which really would face the threat of terrorism in our local communities.

Some days after September 11, I met with over 40 members of our HAZMAT teams and those dealing with these issues around our Metroplex area, and they are the ones that need the support. As we speak, the City of Houston has a prepared plan to submit for 1 of these grants, and I will be encouraging them and working with them for that submission and for receiving such.

Finally, let me say as the ranking member on the INS Subcommittee on Immigration and Claims of the Committee on Judiciary, issues dealing with food entry on our borders is very important, and the provisions dealing with detaining food, providing the FDA with the authority to order detaining of food that may be suspicious, I applaud them for that. The increased inspections, where the FDA can require food importers to notify the FDA 30 days in advance of their arrival at the port of entry, is very important.

Lastly, I would say the prohibition on port shopping is crucial. We know that the Canadian border is one that we need to be concerned about. I would only encourage in my conclusion, Mr. Speaker, that we look to more technology at the border so we can do food x-ray inspection or inspection of the food as it comes across, because that certainly poses a very severe threat.

I ask my colleagues to support the conference report.

Mr. TAUZIN. Mr. Speaker, in addition to the great work done by the Committee on Agriculture, the Committee on the Judiciary was a big contributor to this bill.

I am pleased to yield 2 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the chairman of the Committee on Energy and Commerce for yielding me time and for his great work on this legislation.

Mr. Speaker, in the wake of the terrorist attacks of September 11 and the subsequent anthrax-laced mail, bioterrorism has become a very real threat

to the American people. The Bioterrorism Preparedness Act of 2002 addresses such threats by improving the ability of the United States to respond to and prevent biological attacks.

This conference report requires coordination among agencies that regulate biological agents and toxins that pose a threat to human health. The Department of Health and Human Services, which has primary responsibility for public health issues, and the Department of Agriculture, which has primary responsibility for animal and plant health, are required to develop a coordinated strategy.

An important provision of this conference bill focuses on enhancing controls of dangerous biological agents and toxins by requiring registration of all persons who possess, use or transfer them. The legislation directs the Secretary of Health and Human Services and the Secretary of Agriculture to develop specific security measures for personnel and facilities that handle these dangerous substances. In addition, the conference report provides criminal penalties for possession of these agents without registration and for their transfer to unregistered persons or facilities.

Mr. Speaker, these are very important additions to the laws already put in place by the USA PATRIOT Act.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I want to comment briefly on the Medicare provisions in the bill. One or more of my colleagues has expressed concern about the inclusion of some provisions in this legislation that are important. I want to make sure my colleagues understand these measures do not in any way adversely affect Medicare beneficiaries.

Several of us, the gentleman from Michigan (Mr. DINGELL), the gentleman from California (Mr. WAXMAN), the gentleman from New Jersey (Mr. PALLONE), none of us would have signed off on legislation that would have done anything but that.

One of these provisions is critically important for Medicare beneficiaries. Under current law, beneficiaries who choose to enroll in a managed care plan become locked into that plan. They must wait until the annual open enrollment program to switch plans or go into Medicare fee for service.

This bill removes that restriction, delays it for 3 years. We want to continue to delay it. The best we could do in the compromise was a 3-year delay rather than a permanent removal, so that Medicare beneficiaries can leave managed care, are not locked into that plan, can leave any time during the year and not just in the annual open enrollment period.

We also include in the language in the conference report provisions to protect in terms of time, when the Medicare period was moved from July to September. CMS has agreed we have language in the conference report to make sure that is enough time for people to be able to change.

So those provisions on Medicare are solid, they are bipartisanly agreed to. Beneficiaries will benefit, not at all be hurt, but in fact benefit by that language.

Mr. TAUZIN. Mr. Speaker, I yield myself 30 seconds simply to commend the gentleman for his statement.

Mr. Speaker, those provisions were agreed upon in a bipartisan fashion in the regulatory relief bill, which earlier passed this House, and I believe are in the interests of the beneficiaries of the Medicare system. I thank the gentleman for his similar conclusion. They were signed off on by all the committees of jurisdiction as well.

Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS) for a colloquy.

Mr. PITTS. Mr. Speaker, I rise also in support of the bioterrorism conference report, and since PDUFA is included in this bill, I would like to enter into a colloquy with the chairman.

Mr. Chairman, as you know, I am very interested in ensuring timely access to plasma therapies for the thousands of people who rely on these lifesaving medicines. The plasma industry pays the fees authorized under PDUFA, yet there are no performance goals associated with plasma lot release, which must occur prior to these products being released by the FDA. Longer lot release times mean that the therapies do not get to patients in a timely manner.

I strongly believe that the FDA should work with the plasma industry to assure greater predictability in lot release and to lessen the amount of time required for lot release.

Mr. Speaker, I would like to ask the chairman to respond.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. PITTS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, first, let me acknowledge the hard work the gentleman has already put forth on this issue. I agree with the gentleman, frankly, and applaud his efforts.

Plasma lot release times have varied greatly over the last few years. Predictability is important. I think the industry and FDA should sit down and begin a dialogue which will lead to greater cooperation and predictability in lot release, and I intend to help the gentleman make sure that dialogue occurs.

Mr. PITTS. Mr. Speaker, reclaiming my time, I thank the gentleman very much.

Mr. BROWN of Ohio. Mr. Speaker, I reserve my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Oklahoma (Mr. LUCAS), a member of the Committee on Agriculture.

Mr. LUCAS of Oklahoma. Mr. Speaker, 8 months ago our perspective on the potential threats to our borders changed forever as we saw the true capacity of evil on our defenseless citizens. Three days ago we were reminded that that threat was still very real when the Vice President, Mr. CHENEY, said the question of another terrorist attack was not if, but when.

Today we in the House take an important step in preventing important attacks by passing this conference committee report. In November of last year I introduced legislation that addressed many of the issues that had been included in title III of the conference report before us today.

Included in both my bill and today's conference report are an increased presence of animal, plant and food and safety inspectors at the ports of entry. The APHIS and FSIS will develop strategies to prevent future incidents where animal and plant diseases are used by terrorists to attack U.S. citizens.

Mr. Speaker, I urge my colleagues to support this conference report. I thank the chairman and ranking member for their diligent efforts.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

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

Mr. Speaker, I rise in support of the Public Health Security and Bioterrorism Preparedness and Response Act conference report. It has been nearly 8 months since the deadly anthrax attacks, and authorities still have not determined who is responsible. However, it appears very likely that the highly concentrated form of anthrax did not originate from overseas, but rather may have come from an American laboratory.

In addition to unsecured anthrax, we have other challenges involving national, State and local health care workers and first responders, to make sure they are equipped with the tools they need to fight bioterrorism threats, and we also have food security issues to consider, as well as a potentially vulnerable water supply.

Today we are taking a major step forward in addressing some of these issues. In particular I am pleased that the bill contains provisions similar to those included in legislation that I introduced last fall with Senator FEINSTEIN.

Our bill, the Deadly Biological Control Act, will require that the Department of Health and Human Services maintain and regularly update a list of deadly biological agents, viruses and bacteria that poses severe threat to public health and safety. It requires every laboratory that possesses any of these select agents to be government-certified after proving that they will be used strictly for legitimate research purposes and that sufficient measures are in place to safely handle and dispose of those agents while ensuring protection against unlawful access.

□ 1300

Finally, lab employees would have to register with the Department of Health

and Human Services and pass through a criminal background check. These provisions are critical because under current law, laboratories that acquired anthrax and other deadly agents prior to 1997 were not required to register with the government unless they were shipping the agent to another lab, as a result of the thousands of laboratories nationwide which stock deadly biological agents, viruses, and bacteria without uniform security standards or proper Federal oversight. Under these lax security conditions, a rogue employee or outside terrorist group could easily gain access to some of the most dangerous pathogens on Earth.

I applaud the leadership of the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) as they work with the Senate conferees to bring this bill to the floor, and I urge my colleagues to support this important conference report.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise in strong support of the conference report and for the Public Health Security and Bioterrorism Preparedness and Response Act. I indeed thank the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee, and the gentleman from Michigan (Mr. DINGELL) for their fine work and for the members and the staff of both committees. This is a terrific conference report, it is strong, and it is bipartisan, and it is critically important to our Nation as we continue to boost security in our preparedness against terrorism.

The conference report will improve the public health infrastructure at the national, State, and local levels to address growing threats of bioterrorism. The legislation provides additional resources to prepare us for bioterrorist threats or other public health emergencies.

I am particularly pleased that this legislation will boost programs and provide critical resources for many local communities who were on the front lines in the hours and the days following September 11, and the subsequent anthrax attacks. These brave men and women deserve our fullest commitment.

I look to my own district in Montgomery County, Maryland. Our first responders were there at the Pentagon on that terrible morning of September 11, and the Federal scientists at the National Institutes of Health and the Food and Drug Administration are working harder than ever to produce new treatments and vaccines for anthrax, among other bioterror agents.

The conference report we are considering today ensures emergency readiness and demonstrates a significant Federal commitment to local jurisdictions who ensure the safety and health of the American people.

In addition, the conference report improves protection of our water supply and increases the protection of our Nation's food supply. The Food and Drug Administration, headquartered in my district, will have an increased number of food inspectors to ensure our food is safe from bioterrorists.

Mr. Speaker, the conference report we are considering deserves our fullest support.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN), a member of the Committee on Energy and Commerce.

Mr. WYNN. Mr. Speaker, I rise in strong support of the conference report to H.R. 3448, the Bioterrorism Preparedness Act.

Let me take a moment and congratulate and thank our committee chairman, the gentleman from Louisiana (Mr. TAUZIN), for his outstanding work; as well as our own ranking member, the gentleman from Michigan (Mr. DINGELL), for his work; the subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS); and my good friend and subcommittee ranking member, the gentleman from Ohio (Mr. BROWN). They have done good work in bringing this bill to the floor in the true spirit of bipartisanship.

I am particularly pleased because this bill provides $1.6 billion for grants to States and local governments, the first responders of our frontline of defense, for public and private health care facilities to improve planning and preparedness activities. It will enhance laboratory capacity, educating and training for health care personnel, and develop new drugs, therapies and vaccines, all a very important task for our homeland security.

This funding is particularly critical to upgrade our local health infrastructure to respond to a bioterrorism attack. I represent suburban communities just outside of Washington, D.C. After September 11, we realized how much we were on the front line. For instance, in my district in Montgomery County, Maryland, we require much-needed assistance to improve disease surveillance and also to train our local personnel, as well as to restore and improve our hospital preparedness, so this is very important to us.

The measure also provides $1.5 billion of funding to expand the current stockpiles of medicines and vaccines such as smallpox. That is what people are concerned about in the area of bioterrorism, and the bill responds.

Finally, the bill provides $300 million in critically important funding to upgrade and expand the Centers for Disease Control and Prevention facilities. It will allow, again, the training of personnel, particularly critical as we enter this new age; facilities improvement for combating bioterrorism in terms of upgrading the security of our labs and also, again, expanding disease surveillance.

Mr. Speaker, this is an excellent bill. Again I commend our leadership on both sides of the aisle for putting it together, and I urge my colleagues to support the conference report.

Mr. TAUZIN. Mr. Speaker, I reserve the balance of my time for closing.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Michigan (Mr. DINGELL) and the staffs of all of the Members that were involved for their excellent work on this very complicated bill.

All of us are clearly happy with the legislation and disappointed with the legislation. I would like to highlight again as we close in the last couple of minutes a couple of highlights of that. I am particularly happy with the antibiotic resistance language in this bill. It is really the first time Congress, and I give credit to the gentleman from Louisiana (Mr. TAUZIN) and really everybody involved, it is the first time Congress has addressed this issue as seriously as we have on this. It is a serious problem, with drugs as common as penicillin, a drug that we all know, now is not as effective an antibiotic as it was 20 years ago. We are seeing a whole host of antibiotics not as effective as they were. This bill is the first step.

What we have left undone is legislation that we will continue to come to this committee on and hope to work with the gentleman from Louisiana on where half the antibiotics in this country are used for nonmedicinal, nontherapeutic purposes in animals, not to cure sick animals, but to help animals grow faster and to help animals actually not get disease because of the way we pack these animals together in pens that are too small. We are going to need to make some changes there, and I hope this Congress will seriously take that issue up.

I think on food safety, while we have done a reasonably good job on this bill, I hope that we can look more seriously at country-of-origin labeling and some other issues.

I am pleased with post-market surveillance of prescription drugs, as we have pushed through, with PDUFA in speeding up, accelerating the process of approval of prescription drugs, a very good thing to get them on the market more quickly so that consumers can benefit from them, patients can benefit from them. We also have done something in this bill we had not done before, and that is fund post-market surveillance so that when those drugs get on the market more quickly than they have in the past, if there are problems, the FDA is looking much more closely as these drugs are used in a huge part of the population rather than just clinical trials so that we, in fact, can detect much more quickly than before if there is damage done to people with the vast increase in the use of these drugs, with direct consumer advertising and all that.

This legislation also has good provisions with something called DDMAC, which is Division of Drug Market Advertising and Communications at FDA.

It is a review of marketing materials. As the drug companies, more and more, are spending huge numbers of dollars marketing their drugs, I think that will be a particularly positive direction.

I am disappointed, and I hope that we can move in a positive way on the pediatric rule so that as we passed legislation last year on the pediatric exclusivity, to give the drug companies 6 months more patent time, if you will, an extension of their patent so that they would test their drugs on children, test these prescription drugs on children that, in fact, we will codify the pediatric rule at some point so that drug testing will be done immediately on children as it is being done on adults during the clinical trials.

So those are some things I hope we can look for. We have done a good job on this bill with PDUFA; we have done a good job on this bill overall with bioterrorism; we have done a good job with food safety and antibiotic resistance. There is a lot more to do on antibiotic resistance; there is a lot more to do with food safety; there is a lot more to do with preserving safety and efficacy of prescription drugs on the market as we get them on the market more quickly.

So I would close by expressing my gratitude to the conference committee and by imploring the chairman of the Committee on Energy and Commerce, the distinguished gentleman from Louisiana (Mr. TAUZIN), so that we can move forward on some of these other issues during the next few months.

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

Mr. TAUZIN. Mr. Speaker, I yield myself the remaining time.

Let me first thank the gentleman from Ohio (Mr. BROWN) for his kind comments and for the extraordinary work that he and other colleagues on the other side of the aisle have provided us in producing, I think, an excellent bill from conference.

Let me first clarify something. In debate earlier, I think I heard the suggestion that the EPA would be required in the bill to review the vulnerability assessments submitted to it under title IV. I want to be very clear about this. Nothing in this conference report contains that requirement. The report simply makes that discretionary with the EPA. The reports are submitted to EPA, and they are not required to review them. It is a discretionary matter with EPA.

Mr. Speaker, let me first make a point that I think is important. This bill comes up at an extraordinary time in our Nation's history. It comes up in a week when partisanship reared its ugly head as we discussed issues involving 9–11 over the last several weeks. But I want to make something very clear. This bill represents the best of bipartisanship. This bill, shepherded through by the staff, by Reid Stuntz on the Democratic side and Mr. Dave Marventano on our side and the incredible work of the staffs on all three committees, the Committee on Agriculture and the Committee on the Judiciary, has produced a huge bipartisan response to the enemies of our country who think they can threaten us with biological agents or threaten us with attacks upon our food or water supplies and make this country more and more vulnerable.

There was a time before 9–11 when we did not think these thoughts, when we did not have to do what this bill requires. But 9–11 taught, I think, all of us some lessons; and I think it also demonstrated something to the world and to our enemies around the world, that this country is full of heroes. There are heroes who work in our own forces who are in Special Forces right now in Afghanistan and parts of the world we may not even read about who are defending us right now against al Qaeda and the folks around the world who would indeed threaten our security here at home. There are heroes who work in much more quiet and obscure places, in little hospitals, in the CDC, and they work at a border station where they inspect food and drugs coming into this country. They may be members of an ambulance team. They may be members of a first response team. But those heroes in America who demonstrated on 9–11 just how this country can respond when we need to are going to be better armed today with $4.6 billion of new tools.

This is an incredibly important bill. It is a statement, bipartisan statement here in America that we are ready to defend this country, and we are ready to make sure our heroes, both abroad and at home, are equipped with all of the tools they need to make us safer and more secure.

Mr. TAUZIN. Mr. Speaker, when the Joint Statement of Managers was filed last night, it inadvertently omitted some important language concerning a Performance Goals Letter for the authorization of the Prescription Drug User Fee Act (PDUFA).

Chairman TAUZIN and Ranking Minority Member DINGELL hereby submit the following additional statement which they view as authoritative legislative history on the provision in question.

PERFORMANCE GOALS LETTER

Authorization of PDUFA is accompanied by a letter entitled ''PDUFA Reauthorization Performance Goals and Procedures.'' The goals letter is unique to PDUFA. It does not have force of law, but nonetheless the Agency views it as a statement of their obligations, and they issue a yearly report on their performance in meeting the goals specified in the letter.

Title IX of the goals letter is entitled ''Independent Consultants for Biotechnology Clinical Trial Protocols.'' Contained in this title, as negotiated by the agency, is a paragraph ''D. Denial of Requests.'' As forwarded to the Congress, this paragraph previously read: ''except in the most unusual circumstances (for example, it is clearly premature) FDA will honor the request and engage the services of an indep4endent consultant, of FDA's choosing, as soon as practicable. If the Agency denies the request, it will provide a written rationale to the requester within 14 days of receipt.'' Upon agreement of the Conferees, this paragraph shall now read ''D. Denial of Requests: FDA will grant the request unless the Agency determines that engagement of an expert consultant would not serve a useful purpose (for example, it is clearly premature). FDA will engage the services of an independent consultant, of FDA's choosing, as soon as practicable. If the Agency denies the request, it will provide a written rationale to the requester within 14 days of receipt.''

The requirement of the Agency to provide a written rationale for the refusal to engage an independent consultant is not intended to burden the Agency but rather to assist the applicant in understanding the reason for Agency action.

The goals letter also, for the first time, includes a title on ''pre- and Peri-NDA/BLA Risk Management Plan Activities'' (Title VIII). The Managers view this title as a strong addition to the PDUFA regimen. Under this title, user fee monies will be available for postmarket surveillance for up to three years for drug and biological products. The Managers strongly support this Title, and upon agreement of the Managers, the title will now include the following additional language at the end Section D of Title VIII: ''FDA will allocate $76,319,879 in user fees over 5 years to the activities covered in this section. FDA will track the specific amounts of user fees spent on these activities and will include in its annual report to Congress an accounting of this spending.''

W.J. ''BILLY'' TAUZIN,
Chairman.

Mr. BALDACCI. Mr. Speaker, I am pleased that we will be passing legislation today to authorize vital funding for our state and local public health systems. Recognizing the difficulties facing our state and local governments and health facilities following the unprecedented attacks on our country, it's clear that we must greatly expand the resources of our health systems.

Mr. Speaker, immediately following the first Anthrax attacks, I met with public health officials from my State, and with representatives of community health provider systems. What I learned from this discussion is that our local and state health infrastructure and information systems is woefully unprepared to deal with the level of biomedical, chemical and radiological threats for which we clearly now must be prepared.

I am very concerned about the speed of which funds have been distributed to our state and local governments in order to update their health systems to deal with future attacks.

Today with passage of the Bioterrorism bill we will be making a commitment to our states, local governments and health facilities. We will provide significant assistance to their efforts to protect the health of our citizens. Funds will be translated into improvements in preparedness planning, surveillance, lab and hospital capacity and information and communication technology specific to meet the needs of our state and local health systems.

States will receive for bioterror-related activities $1.6 billion in grants in fiscal year 2003, and local hospitals will receive $520 to prepare for medical emergencies, with additional funds authorized at such sums as necessary for fiscal year 2004 through fiscal year 2006. These funds are on top of those already appropriated and distributed for the current fiscal year of over $1 billion.

I would add that as much as I appreciate these specific funds for bioterror threats, I believe other important issues facing our state

and local governments should be addressed. In particular, I support forward funding of fiscal year 2003 monies the President has identified for First Responders in our districts and states. Many of those charged in our state and local governments for maintaining public safety are frustrated with the lack of funding for first responder needs. To date, no funds for local first responders has been sent to our states. I hope that significant funds for First Responders become available for distribution as soon as possible. While the Supplemental legislation which we will consider later today does provide $175 million for first responders, much more is needed to cover costs our local and state governments have incurred and will soon incur to put necessary safety and preparedness plans in place.

Mr. Speaker, I am pleased to support today's bioterrorism conference report and urge my colleagues to support this measure to set aside vital funds to our state and local governments and hospitals.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of this Bioterrorism Conference Report.

I commend our chairman and ranking member, Mr. TAUZIN and Mr. DINGELL, for their hard work in developing this consensus legislation. This bill represents the kind of common-sense, worthwhile policy that can be produced when the two parties work together.

This bill includes a number of important provisions that will go a long way to improve our nation's ability to prevent and respond to a bioterrorist attack. With the formula grants in this bill, states will be able to better develop their public health infrastructure, so that they can recognize and contain bioterrist outbreaks.

The legislation creates a stockpile of drugs and vaccines, so we are able to quickly treat individuals who are affected. And it improves food safety inspection at our nation's borders to protect our food supply and makes sure that our water supply is not vulnerable to terrorist attack.

This legislation also reauthorizes and improves upon the Prescription Drug User Fee Act, which ensures that life-saving medications make it through the FDA approval process as quickly as possible.

Once again, I thank my colleagues for their hard work on this legislation.

Mr. SHAYS. Mr. Speaker, last Thursday, three men were arrested in Easton, Connecticut after being seen videotaping a water reservoir and filtration plant. The good news: A vigilant employee alerted local police. City and state emergency response teams were mobilized, the FBI was brought in, and the water was tested and found to be safe. The bad news: Before being seen, those three men got past security fences and ''No Trespassing'' signs, and could have destroyed or contaminated facilities supplying drinking water to 238,000 people in southeastern Connecticut.

It appears to have been an innocent mistake, a misguided desire to capture Connecticut's beautiful scenery from the wrong vantage point. But the incident demonstrates the vulnerability of critical water systems to biological terrorism.

This conference report begins to address protection of water supplies by directing updated threat assessments, vulnerability assessments and incorporation of both into current emergency response plans.

The current frustratingly vague string of alerts about potential terrorist acts cannot obscure one hard truth evident even before September 11: It is not a question of whether but only when, where and at what magnitude the United States will be attacked using biological, chemical, radiological or even nuclear weapons. To meet that threat, pharmaceutical stockpiles need to be augmented, disease surveillance should be strengthened, and public health capacities far better integrated into emergency response plans.

This bill is costly. More will be needed in the years to come. But the costs of an uncoordinated, ineffective response to bioterrorism will be paid in human lives, civil disorder, loss of civil liberties and economic disruption that could undermine both national security and national sovereignty.

If there is a ray of hope in the threat of bioterrorism it lies in this irony: improving the public health infrastructure against a man-made biological assault today better prepares us to face natural disease outbreaks every day. Just as biotechnologies can be used to produce both life-saving therapies and deadly pathogens, publics health capabilities are likewise ''dual use,'' enhancing our protection against smallpox attack by a terrorist and an influenza pandemic produced by Mother Nature.

Mr. SHIMKUS. Mr. Speaker, I submit for the RECORD the following on Public Health Security and Bioterrorism Response Act conference.

FOOD AUTHORITIES OF BIOTERRORISM BILL

Title III of the bioterrorism bill responds to legislative proposals presented to Congress by the Department of Health and Human Services. We worked closely with Secretary Thompson and personnel of the Food and Drug Administration to craft the most extensive expansion of the food related enforcement authorities in the history of the Federal Food, Drug, and Cosmetic Act (FFDCA). New authorities provide for expanded records access and maintenance, administrative detention of foods, registration of food facilities and several other provisions that are especially focused on assuring effective oversight of food imports. These new authorities strike a balance by adding significantly to the already strong enforcement authorities of the FDA, while assuring that the authorities will be used only for their intended purposes. I believe that my colleagues will be pleased with how this balance was struck to protect the American consumer and permit a robust competitive food system to provide consumers a wide variety of affordable foods.

ADMINISTRATIVE DETENTION: SECTION 303 OF THE TITLE

Amendment to Section 304 of the FFDCA provides the Secretary with limited authority to detain administratively an article of food where the FDA has ''credible evidence or information indicating that such article presents a threat of serious adverse health consequences or death.'' ''Credible evidence or information'' requires that the FDA have specific evidence or information that it believes to be reliable and probative. The ''serious adverse health consequences'' standard, which is used consistently in Title III of this Act, relates to the situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death. This standard corresponds to existing FDA guidance under section 7.3 of Title 21 of the Code of Federal Regulations.

A detention order must be approved by a senior FDA official (district director for the district in which the food to be detained is located or a more senior official). In general, the Secretary should expedite the processing of seizure or injunction actions with regard to food that has been detained. The Secretary is required to provide by regulation for the expedition of such actions in the case of perishable food, such as fresh produce and seafood.

Once a detention order is issued, the Secretary must insure that the detained article of food is kept in a secure facility under conditions commercially appropriate for the food to ensure that the safety and quality of the food is maintained during the detention.

Any person who would be entitled to claim the article of food if the food were seized may appeal a detention order to the Secretary. If an appeal is filed, the Secretary must provide an opportunity for an informal hearing which would be conducted in accordance with the procedures set forth in Part 16 of Title 21 of the Code of Federal Regulations. The Secretary has five days to confirm, modify or terminate the detention order; failure of the Secretary to provide for an informal hearing or to act on the appeal within five days of an appeal automatically terminates the detention order. The Secretary may not thereafter re-institute the terminated detention order.

This section also permits the Secretary to request that the Secretary of Treasury hold food offered for import at a port of entry for a period not to exceed 24 hours if the FDA is unable to inspect, examine, or investigate the food when it is offered for import and the Secretary has ''credible evidence or information'' indicating that the article of food ''presents a threat of serious adverse health consequences or death to humans or animals.'' The purpose of the temporary hold is to permit the FDA to inspect, examine or investigate the article of food. Amendments to Section 801 of the FFDCA provide for prior notice of shipments of imported food; consequently, the temporary hold authority should not be used routinely.

DEBARMENT: SECTION 304 OF THE TITLE

Amendment to Section 306 of the FFDCA would provide broad authority for debarment of persons from food importation so that FDA may protect against persons who might willfully sell harmful foods. Debarment may be based on a felony conviction relating to the importation of food into the United States or upon a person engaging in a pattern of importing adulterated food that presents a threat of serious adverse health consequences. The conferees intend for this authority to be exercised reservedly to assure that only ''bad actors'' are the subject of debarment actions. The courts have defined a pattern of proscribed conduct as three or more separate instances of a similar character. Thus, three violative lots of a common shipment would be of a similar character, but not constitute a pattern because they were effectively shipped at the same time and afforded no notice to the importer. The events that make up the pattern must be of a sufficiently similar nature and time sequence to provide the innocent importer effective notice and opportunity to undertake precautionary procedures to guard against reoccurrence. The managers intend for this debarment authority ordinarily to be exercised based on felony convictions. In the absence of a felony conviction, permissive debarment authority should be exercised only pending felony prosecution.

REGISTRATION: SECTION 305 OF THE TITLE

A new Section 415 of the FFDCA would provide require that the Secretary implement an expansive program of registration of facilities engaged in manufacture, processing,

packing or holding food for human consumption to assist the Secretary in promptly contacting management of concerned food facilities in the event of a threat to food safety. The registration is to include information regarding the name and address of the facility, as well as all trade names under which the facility conducts business. Also, if the effectiveness of the registration system would be significantly enhanced without undue burden, the Secretary may require by guidance that the general food category of products of the facility be specified. Within 18 months of enactment the Secretary is required to promulgate implementing regulations, which shall specify compliance timeframes and other requirements. The conferees fully expect FDA to complete the rulemaking in the 18 months provided.

The bill would require the Secretary to promptly notify each registrant of their registration number. The conferees intend for the Secretary to provide for electronic data submission and use of an electronic database to maintain a current listing of registered facilities. The listing of registered facilities is to be held strictly confidential. Since failure to register would be a violation of the Federal Food, Drug, and Cosmetic Act, prompt issuance of registration numbers under this system is imperative.

The bill would authorize the Secretary to broadly impose the registration requirement to domestic facilities engaged in processing or distributing food for human consumption as the Secretary deems necessary. However, the registration requirement would not authorize registration of farming facilities (including facilities attendant to harvesting of food crops), restaurants or other retail food establishments (including facilities attendant to their operations, which are under the same ownership or management) or most fishing vessels. In addition, the Secretary would be authorized to require registration of a foreign facility, but only if food from such facility is exported to the United States without further processing or packaging outside the U.S. If an article of food that is offered for import is from a foreign facility for which registration has not been submitted, the article would be held at the port of entry until registration is submitted.

The conferees intend for the Secretary to exercise his discretion in the development and implementation of registration regulations to ensure that registration requirements are neither burdensome nor disruptive of the smooth flow of commerce.

MAINTENANCE AND INSPECTION OF RECORDS: SECTION 306 OF THE TITLE

A new Section 414 of the FFDCA would authorize FDA to have access to and to copy certain records in the possession of persons involved in the production and distribution of food. Access to records would occur only if the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences. The ''reasonable belief'' standard is intended to make clear that the Secretary must have evidence or information in hand that would cause a reasonable person to conclude that the food is both adulterated and presents a threat of serious adverse health consequences. Once the standard is met, the Secretary would have authority to gain access to and copy only those records needed to assist the Secretary in determining whether the food is adulterated and presents a threat of serious adverse health consequences.

Records that would be subject to inspection under this authority relate to the manufacture, processing, packing, distribution, receipt, holding, or importation of the food being investigated, regardless of the format or location of the record. This records access would not extend to the most commercially sensitive or confidential records of the record keeper, including recipes (including formulation and preparation or processing techniques), financial data, pricing data, personnel data, research data, or sales data (other than shipment data regarding sales). Clearly, the authority would not permit access to any records regarding employees, research or customers (other than shipment data), nor would it permit access to information such as correspondence or marketing plans.

This new records access authority is responsive to a request of the Department so that investigation may be made of possible threats to the public health, but strictly limited to avoid potential abuse of confidential business information. The managers intend for limitations on records access to be strictly observed. A determination that there is reasonable belief that a food is adulterated and presents a threat of serious adverse health consequences should be made under the direct supervision of senior officials of the FDA.

In addition, the Secretary would be required to take appropriate measures, presumably through rulemaking and assuredly with the benefit of comments from record keepers, to prevent the unauthorized disclosure of trade secret or confidential information obtained by the Secretary. The managers envision procedures whereby no agency personnel will have access to records without a specific need for such access, possession of all copies of records will be strictly controlled, and detailed records regarding all handling and access to these records will be kept. Shortcomings in such procedures or lapses in adherence to them should be viewed as a presumption of unlawful release of the records. Such record protections are to be in place prior to FDA exercising new records access authority.

A conforming amendment to Section 704 of the FFDCA is also included in this section. This conforming amendment would provide the Secretary no greater access to records (either in circumstances during which records access is permitted, the types of records that may be accessed, or protections afforded records that are obtained) than would be authorized under new Section 414.

PRIOR NOTICE: SECTION 307 OF THE TITLE

Amendment to Section 801 of the FFDCA would require that the Secretary promulgate regulations for submission of notice prior to the importation of any food to enable the Secretary to provide for inspection of food imports at ports of entry. The conferees intend for the Secretary to expeditiously promulgate the required regulations so that efficiency of food import inspections may be improved. The Secretary would be required to consult with the Secretary of the Treasury in promulgation of prior notice regulations to assure that smooth coordination is achieved between FDA and U.S. Customs. The managers intended for the Secretary to exercise discretion to ensure that neither the requirements of the notice nor the timing of prior notice be more burdensome than necessary to provide for the availability of food import inspectional personnel. The Secretary should exercise discretion in promulgating and implementing these rules to assure that prior notice requirements never become a barrier to the smooth flow of commerce. If an article of food were offered for import without providing the required prior notice, the article of food would be held at the port of entry until the Secretary has determined that notice is complete, but it would not be held longer than the unelapsed period of prior notice unless there is other basis for doing so. If the Secretary fails to promulgate prior notice regulations within 18 months of enactment, the bill specifies the information to be provided in the notice and that notice must be provided no less than 8 hours, and no more than 5 days, prior to offering the article of food for import. The conferees fully expect FDA to complete the rulemaking within the 18 months provided.

MARKING REFUSED ARTICLES: SECTION 308 OF THE TITLE

Another amendment to Section 801 of the FFDCA would authorize the Secretary to require that the outermost container of a shipment of certain foods that have been refused admission into the U.S. be marked ''UNITED STATES: REFUSED ENTRY''. The purpose of such a marking would be to alert inspectional personnel at the port of entry of a second attempt to import the refused food shipment. Accordingly, the conferees intend for this authority to be exercised in cases where there is reason to believe that the shipment may be offered for import at another U.S. port of entry. The conferees do not intend for this authority to be used to require markings that are unlikely to be observed at import inspection or that may inhibit the lawful marketing of a product in another country. The Secretary is expected to consult with the Secretary of Treasury regarding development of regulations to implement this provision.

Mr. COMBEST. Mr. Speaker, I would first like to commend Chairman TAUZIN, ranking Member DINGELL and all of the other conferees and their staffs for their hard work on this important legislation. This conference report represents a concerted effort by the Congress, the Bush Administration and numerous constituent groups coming together to tackle, head-on the threat of bioterrorism in the United States.

The attacks of September 11, and the subsequent mailing of Anthrax contaminated mail to the capitol, media outlets, and the devastating release of this deadly organism in postal facilities, led all Americans to reconsider the fundamentals. Members of Congress naturally turned to exploring ways that the public can be protected from potential terrorist attacks.

As Chairman of the Agriculture committee, my responsibility has been to evaluate and safeguard our nation's food supply. The Congress, working with the Executive branch, has a responsibility to farmers, ranchers, processors, retailers, and consumers to ensure appropriate steps are being taken to maintain confidence in our food supply.

Fortunately, the U.S. Department of Agriculture has been in the biosecurity business for a long time. The Animal Plant Health Inspection Service (APHIS) has its origins in the 19th century. The Food Safety Inspection Service (FSIS) started operations at the beginning of the 20th century.

Likewise, other sectors of our economy have recognized the fact that they have had to make wholesale changes in how they function. In some cases, organizations are in the process of being completely retooled or even created out of whole cloth. Thankfully, with regards to the Department of Agriculture, we already have broad legal authorities, plentiful resources, and trained personnel already in place to address the threats of the 21st century.

Nearly 5,000 APHIS employees securing our border from the importation of animal and plant diseases and 7,600 FSIS inspectors in every meat and poultry plant in America are

already working to protect our food production system. Obviously, the events of September 11 have caused these and other agencies of USDA to increase their vigilance, but we are very fortunate to have them. Not unlike our firefighters and police, they do a difficult job every day; a job we appreciate even more during these troubled times.

With this legislation, additional resources will be authorized for the USDA to modernize its Agricultural Research Service laboratory facilities. Likewise, funding is authorized for the USDA to provide grants to agricultural colleges and universities to review their security needs. These grants, coupled with security upgrade grant authority included as part of the recently passed Farm Security and Rural Investment Act of 2002 will strengthen our biosecurity and food safety research capabilities for years to come.

Likewise, authority is granted to expand on USDA's biosecurity research programs, both in the Agricultural Research Service, and those programs involving colleges and universities throughout United States.

This conference report strengthens USDA's regulatory efforts with regard to food safety, and animal and plant health. Specifically, the conference report recognizes the inadequacy of current USDA authorities with regard to the regulation of biological agents and toxins that present a severe threat to plant or animal health, and the products of plants and animals. Based on this recognition, the conference report adopts provisions that would grant nearly identical authorities to the USDA as those granted to the Department of Health and Human Services for the regulation of possession, use or transfer of listed biological agents and toxins.

Mr. Speaker, I would close by once again thanking all of the conferees who have worked on this legislation. Likewise, I would like to thank the employees of the Department of Agriculture who worked very closely with my staff in hammering out the details of this legislation. Specifically, I would like to mention the outstanding efforts of Dr. Curt Mann and Deb Atwood from the Office of the Secretary, Molly Phillips from the Office of Congressional Relations, Pilar Ruttenberg and Sheila Novak from the Office of General Counsel, Courtney Billet, Dr. Andrea Morgan and Mr. Chuck Schwalbe from the Animal and Plant Health Inspection Service, and Christy Slamowitz from the Office of the Inspector General.

Mr. DINGELL. Mr. Speaker, when the Joint Statement of Managers was filed last night, it inadvertently omitted some important language concerning a Performance Goals Letter for the authorization of the Prescription Drug User Fee Act (PDUFA).

Chairman TAUZIN and Ranking Minority Member DINGELL hereby submit the following additional statement which they view as authoritative legislative history on the provision in question.

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The goals letter also, for the first time, includes a title on ''Pre- and Peri-NDA/BLA Risk Management Plan Activities'' (Title VIII). The Managers view this title as a strong addition to the PDUFA regimen. Under this title, user fee monies will be available for postmarket surveillance for up to three years for drug and biological products. The Managers strongly support this Title, and upon agreement of the Managers, the title will not include the following additional language at the end Section D of Title VIII: ''FDA will allocate $76,319,879 in user fees over 5 years to the activities covered in this section. FDA will track the specific amounts of user fees spent on these activities and will include in its annual report to Congress an accounting of this spending.''

JOHN D. DINGELL,
Ranking Member.

Mr. Speaker, I commend this conference report to the House, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on agreeing to the conference report will be followed by two 5-minute votes on motions to suspend the rules that were debated yesterday.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 8, as follows:

[Roll No. 189]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)

Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—8

Burton
Cooksey
Deutsch
Emerson
Mascara
Riley
Traficant
Watts (OK)

□ 1335

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

Stated for:

Mr. Speaker, on rollcall No. 189 I was unavoidably detained and unable to record my vote. Had I been able, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed on Tuesday, May 21, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3717, by the yeas and nays;

H. Res. 424, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each of these two votes.

FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2002

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3717, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3717, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 18, not voting 8, as follows:

[Roll No. 190]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—18

Capuano
Davis, Jo Ann
DeFazio
Flake
Forbes
Frank
Goode
Markey
McGovern
Olver
Ose
Paul
Rohrabacher
Royce
Simpson
Stark
Taylor (MS)
Tierney

NOT VOTING—8

Burton
Deutsch
Emerson
Mascara
Miller, George
Riley
Traficant
Watts (OK)

□ 1345

Mr. MCGOVERN, Mr. OLVER, and Mr. TIERNEY changed their vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PAYING TRIBUTE TO WORKERS IN NEW YORK CITY FOR RESCUE, RECOVERY, AND CLEAN-UP EFFORTS AT SITE OF WORLD TRADE CENTER

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 424.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

OSE) that the House suspend the rules and agree to the resolution, H. Res. 424, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 191]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—18

Blumenauer
Burton
Costello
Deutsch
Emerson
Johnson (CT)
Kilpatrick
Mascara
Miller, George
Myrick
Phelps
Platts
Riley
Roybal-Allard
Traficant
Watts (OK)
Woolsey
Wynn

□ 1354

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO APPOINT CONFEREES ON H.R. 4, ENERGY POLICY ACT OF 2002

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

Mr. TAUZIN. Mr. Speaker, the Speaker's office has authorized me to announce that it is the Speaker's intention to appoint House conferees to the conference of the disagreement between the House and the Senate on H.R. 4, the House energy bill, and the former S. 517, the Senate version of the same bill. Upon our return from the Memorial Day recess those conferees will be appointed.

Work in preparation for the conference is proceeding at a steady pace, and the House will be prepared to meet the Senate in the conference upon our return from the Memorial Day recess.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1577

Mr. SANDLIN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1577.

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

There was no objection.

CUSTOMS BORDER SECURITY ACT OF 2001

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 426 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3129.

The Chair designates the gentleman from New York (Mr. SWEENEY) as chairman of the Committee of the Whole, and requests the gentleman from Illinois (Mr. LAHOOD) to assume the chair temporarily.

□ 1355

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

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

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

This piece of legislation which was up before us some time ago on the suspension calendar is modest but extremely important. Obviously following September 11, and the creation of the homeland security structure, more and more people in positions of responsibility have begun to realize that one of the ways we can assure the security of Americans is to provide a more seamless control of our borders.

Historically, Customs officials have had an important, significant role to play normally in the area of commercial intercourse or commerce.

To the degree that they are going to be asked to integrate with other border

enforcement structures such as security and the like, this bill becomes one of the assisting tools in making that happen. There are other uses looking at antidrug smuggling, antiterrorist, antichild pornography provisions, and in preparing this bill to come to the floor under a rule, since it did not get the two-thirds required on suspension, notwithstanding the fact it got a significant majority vote, the members of the majority looked at the bill and said are there any areas of this bill that we would still like to retain but that probably are far less essential today than they were when the committee moved on this bill some months ago?

Clearly, one of the obvious areas is an attempt to adjust what has been described as an inappropriate or unfair compensation structure for Customs officials at particular locales. Notwithstanding the fact that we believe those adjustments are overdue and need to be made, we offered to the Committee on Rules, and the Committee on Rules accepted, the willingness to delete those provisions which appeared to be controversial.

The labor union that represents Customs workers is not opposed to the bill in its current form, as they said in their letter, as long as this provision does not come back in.

□ 1400

I can assure anyone that if we make a change, our goal is not to change it today and then rechange it tomorrow. The commitment is to make the change now, because the other items in the bill are far more important to move forward and make into law than a debate that has been going on for some time, and I am quite sure will go on for an additional time.

Therefore, this bill is before us today in a form that should not illicit significant opposition, but that we would be very desirous of a significant bipartisan vote to let the American people know that in making sure that our borders are safe and protected, that the Customs Service is in the forefront of moving to the new structure to secure homeland security. This particular bill goes a long way toward assisting in that effort.

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

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

Let me join with the chairman in support of those parts of the bill that he spoke about and to indicate that our substitute merely tries to perfect two provisions.

The first provision deals with the question of immunity. I want to say that our customs officials and agencies and employees are our first line of defense against terrorism. They do a fantastic job. But under this particular bill they are granted immunity for their conduct when they perform searches, and personal searches, if indeed the search was made in good faith.

Now, under the Constitution, the standard for liability is not really whether or not there has been good faith but whether or not it has been reasonable, and that is the proper test that we have to use. This is the constitutional test we have to use. And there is no evidence that blanket immunity by the Federal Government and by the customs agency, even though the search may have been performed in good faith, should leave our American citizens without any recourse.

In our fight against terrorism, we must make certain that we do not do damage to the principles of civil rights and certainly not do damage to the constitutional rights of American citizens. So in the substitute, we maintain the aura of immunity for the particular customs officer, but we do allow for the aggrieved party. If indeed they are found to have been subject to an unreasonable search, they may sue the Federal Government, so that there would be some relief, and some incentives for the customs agencies not just to respond as to what they think is in good faith but what is reasonable under the Constitution.

It just seems to us that we would weaken the protections against racial profiling and other illegal and unconstitutional searches by the customs department if we left our citizens, having been treated in an unconstitutional manner, without any redress at all. It is in times of crisis, such as those we are going through, that truly tests a democracy. And I am certain that in voting for the substitute my colleagues will get the benefits of the bill but also this deficiency will be corrected.

The second thing that is provided here is that under current law the Customs Service is empowered to search without a warrant for inbound mail handled by the United States Post Office. And, of course, this border exception to the fourth amendment is derived from the traditional authority of a sovereign to protect its border against inbound contraband and to collect duties on inbound freight.

But the rationale of the border exception does not allow customs searches of outgoing mail without a warrant. Section 144 would allow customs officials to open mail with reasonable cause, which is a much lower standard than probable cause and would eliminate the need for judicial review. The United States Post Office believes that this is an unreasonable provision. They have written in support of the provision which I have mentioned would be in the substitute where we just strike the provision that gives the Customs Service the power to open mail just because they think it is reasonable but they do not have probable cause to do it.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Georgia (Mr. LEWIS), a distinguished member of the Committee on Ways and Means, and ask that he be allowed to allocate time based on the requests made of him.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume. Let me respond briefly to the two provisions that my colleague from New York referred to.

That same letter that indicated that the union would not oppose if we move the labor provisions is in strong support of the immunity provision for customs inspectors. Rarely do you have a job which basically says you will examine people as they come across the border. There are clearly provisions, customs guidelines, that determine racial, religious, ethnic and gender profiling that prohibit that but do allow some protections for the customs officer.

If anyone would listen to the case histories of some of these cases that are in the courts, for example notwithstanding the fact that someone was searched and contraband was found, they nevertheless wanted to sue because they did not believe the customs officials had a right to search them. And that was notwithstanding the fact that the obvious evidence of the contraband on them was more than enough reason for the customs official to search them.

Mr. Chairman, I believe the substitute is a good-faith effort, but they are trying to walk a fine line; and it is the majority's opinion that there is no fine line that you can walk. Because if you provide inspectors immunity, and the Federal Government supports that immunity under a very clear guideline that would not violate any racial, religious, ethnic or gender profiling approach, then they are saying the Federal Government should waive its sovereign immunity notwithstanding. That then creates a new unprecedented class of Federal torts and we are right back in the courtroom with years and years of lives of people who were simply carrying out their job under a very narrow proscribed set of rules. Because even if they do that, there is no protection against this new form of Federal torts if the Federal Government waves its sovereign immunity.

It seems to me in this particular era, we either back up these people or we do not. If they are following the rules, we should protect them. If they are not, there are clear procedures to make sure they are treated in a manner they should be treated in if they violate administrative policy in carrying out their jobs.

So in looking at the bill itself, I do hope Members appreciate the broad support that the underlying bill has, and that although the substitute focuses on a couple of areas that will be addressed beyond the immunity question, if we are going to allow a true examination of the ways in which we can protect this country, under a search warrant, it seems entirely appropriate that based upon sufficient suspicion you ought to be able to read a piece of outbound mail. Under the courts of

this country, you would only be allowed to then take a look at what the content of the mail was. But it seems to me if you can have the ability to deal with it with inbound mail, you certainly ought to, with full court protection, have the ability to look at it in terms of outbound mail as well.

As we are now becoming more and more aware through the news media of the ability of various terrorist groups to communicate using the modern technology which allows for rapid communication, and certainly would not ignore the good old-fashioned postage stamp on an envelope, if it was given unusual constitutional protection and they knew that no official of the government could, even with a court order, take a look at what was in a particular envelope that appeared very, very suspicious.

We believe it is an essential part of the bill; and we would like to retain it in the bill. Therefore, my colleagues should vote for the bill and against the substitute.

Mr. Chairman, I ask unanimous consent that the remainder of my time be controlled by the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, and that he be allowed to disperse the time in such manner as he sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I thank the gentleman from Georgia (Mr. LEWIS) for yielding me this time.

I rise in support of H.R. 3129, the Customs Border Security Act of 2001. As a Member representing a border community, I am pleased that Congress is taking action to improve the security of our borders. The customs officials and inspectors who work along the U.S.-Mexico border are hardworking, dedicated people, who do an outstanding job with very limited resources. For too many years they have been short staffed and have worked long hours of overtime to keep our ports open. I want to thank the members of the Committee on Ways and Means for recognizing this problem.

This bill will authorize funding to hire additional personnel and to upgrade detection and inspection equipment. This new equipment and personnel will make it easier for customs officials to stop illegal drug trafficking and improve our anti-terrorism capabilities. At the same time, it will help keep trade, the lifeblood of border communities, moving efficiently through our ports.

I want to commend the ranking member, the gentleman from New York (Mr. RANGEL), for his work in crafting an amendment that improves the underlying bill by addressing several concerns expressed by groups like the National Council of La Raza and the American Civil Liberties Union. The Rangel amendment protects customs officials from personal liability for monetary damages in civil suits while at the same time providing recourse to individuals whose civil rights are violated.

Our Nation's security depends on the security of our borders and ports. I urge my colleagues to support the Rangel amendment and the underlying bill.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. BACHUS).

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

Mr. Chairman, the approach taken in this legislation to outbound mail only makes common sense. There ought to be parity between outbound mail and inbound mail. Presently, there is absolutely no dispute that customs can search all inbound mail. And they do that. However, despite a number of court decisions, despite the Federal regulations, despite code provisions, postal regulations do not allow the post office to search outbound mail. It makes no sense.

If you ship something by FedEx or UPS, if you put it in a car, put it on a ship, fly it in an airplane, even put it in your own pocket and you leave the country, you are liable to search. The only search that is not allowed is if you put it in an envelope and mail it out.

Now, this disparity has been addressed, and I will name those decisions. There have been two Supreme Court decisions, Shultz, the Ramsey case. The Ninth Circuit has considered this; the Fifth Circuit has considered this. They have all said that customs has the right to do it. But what happens when they try to do it? Well, the postal service does not allow them to do it.

Now, as a result, when the postal service has stopped this, there have been several protests lodged. In fact, the first was that we had testimony in this Congress in 2000 and 2001 that drug dealers were using outbound mail to ship the proceeds of drug sales. And, in fact, I introduced at a committee hearing a drug dealer's Web site where they say this. Here is what they say, and I am going to submit this for the RECORD.

□ 1415

''Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail is anonymous and safe.''

That is actually on a drug dealer's Web site. But it was not just the drug dealers who knew this. President Clinton commissioned the International Crime Control Strategy Committee, a bipartisan committee. They looked at that. Among their findings was this:

''Customs has identified various methods of currency smuggling that remain a challenge. Notable among these methods is the exploitation of the U.S. mail. Hundreds of thousands of dollars can be smuggled out of the United States, at only the cost of postage, in letters and packages.''

But scariest of all is testimony that we heard prior to September 11 that terrorists were using the U.S. mail, that they were exploiting the U.S. mail. We heard testimony, the committees of this Congress, that we were creating one of the greatest enforcement stumbling blocks United States agencies had in fighting terrorists and money laundering. Despite that, the post office continued not to cooperate with the Treasury, the FBI and the customs. Therefore, we had this headline which we could have avoided or possibly avoided by adopting this language prior to September 11: Attacks Show a Lack of Cooperation Between Agencies.

Has September 11 not taught us one thing? Has it not taught us that the post office ought to be a partner in our fight against terrorism? This language should have been adopted before September 11. Let us adopt it now. Let us slam the door on money launderers, terrorists and drug dealers and let us do it today.

The U.S. Customs Service should be able to inspect merchandise that is exiting the United States through the U.S. Postal Service—just like it can inspect all merchandise that enters the United States through the Postal Service.

Existing law enables the U.S. Customs Service to inspect merchandise exiting the United States via any mode of transportation—including truck, ship, car, airplane, private express carrier, or person.

The Postal Service claims that it is exempt from these laws—making it the only mode of export for which Customs cannot inspect outbound merchandise.

Customs' inspection of outbound and inbound merchandise is Constitutional.

Under the Constitution, the Customs Service has outbound and inbound border search authority for all merchandise, including that carried on or in an airplane, vessel, vehicle, person, package, or envelope departing or entering the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound merchandise.

Courts have upheld Customs' general border search authority, and in particular over inbound mail and outbound shipments. These decisions support Congress acting to affirm Customs' authority. See *United States* v. *Ramsey,* 431 U.S. 606 (1977); *United States* v. *Berisha,* 925 F.2d 791 (5th Cir. 1991); *United States* v. *Ezeiruaku,* 936 F.2d 136 (3d Cir. 1991); *United States* v. *Cardona,* 769 F.2d 625 (9th Cir. 1985); *United States* v. *Udofot,* 711 F.2d 831 (8th Cir. 1983).

Some enterprising sellers of illegal drugs have even boldly stated on their internet site that mail-order customers should use the mails to avoid inspections:

> Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail (registered, if you like), is anonymous and safe.

Recent congressional testimony of Customs pointed to the lack of export examination requirements as to USPS shipments as the

''greatest enforcement stumbling blocks,'' creating ''a money launderer's dream-come-true.'' Testimony, U.S. Customs Service, House of Representatives Committee on Government Reform, Criminal Justice, Drug Policy and Human Resources Subcommittee Hearing, May 26, 2000.

Customs testimony at this hearing pointed out that not just money laundering is involved, that this ''loophole literally creates a haven for smugglers of all kinds. A flawed system such as this can facilitate many other illegal exports and intransit shipments such as child pornography, items or materials to be used in terrorist attacks, weapons, sensitive military or high tech products not licensed for exportation . . .''

The Postal Service's position is clearly anti-law enforcement and allows the US Postal Service to be the outbound smuggling method of choice for drug cartels and other criminal entities. No public policy is served by exempting outbound Postal Service shipments of merchandise from Customs' inspection.

PROTECT THE U.S. BORDER WHILE MAINTAINING PRIVACY—PRIVACY OF THE U.S. MAIL IS NOT AT RISK

PARITY BETWEEN OUTBOUND AND INBOUND MAIL SHIPMENTS

The U.S. Customs Service should be able to inspect merchandise that is exiting the United States through the U.S. Postal Service—just like it can inspect all merchandise that enters the United States through the Postal Service. [19 U.S.C. §482; 19 U.S.C. §1581; 19 U.S.C. §1582; 19 C.F.R., Part 145; 19 C.F.R., Part 162]

PARITY BETWEEN MODES OF EXPORT

Existing law enables the U.S. Customs Service to inspect merchandise exiting the United States via any mode of transportation—including truck, ship, car, airplane, private express carrier, or person. [22 U.S.C. §401; 22 U.S.C. §2778; 31 U.S.C. §5317; 50 U.S.C. App. §2411]

The Postal Service claims that it is exempt from these laws—making it the only mode of export for which Customs cannot inspect outbound merchandise.

CONSTITUTIONAL BASIS

Customs' inspection of outbound and inbound merchandise is Constitutional.

Under the Constitution, the Customs Service has outbound and inbound border search authority for all merchandise, including that carried on or in an airplane, vessel, vehicle, person, package, or envelope departing or entering the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound merchandise. [*See, e.g., California Bankers Assn.* v. *Shultz,* 416 U.S. 21 (1973). *United States* v. *Ramsey,* 431 U.S. 606 (1977). *United States* v. *Cardona,* 769 F.2d 625 (9th Cir. 1985). *United States* v. *Whiting,* 781 F.2d 692 (9th Cir. 1986). *United States* v. *Berisha,* 925 F.2d 791 (5th Cir. 1991).]

LETTER PRIVACY

Allowing Customs to inspect outbound merchandise sent via the Postal Service does not change the law that Customs Officers may not open sealed letter class mail that only contains correspondence without a warrant or consent. [19 C.F.R. §145.3]

For inbound Postal Service shipments, the Customs regulations prohibit Customs officers from opening letter class mail that contains only correspondence except when either a warrant or the consent of the sender/addressee is obtained. The Postal Service has endorsed these regulations for inbound shipments and they could easily be applied to outbound Postal Service shipments.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. I thank the gentleman for yielding time.

Mr. Chairman, I rise in opposition to H.R. 3129, the Customs Border Security Act, in its present form and urge my colleagues to support the substitute offered by the gentleman from New York (Mr. RANGEL).

Section 141 of H.R. 3129 is problematic because it offers full immunity from civil damages if a customs officer performed the search in so-called good faith. Since the bill does not define what constitutes good faith, it effectively expands the current immunity standard to the point of making it nearly impossible for a person to seek redress against a customs officer for an unconstitutional search.

Under current law, government officers performing their specified functions are afforded qualified immunity from civil damages as long as the officer's actions do not violate clearly established statutory or constitutional rights which a reasonable person would have known. The Fourth Circuit Court of Appeals said in 1992 that officers ''are not liable for bad guesses in gray areas, they are liable for transgressing bright lines.'' That is the current law.

The availability of qualified immunity is determined against a standard of objective reasonableness. Whether an officer may be held personally liable turns on the objective legal reasonableness of the action assessed in light of the legal rules that were clearly established at the time the action was taken. As the Supreme Court said in 1986, the present qualified immunity protects ''all but the plainly incompetent and those who knowingly violate the law.''

But this bill seeks to go further and extends the immunity to situations where customs officers allege that they were acting in good faith, regardless of whether they were transgressing a bright line in the law or not, and regardless of whether they should have known that their actions violated the law. Under this bill, a customs officer could engage in blatantly discriminatory conduct; but if he believed it was in good faith, then he could not be held liable.

Let us remember what we are talking about here. Unconstitutional, unreasonable searches by government officials, searches which could include strip searches and so-called cavity searches. Mr. Chairman, many of these searches have been found to have been conducted pursuant to policies of racial profiling. A March 2000 General Accounting Office report found that while African Americans were nine times more likely to be searched than white Americans, they were no more likely to be found to be carrying contraband. The only way to give victims an effective means to stop these practices is through lawsuits. And here we have a bill that will throw some of these people out of court, deny them compensation for violations of their constitutional rights, and make it even less likely that these illegal searches will be stopped.

The substitute offered by the gentleman from New York (Mr. RANGEL) offers a more balanced approach. Those aggrieved will still have their day in court, because although customs officers will still be immune from liability under the substitute, the Federal Government will ultimately be liable for violations. In cases like these, the government, rather than the individual officer, usually ends up paying the judgment anyway, so this should not be a significant burden. And this is a fairer alternative since the immunity is preserved but the person who is victimized can still be made whole, and the Federal Government will be encouraged to correct the practices of its employees.

I urge my colleagues to vote in favor of the Democratic substitute and, if it fails, to vote against H.R. 3129.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, we pass a lot of legislation on the floor, and I hold very seriously what we are doing today. A lot of people do not understand, I think, those that listen to us, miss the significance of what we are doing. I support first amendment rights. There are certain limitations in which I think we all agree. I just sat through a Permanent Select Committee on Intelligence hearing, which I am very limited in what I can say about the memo that was written by Mr. Williams, and the reasons why that much of the information was not passed forth is because of the politically correct environment, the liability environment, the civil liberties union going after our agents for things in doing their job in which their hands are tied.

I think all of us after September 11 are living in a different world. Do we want people violated? No. But I will tell you, if an agent, whether it is DEA, whether it is customs or whether it is INS, feels that I am suspect due to my activities, due to suspicions or I am reacting a certain way, then I have no ill feelings to those individuals that search me. Every time I go through the airport now, and I do not think I look like a terrorist, although the gentlewoman from California (Ms. WATERS) says, yes, I do. I disagree with the gentlewoman from California. But every day that I go through the airport, I had a knee replacement and I have got a steel knee. I have to stand and spread eagle, they go through my bags, I have to take off my shoes and put those through the machine. Does that violate my civil liberties? Yes. But in the name of protection of this country, I feel it is very, very important. There are some inconveniences.

Do you realize that today we have many of the people that we suspect as

being terrorists that produce pro al Qaeda and pro bin Laden information in Arizona that are still in those flight schools? And our agents cannot deport them because under the first amendment they have got all the rights that they can. They are recruiting individuals to go fight in Afghanistan to defeat the Western world. One of the things we need to do is these individuals before a visa is ever granted, to do a better background research before we ever let them in. Because once they get in here, we sure as heck cannot get rid of them because of our politically correct laws which I feel personally endanger us in this country.

We had two individuals in 1999 on an airline, known al Qaeda supporters. One looked suspicious. The other actually went up and rattled the airline door, and they stopped. These individuals were arrested when they landed. They are now suing the airline for racial profiling. I guarantee you, there is some liberal judge out there that is going to grant them the case. My point is that if a customs agent feels with their professional training that there is a problem, a risk to American citizens, they be given the right to protect us, whether it is an Irish guy like myself or anyone else.

The gentleman from New York (Mr. RANGEL) is one of my heroes. He is a Korean war veteran, fought for us, and we are good friends. But I think in this fine line of defense I would disagree with my friend from New York.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Georgia (Mr. LEWIS) for yielding me this time.

Mr. Chairman, with great respect to the previous speaker and certainly his service to this country, I do believe that there is value in the balance between civil liberties, the Bill of Rights, and the Constitution. I might say as well that the headline read by one of the speakers, ''Agencies Don't Communicate,'' goes far deeper than violating the civil liberties and civil rights of Americans who travel throughout this Nation. Let me say for once what we should be focusing on is very much what is transpiring in the Permanent Select Committee on Intelligence, but it should be going on in the Committee on Armed Services, it should be going on in Judiciary, Committee on International Relations, and a number of other committees and a select committee to investigate what happened in light of the July 6 memo and the August memo. The question is not so much as to agencies communicating; it is whether or not internally the memo went where it was supposed to go and it was acted upon, whether or not the FBI and the CIA communicates. This legislation does not speak to that issue.

And so I rise to oppose this bill today in its present form, and I rise to support the substitute by the gentleman from New York (Mr. RANGEL). It is clear that the customs agents are to be respected and the work that they do is to be respected; but a violation and an undercutting and an undermining of civil liberties is not the solution to fighting terrorism. This bill would weaken protection against racial profiling and other illegal searches and undermine the right to privacy in personal correspondence.

Mr. Chairman, I would like to tell the story of Yvette Bradley, a 33-year-old advertising executive and her sister who arrived at Newark airport from a vacation in Jamaica. She is an African American woman. Upon encountering customs agents, Ms. Bradley recalls that she along with most of the other black women on the flight were singled out for searches and interrogation where she experienced one of the most humiliating moments of her life.

Ms. Bradley was searched throughout her body, including her private parts. And, of course, Mr. Chairman, no drugs or contraband was found. The gentleman from Georgia (Mr. LEWIS), of course, is well aware of these cases, as being a strong advocate on diminishing racial profiling by the U.S. customs department. I too happen to be a strong supporter of the customs department and its agents and the responsibilities they have. As we have said repeatedly on this floor, there is not a thin line of difference between Democrats and Republicans and others on fighting terrorism. Interestingly enough, however, they have all of the provisions that they need to ensure the safety of the Nation. That is, the customs department and the agents. The PATRIOT Act gave a number of new restrictions that would assist in fighting terrorism. There is no need in this bill to give a pass on the Bill of Rights and the Constitution, the understanding of unreasonable searches and seizures. It is unfair. The ability to search mail more than they have now is unfair, and it is not a solution to terrorism.

The legislation did not go to the Committee on the Judiciary. This legislation came out of the Committee on Ways and Means on a party vote. It is simply ludicrous that we throw to the wind our Constitution when we are fighting terrorism around the world. This bill fails to address the very serious problems of racial profiling and the invasion of privacy by our customs agents. It throws to the wind the ability to secure relief from the government if you are unfairly racially profiled. Mr. Chairman, it is going on right now. In spite of the random selection, I believe it is going on right now as we speak in our airports of random or racially profiled selections of individuals.

In addition, with respect to the mail provision, I believe that the substitute provides us a much better offering of this legislation. I would ask my colleagues to support the substitute; and if that substitute should fail, I would ask my colleagues to oppose the bill in its present form, that is, H.R. 3129.

□ 1430

We must find a better way to fight terrorism. I think what we can begin by doing is communicating with the agencies and for the agencies to do their jobs.

As I have said in the past, I have great respect for the services of the men and women in the Custom's service. This legislation, with the civil liberties protection, will further support their work.

Mr. Chairman, I rise to oppose this bill today in its present form and rise to support the substitute by Mr. RANGEL. The bill would weaken protections against racial profiling and other illegal searches and undermine the right to privacy in personal correspondence. Mr. Speaker, I would like to tell the story of Yvette Bradley. A 33-year-old advertising executive and her sister arrived at Newark Airport from a vacation in Jamaica, an African American woman.

Upon encountering Customs agents, Ms. Bradley recalls that she, along with most of the other black women on the flight, were singled out for searches and interrogation, where she experienced one of the most humiliating moments of her life. Ms. Bradley was searched throughout her body including her private parts. Mr. Chairman, no drugs or contraband was found.

I happen to be a strong supporter of our Customs agents and the responsibilities that they have. Interestingly enough, however, they have all of the provisions that they need to ensure the safety of this Nation. To take away, to give them a bye, a pass, on the Bill of Rights and the Constitution, the understanding of unreasonable search and seizures, is unfair. The ability to search mail, more than they have now, is unfair and it is not a solution to terrorism.

This legislation did not go to the Committee on the Judiciary. This legislation came out of the Committee on Ways and Means on a party vote. It seems simply ludicrous that we throw to the wind our Constitution when we are fighting terrorism around the world.

This bill fails to address the very serious problems of racial profiling and invasions of privacy by our Customs agents. The Customs Service has a poor record on racial profiling. A March 2000 General Accounting Office report found that while black female U.S. citizens were nine times more likely than white female U.S. citizens to be subjected to x-ray searches by the Customs Service, these black women were less than half as likely to be found carrying contraband as white females.

Mr. Chairman, the bill before us today, H.R. 3129, contains a number of problematic provisions that perpetuate these kinds of insidious acts. Most notably, two provisions raise significant constitutional and civil liberties concerns. First, the Good Faith Immunity provision of section 141 provides Customs inspectors immunity from lawsuits stemming from personal searches of people entering the country so long as the officers conduct the searches in ''good faith.'' Importantly, this provision has nothing to do with preventing terrorists from boarding airplanes. Customs officers search passengers when they are exiting the plane,

not when they are boarding. Nothing in the provision limits it to terrorist investigations.

Section 141 of the bill provides immunity to a Customs officer conducting a search of a person or property provided he or she was acting in ''good faith.'' The term ''good faith'' is not defined in the bill.

Customs Service agents should not be provided with additional immunity because the Customs Service has an uneven record on racial profiling, it routinely conducts particularly intrusive searches, and has broad authority to seize property. A March 2000 General Accounting Office report found that while African American men and women were nearly nine times more likely to be searched as white American men and women, they were no more likely to be found carrying contraband. I do support the Rangel substitute which balances protecting hard working customs agents against liability while still allowing the grieved citizen the right to sue for unjust acts against them.

Section 144, ''Border search authority for certain contraband in outgoing mail,'' would allow the U.S. Customs Service to open outbound international mail without a warrant if they have reasonable cause to suspect the mail contains certain contraband. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service.

Section 144 would allow Customs officials to open sealed, outbound international mail without a warrant, without probable cause, and without any judicial review at all. People in the United States have an expectation of privacy in the mail they send to friends, family, or business associates abroad. The Customs Service's interest in confiscating illegal weapons' shipments, drugs or other contraband is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold a package while they wait for a court to issue a warrant. I support the substitute of Mr. RANGEL which upholds present law requiring a warrant before mail is searched.

Recently, the U.S. Postal Service wrote a letter to the Chairman of the Financial Services Committee on the issue of searching outbound mail without a warrant: ''There is no evidence that eroding these long established privacy protections will bring any significant law enforcement improvements over what is achieved using existing, statutorily approved law enforcement techniques.''

I urge my colleagues to vote ''no'' on H.R. 3129 because the bill would weaken protections against racial profiling and other illegal searches and undermines the right to privacy in personal correspondence.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), our distinguished colleague on the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the chairman for yielding me time and rise in strong support of this legislation.

Mr. Chairman, I want to remind the body that this bill will provide $10 million for the Customs Cyber-Smuggling Center. This center, along with FBI, does all that work that is so critical to protecting our children from people who lurk on the Internet in cyberspace with the explicit and sole goal of exploiting them for sexual purposes.

The Internet has become not only an opportunity for all of us and for America, but it has also become a new venue for crime. While most Members are not aware of it, most of the child pornography that flows into America from abroad now flows in through cyberspace. So the Customs officials are extremely involved in preventing cyber-smuggling of pornographic material and stopping the cyberspace attacks on our children.

The Customs officials are very skilled now at going into the chat rooms on our computers, following the conversations that go on there and spotting those individuals who are posing as young people but are actually adults out to lure children into meetings where they can be sexually exploited, or, in the tragic case of a young girl in Connecticut, murdered. That happened just this week.

So the computers, their chat rooms, cyberspace, represents a new and terrible danger for our children. These same people used to lurk around school yards. That did have at least the advantage of our being able to see them and adults being able to report them and the police being able to pick them up. Now they do not have to lurk around school yards. They do not have to be seen visibly. They can lurk in the chat rooms that our children frequent and they can play on their innocence and their trust to build up communication with them and to give them the confidence to meet them. Then, when they have the meeting, when they get the child in their literal physical grasp, that child then is helpless.

So the Customs Cyber-Smuggling Center has been on the front line of stemming this attack on our children, and this bill gives them $10 million that is critical to their beefing up their staff, to their being more effective in intercepting conversations with children and preventing those critical meetings and thereby protecting our children. So I commend the chairman on this legislation, and particularly for being able to work with us and include this critical money in this bill.

But I also want to address the importance of voting for the bill and voting against the substitute. The protection that is given to the Customs officials in this bill is protection that was requested by the Customs Department, that is wanted by the Customs officers, that was supported by the Treasury last time around on this bill and responds very deeply to their need to be protected just for doing their job.

There are tragic stories of Customs officials carrying out their responsibilities, doing what they are required by law to do to protect us, and then being sued, left out there by the government to pay all their own costs of the litigation, losing their homes. There are terrible stories, and only because they are doing their job.

But we encourage litigation in our society. We encourage settlement of suits where there has been no wrongdoing, and we leave our Customs officials exposed. They explicitly asked for this protection. We can do no less than provide it for them.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I think the Rangel substitute does a lot to help this bill. I am in support of the Rangel substitute and am opposed to the bill in its current form.

First of all, Customs officials do need protection. We do need the agents of the Customs department to receive protection. The government is the one who should feel the full brunt of this. So we want to be sure our Customs agents are protected.

I do not take a second seat to anyone and I yield to no one in my support of the war against terrorism, but I refuse to accept government agents engaging in misconduct as a good faith method, in that the standards many times are too subjective, and we have seen it in law enforcement all around. We make the standards so vague and subjective that, when people abuse them, we are not able to bring them to task. These things are not grounded in the law. So we have to be very careful, and that is what the Rangel substitute does.

Secondly, we do not need to expand the search that the Postal authorities are doing without probable cause. The Postal Service opposes this provision, with good reason.

Racial profiling is too rampant and too important now. I urge my colleagues that when there is any hint of anything that would lead to impropriety or abuse of the civil rights and human rights of any individual, we should oppose it. Therefore, I oppose this bill, and I support the Rangel substitute.

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

Mr. LEWIS of Georgia. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman from Georgia for yielding me time.

Mr. Chairman, this is a bill which, compared to previous versions, certainly has done much better for our country and does much better for our Customs officers, our men and women in the Customs Service. This bill does not try to mistreat our employees, the men and women who place themselves in harm's way every day to defend this country against terrorism, who try to interdict the drugs that many would have come into our country, and it treats them the way they should be treated, with respect, when it comes to their employment status, their salary, their working conditions.

Those previous versions of the bill which would have harmed our Customs

men and women are not in this bill, and that is good. We also give Customs the tools it needs to be able to fight terrorism, to fight narcotics that would come into this country, and that is good as well.

But for some reason this bill continues to include 2 provisions which under our Constitution would harm Americans, and that is bad. There is no reason why we should tell an American citizen that he or she is suspect simply because they happen to reside in this country and wish to send a piece of mail abroad. There is no reason why we should treat American citizens in their regular activities of sending correspondence abroad the way we treat foreign correspondence and packages that would come into our country.

I can understand and most of us would understand why it is we would have concern in a package coming from some other country into our country, and perhaps, perhaps, containing a bomb, anthrax, who knows what else it might have. For that reason we provide that package with less of the type of constitutional protection that we provide all of us in America when it comes to our privacy.

But when Americans are shipping something abroad, is there any reason why we are telling them we are going to open up their mail that goes abroad, open up packages, unless we have some suspicion there is reason to go in that?

Right now we can open up a package that is going abroad, but we just have to prove there is a reason why we are going to go into the privacy of each and every American citizen to do so. This bill changes the privacy right we have had since the founding of this Nation. That is wrong.

The other provision here that I believe if most Americans knew about it would be offensive to them is that which would allow profiling. Most of our Customs officers do not do this, but we have seen on occasion how someone is picked out of the crowd, and our numbers, our studies by Customs itself, have shown that the people that most often get picked, unfortunately, are African American women, succumbing to things like strip searches.

Now our government on occasion has been subjected to lawsuits because of the violations of the Constitutional rights of these individuals. Why are we going to make that easier and why are we going to tell Customs officers we do not have enough faith in them and that we are going to go ahead and let them have an exception to the law? Why would we want to tell people in this country that we are going to lower the standard of protection for people when it comes to their civil rights, simply so that we can protect the bad apples?

Everybody has a bad apple. We have bad apples in this whole institution. But that is no reason to say that every single officer in Customs is bound to violate an American citizen's rights by subjecting them to an unconstitutional search and seizure.

I do not think our Customs officers have requested this. I never heard that in committee, that they requested this. There is no reason to go to the point of providing immunity to Customs officers who violate the Constitution. They already have a qualified immunity to those types of protections. Why are we going beyond what they have even asked for?

In committee, when we asked the general counsel for Customs, please explain why you are asking this particular immunity exception to be applied, we could not get a good answer from the general counsel of the Customs Service.

This is a good bill. Why tarnish it with something that is unnecessary? Of course, most people are going to vote for this because most people will look at the fact that we are providing additional resources to Customs and doing the right thing for most of our officers. This does not belong there. That is why you should vote for the substitute. A vote for the substitute gets rid of the bad and makes this a completely supportable bill.

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

Mr. LEWIS of Georgia. Mr. Chairman, I yield myself such time as I may consume to close.

Mr. Chairman, at the outset, Mr. Chairman, I would like to ask a question: Do we know what a terrorist looks like? Did we know on April 19, 1995, that a man would get in a Ryder truck and drive it into the Federal Building in Oklahoma? Did we know just a few short days ago that a young college student, the age of 21, would put pipe bombs in mailboxes in several Midwestern and Western States?

Mr. Chairman, I must tell you I rise in strong opposition to the Customs Border Security Act of 2001, H.R. 3129. This bill threatens to violate and weaken the civil rights of innocent passengers by granting Customs officers immunity from lawsuits involving personal searches.

H.R. 3129 would increase the chances of racial profiling and illegal searches. This bill will also violate personal privacy by expanding the power of the Customs Service to search mail leaving the United States without a warrant.

While I, like many, appreciate the attempts made by the Customs Service to address its poor record of racial profiling of passengers, now is not the time to grant Customs officers immunity from lawsuits. Civil lawsuits against government officials and agencies are an important deterrent to racial profiling and unconstitutional and unlawful searches. As public officials, Customs agents already have qualified immunity, which is more than adequate to protect them if acting within the scope of their official authority.

Without the possibility of a lawsuit, individuals who have been treated in an unconstitutional manner by a government agency would have no redress, and the government agents would have less incentive to comply with the Constitution.

Mr. Chairman, I urge my colleagues to protect the civil rights of innocent passengers and oppose this bill.

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

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

Mr. Chairman, H.R. 3129, the Customs Border Security Act of 2001, is the authorization for the U.S. Customs Service, International Trade Commission and Office of the U.S. Trade Representative through 2004. We have included a number of critical tools for fighting terrorism, drugs and child pornography.

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The legislation will help customs close a gap in our border that lets illegal money be taken out of the country. This legislation will also significantly increase customs' ability to stop the flow of illegal drugs over our borders and into our children's hands. When this bill came to the floor last year, it was caught up in the general debate on trade and the subject of a lot of misinformation. I want to clear the record for Members' benefit.

The administration was intimately involved in drafting this bill and requested several measures that are here. There is a provision to require advanced electronic manifesting on passengers and cargo so that the Customs Service can have advanced notice of who is in planes and what is on ships about to land on American soil. This provision has attracted the most attention recently, as many agencies of the government, especially law enforcement and intelligence, currently obtain information through customs. It is clear that customs will be requiring more information in the future for antiterrorist efforts. It is equally clear that customs is the logical place to house the current and future data collection system that must interface with importers and carriers of all kinds. Through better and quicker information, the Federal Government can prevent crimes and keep our economy alive with the critical flow of trade.

Similarly, we seek to give our customs inspectors some protection, considering that now more than ever they will be scrutinizing and watching people who come into the country, knowing full well that the next terrorist may be stepping off the plane. For those who act in good faith, inspectors should not have to be afraid of frivolous lawsuits, so we are proposing that they have immunity against such lawsuits unless they wrongly use race, ethnicity, religion, or gender to profile passengers. At the committee markup, administration officials testified that they had drafted this provision and support it. The union representatives of the customs inspectors have specifically written in support of this provision. They make a strong case, and Congress should pass this provision.

The administration also requested that customs be able to search outgoing mail because the U.S. mail is often used to transmit laundered money out of the country. I want to assure members of the committee that we looked carefully at the privacy issues involved here and believe we adequately addressed them in this legislation. Our bill preserves our cherished fourth amendment rights against unwarranted search by requiring that no letter may be read by customs officers unless a valid warrant is obtained, just like current law with respect to inbound mail. Remember, money from illegal activities is what leads us to terrorists and drug smugglers.

We have increased funding to reestablish the New York Customs offices and an additional increase in funding to upgrade our textile transshipment monitoring and enforcement operations. We add $10 million for the Customs Cyber-smuggling Center. This legislation also contains authorization for funding for customs' new automation, the Automated Commercial Environment.

Mr. Chairman, I urge all of my colleagues who are serious about stopping terrorism, drugs, and online child pornography, while keeping our trade flowing, to support this bill. I urge my colleagues to support it.

Mr. SERRANO. Mr. Chairman, on behalf of the Latino community I urge my colleagues to oppose H.R. 3129, the Customs Border Security Act, and to strongly support the Rangel substitute. H.R. 3129 will expand Federal authority for U.S. Customs officers by granting them expanded ''good faith'' immunity. Expanding Customs officers' immunity would only undermine the civil rights of many individuals who would be left without recourse to remedy unconstitutional and discriminatory searches, particularly when this agency has a history of targeting minorities. The Rangel substitute correctly addresses the racial profiling concerns while ensuring that customs inspectors are not liable for monetary damages in civil suits involving personal searches. The U.S. government would consent to be sued and to be held liable for civil damages for suits brought in connection with a wrongful personal search.

According to a Customs Service study conducted in fiscal year 1998, almost half of the people searched by customs were Latino or African-American, although the contraband produced by the searches was lower for minorities than for whites. Another study by the GAO in March 2000 revealed that black female U.S. citizens were nine times more likely to be subjected to X-ray searches by U.S. Customs officials than their white counterparts, although black women were less than half as likely to be found carrying contraband as white women.

There is also no reason why Customs needs expanded authority to search outgoing international mail without a warrant. We inspect mail that comes into the country because we do not know what it might contain. But the interests in outgoing mail are not the same and do not warrant invading our privacy. The Postal Service opposes this provision. Customs has every right to inspect mail by getting a search warrant. There is no need to change current law. The Rangel substitute also addresses the inspection of outbound mail.

I urge my colleagues to support the Rangel substitute and, if it fails, to vote no on H.R. 3129 because it will weaken protections against racial profiling, thus undermining the civil rights of many people and support the Rangel substitute.

Mr. BACHUS. Mr. Chairman, Customs currently can do border searches of everything that enters or leaves the United States—with one exception: outbound mail shipped by the U.S. Postal Service.

The U.S. Customs Service should be able to inspect merchandise that is exiting the United States through the U.S. Postal Service—just like it can inspect all merchandise that enters the United States through the Postal Service. [19 U.S.C. Section 482; 19 U.S.C. Section 1581; 19 U.S.C. Section 1582; 19 C.F.R., Part 145; 19 C.F.R., Part 162]

Existing law enables the U.S. Customs Service to inspect merchandise exiting the United States via any mode of transportation—including truck, ship, car, airplane, private express carrier, or person. [22 U.S.C. Section 401; 22 U.S.C. Section 2778; 31 U.S.C. Section 5317; 50 U.S.C. App. Section 2411]

The Postal Service claims that it is exempt from these laws—making it the only mode of export for which Customs cannot inspect outbound merchandise. In fact, the Postal Authority not only refuses to cooperate with the Customs Service, but they openly resist their efforts to carry out their statutory obligations.

Customs' inspection of outbound and inbound merchandise is Constitutional. Under the Constitution, the Customs Service has outbound and inbound border search authority for all merchandise, including that carrier on or in any airplane, vessel, vehicle, person, package, or envelope departing or entering the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound merchandise. [*See, e.g. California Bankers Assn.* v. *Schultz,* 416 U.S. 21 (1973). *United States* v. *Ramsey,* 431 U.S. 606 (1977). *United States* v. *Cardona,* 769 F.2d 625 (9th Cir. 1985). *United States* v. *Whiting,* 781 F.2d 692 (9th Cir. 1986). *United States* v. *Berisha,* 925 F.2d 791 (5th Cir. 1991).]

Furthermore, courts have upheld Customs' general border search authority and, in particular, over inbound mail and outbound shipments. These decisions support Congress acting to affirm Customs' authority. [See *United States* v. *Ramsey*; *United States* v. *Berisha*; *United States* v. *Ezeiruaku*, 936 F.2d 136 (3d Cir. 1991); United States v. *Cardona*; *United States* v. *Udofot*, 711 F.2d 831 (8th Cir. 1983)]

The general public may not know about the inability of Customs to effectively search outbound merchandise, but others do. Some enterprising sellers of illegal drugs have even boldly stated on their internet site that mail-order customers should use the mails to avoid inspections.

Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail (registered, if you like) is anonymous and safe.

Recent Congressional testimony of Customs pointed to the lack of export examination requirements as to USPS shipments as the ''greatest enforcement stumbling blocks,'' creating ''a money launderer's dream-come-true.'' [Testimony, U.S. Customs Service, House of Representatives Committee on Government Reform, Criminal Justice, Drug Policy and Human Resources Subcommittee Hearing, May 26, 2000.]

Customs testimony at this hearing pointed out that not just money laundering is involved, that this ''loophole literally creates a haven for smugglers of all kinds. A flawed system such as this can facilitate many other illegal exports and in-transit shipments such as child pornography, items or materials to be used in terrorist attacks, weapons, sensitive military or high tech products not licensed for exportation . . .''

The Postal Service's position is clearly anti-law enforcement and allows the U.S. Postal Service to be the outbound smuggling method of choice for drug cartels and other criminal entities. No public policy is served by exempting outbound Postal Service shipments of merchandise from Customs' inspection. I urge the membership to give this legislation the strongest vote of confidence.

Ms. DUNN. Mr. Chairman, I rise in support of H.R. 3129, the Customs Border Security Act. I want to thank Chairman THOMAS and CRANE for working with me to address my concerns for improving staffing and equipment on the Northern Border.

Almost two years ago, Customs personnel were able to apprehend a terrorist at Blaine, Washington. This action helped prevent a terrorist act against our nation. Today, we face greater threats of terrorism and we need to better protect our borders, especially our Northern Border.

For this reason, I am pleased that this bill authorizes more funding to hire approximately 285 additional Customs Service officers to protect the borders and ports along the U.S.-Canadian border. This legislation also increases equipment for the Customs Service to expedite the movement of goods and passengers on our Northern Border.

Over the past few years, Washington State has seen an increase in trade and passenger traffic on the U.S.-Canadian Border. In 1999, trade between Washington State and Canada has grown approximately $19 billion. Furthermore, we have seen a growth in the cruise industry in Seattle. Unfortunately, we had to deny ships from visiting Seattle because of insufficient Customs officers to inspect them.

The increases in staff and equipment in this bill are positive steps towards a comprehensive and sustained effort to better protect the Northern Border from potential terrorist activities, and improve the flow of goods and traffic between the U.S. and Canada. I ask my colleagues to support this bill.

Ms. KILPATRICK. Mr. Chairman, I rise to announce my opposition to the underlying bill that we consider today. It is a near certainty that the substitute amendment offered by my colleague from California (Ms. WATERS) will not be approved, and without the improvements contained in her amendment, there is little choice for me but to vote against this bill.

Last December, I voted against this bill's passage when it was considered under suspension of rules. I did so because I objected to a provision in that bill that would have provided immunity to customs officers for personal searches at border locations, as long as the officers follow agency guidelines. That was too broad an exemption.

I share the view of many in this chamber that the men and women who make up the U.S. Customs Service are good and hard working people, dedicated to performing their jobs and committed to protecting the safety of this country's borders. Nowhere is the dedication of U.S. Customs Service personnel exemplified more than at Detroit's ports of entry.

Unfortunately, inspection abuses have occurred and civil rights have been violated. The grant of immunity provided in the earlier bill asked that the constitutional rights of Americans be surrendered at the border. I opposed passage of H.R. 3129 last December, and I oppose its passage today for the very same reasons.

I have dedicated my entire life to the advancement of civil rights under civil law. To vote for this bill as it is presently configured would require me to suppress a deep-seated core value that I hold dear. There are times when many in this chamber put aside their personal values in order to advance causes and issues that provide for the greater good. This is not one of those times.

This bill has the potential of short circuiting the civil liberties of Americans and international visitors who step on to U.S. soil from international ports. By doing so, we are compromising on the values that make up part of the American character and surrendering the protections guaranteed to us under the constitution. I cannot in good conscience surrender my convictions to protect the civil liberties of all Americans and those that come to this country. For that reason I oppose the passage of this bill.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as the original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3129

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Customs Border Security Act of 2001''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.
Sec. 103. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

Subtitle C—Personnel Provisions

CHAPTER 1—OVERTIME AND PREMIUM PAY OF OFFICERS OF THE CUSTOMS SERVICE

Sec. 121. Correction relating to fiscal year cap.
Sec. 122. Correction relating to overtime pay.
Sec. 123. Correction relating to premium pay.
Sec. 124. Use of savings from payment of premium pay.
Sec. 125. Effective date.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 131. Additional Customs Service officers for United States-Canada border.
Sec. 132. Study and report relating to personnel practices of the Customs Service.
Sec. 133. Study and report relating to accounting and auditing procedures of the Customs Service.
Sec. 134. Establishment and implementation of cost accounting system; reports.
Sec. 135. Study and report relating to timeliness of prospective rulings.
Sec. 136. Study and report relating to Customs user fees.

Subtitle D—Antiterrorism Provisions

Sec. 141. Immunity for United States officials that act in good faith.
Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.
Sec. 143. Mandatory advanced electronic information for cargo and passengers.
Sec. 144. Border search authority for certain contraband in outbound mail.
Sec. 145. Authorization of appropriations for reestablishment of Customs operations in New York City.

Subtitle E—Textile Transshipment Provisions

Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.
Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.
Sec. 153. Implementation of the African Growth and Opportunity Act.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Sec. 201. Authorization of appropriations.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

Sec. 301. Authorization of appropriations.

TITLE IV—OTHER TRADE PROVISIONS

Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.
Sec. 402. Regulatory audit procedures.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:

''(A) $886,513,000 for fiscal year 2002.''; and

(2) in subparagraph (B) to read as follows:

''(B) $909,471,000 for fiscal year 2003.''.

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

''(i) $1,603,482,000 for fiscal year 2002.''; and

(B) in clause (ii) to read as follows:

''(ii) $1,645,009,000 for fiscal year 2003.''.

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 and 2003 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreements Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows:

''(A) $181,860,000 for fiscal year 2002.''; and

(2) in subparagraph (B) to read as follows:

''(B) $186,570,000 for fiscal year 2003.''.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

''(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).''.

SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 111 and 112 of this Act.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

Subtitle C—Personnel Provisions

CHAPTER 1—OVERTIME AND PREMIUM PAY OF OFFICERS OF THE CUSTOMS SERVICE

SEC. 121. CORRECTION RELATING TO FISCAL YEAR CAP.

Section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) is amended to read as follows:

''(1) FISCAL YEAR CAP.—The aggregate of overtime pay under subsection (a) (including commuting compensation under subsection (a)(2)(B)) that a customs officer may be paid in any fiscal year may not exceed $30,000, except that—

''(A) the Commissioner of Customs or his or her designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Customs Service; and

''(B) upon certification by the Commissioner of Customs to the Chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that the Customs Service has in operation a system that provides accurate and reliable data on a daily basis on overtime and premium pay that is being paid to customs officers, the Commissioner is authorized to pay any customs officer for one work assignment that would result in the overtime pay of that officer exceeding the $30,000 limitation imposed by this paragraph, in addition to any overtime pay that may be received pursuant to a waiver under subparagraph (A).''.

SEC. 122. CORRECTION RELATING TO OVERTIME PAY.

Section 5(a)(1) of the Act of February 13, 1911 (19 U.S.C. 267(a)(1)), is amended by inserting after the first sentence the following new sentences: ''Overtime pay provided under this subsection shall not be paid to any customs officer unless such officer actually performed work during the time corresponding to such overtime pay. The preceding sentence shall not apply with respect to the payment of an award or settlement to a customs officer who was unable to perform overtime work as a result of a personnel action in violation of section 5596 of title 5, United States Code, section 6(d) of the Fair Labor Standards Act of 1938, or title VII of the Civil Rights Act of 1964.''.

SEC. 123. CORRECTION RELATING TO PREMIUM PAY.

(a) IN GENERAL.—Section 5(b)(4) of the Act of February 13, 1911 (19 U.S.C. 267(b)(4)), is amended by adding at the end the following new sentences: ''Premium pay provided under this subsection shall not be paid to any customs officer unless such officer actually performed work during the time corresponding to such premium pay. The preceding sentence shall not apply with respect to the payment of an award or settlement to a customs officer who was unable to perform work during the time described in the preceding sentence as a result of a personnel action in violation of section 5596 of title 5, United States Code, section 6(d) of the Fair Labor Standards Act of 1938, or title VII of the Civil Rights Act of 1964.''.

(b) CORRECTIONS RELATING TO NIGHT WORK DIFFERENTIAL PAY.—Section 5(b)(1) of such Act (19 U.S.C. 267(b)(1)) is amended to read as follows:

''(1) NIGHT WORK DIFFERENTIAL.—

''(A) 5 P.M. TO MIDNIGHT.—(i) If any hours of regularly scheduled work of a customs officer occur during the hours of 5 p.m. and 12 a.m., the officer is entitled to pay for such hours of work (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to not less than 18 percent of that basic rate.

''(ii) If the regularly scheduled work of a customs officer is 4 p.m. to 12:00 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to not less than 18 percent of that basic rate.

''(B) MIDNIGHT TO 6 A.M.—(i) If any hours of regularly scheduled work of a customs officer occur during the hours of 12 a.m. and 6 a.m., the officer is entitled to pay for such hours of work (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 25 percent of that basic rate.

''(ii) If the regularly scheduled work of a customs officer is 12 a.m. to 8:00 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 25 percent of that basic rate.''.

SEC. 124. USE OF SAVINGS FROM PAYMENT OF PREMIUM PAY.

Section 5 of the Act of February 13, 1911 (19 U.S.C. 267), is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) USE OF SAVINGS FROM PAYMENT OF PREMIUM PAY.—

''(1) USE OF AMOUNTS.—For fiscal year 2002, the Secretary of the Treasury—

''(A) shall determine under paragraph (2) the amount of savings from the payment of premium pay to customs officers; and

''(B) shall use an amount from the Customs User Fee Account equal to such amount determined under paragraph (2) for additional premium pay described in clauses (i) and (ii) of subsection (b)(1)(A).

''(2) DETERMINATION OF SAVINGS AMOUNT.—The Secretary shall calculate an amount equal to the difference between—

''(A) the estimated cost for premium pay that would have been incurred during fiscal year 2002 if this section, as in effect on the day before the date of the enactment of section 123 of the Customs Border Security Act of 2001, had governed such costs; and

''(B) the actual cost for premium pay that is incurred during fiscal year 2002 under this section, as amended by section 123 of the Customs Border Security Act of 2001.''.

SEC. 125. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to pay periods beginning on or after 15 days after the date of the enactment of this Act.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 131. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES–CANADA BORDER.

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 101 of this Act, $25,000,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States–Canada border.

SEC. 132. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 133. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) STUDY.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 134. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of the enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

SEC. 135. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term ''prospective ruling'' means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 136. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

Subtitle D—Antiterrorism Provisions

SEC. 141. IMMUNITY FOR UNITED STATES OFFICIALS THAT ACT IN GOOD FAITH.

(a) IMMUNITY.—Section 3061 of the Revised Statutes of the United States (19 U.S.C. 482) is amended—

(1) by striking ''Any of the officers'' and inserting ''(a) Any of the officers''; and

(2) by adding at the end the following:

''(b) Any officer or employee of the United States conducting a search of a person pursuant to subsection (a) shall not be held liable for any civil damages as a result of such search if the officer or employee performed the search in good faith.''.

(b) REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking ''Whenever the President'' and inserting ''(a) Whenever the President''; and

(2) by adding at the end the following:

''(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

''(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

''(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

''(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

''(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

''(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).''.

SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking ''Any manifest'' and inserting ''(1) Any manifest''; and

(B) by adding at the end the following:

''(2) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

''SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under

the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission manifest information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

''(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person described in subsection (a), the person's—

''(1) full name;

''(2) date of birth and citizenship;

''(3) gender;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number, as applicable;

''(6) passenger name record; and

''(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

''(t) The term 'land, air, or vessel carrier' means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

SEC. 144. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

''(a) EXAMINATION.—

''(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

''(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

''(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

''(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

''(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

''(D) The Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

''(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

''(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

''(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

''(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) Mail sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

''(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

''(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

''(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

''(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

''(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

''(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

''(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

''(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

''(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

''(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. app. 1 et seq.).

''(K) Merchandise subject to any other law enforced by the Customs Service.

''(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

''(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

''(B) the sender or addressee has given written authorization for such reading.''.

SEC. 145. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

(2) OPERATIONS DESCRIBED.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

Subtitle E—Textile Transshipment Provisions

SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) IMPORT SPECIALISTS.—$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) INSPECTORS.—$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) $1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106–200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) $75,000 for training of Customs personnel.

(B) $200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—$60,000 for outreach efforts to United States importers.

SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT

Of the amount made available for fiscal year 2002 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 101(b)(1) of this Act, $1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) TRAVEL FUNDS.—$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to Sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''not to exceed'';

(B) in clause (i) to read as follows:

''(i) $30,000,000 for fiscal year 2002.''; and

(C) in clause (ii) to read as follows:

''(ii) $31,000,000 for fiscal year 2003.''; and

(2) in subparagraph (B)—

(A) in clause (i), by adding ''and'' at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

''(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.''.

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

''(i) $51,400,000 for fiscal year 2002.''; and

(2) in clause (ii) to read as follows:

''(ii) $53,400,000 for fiscal year 2003.''.

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

''(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.''.

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking ''$400'' and inserting ''$800''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

''(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

''(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.''.

The CHAIRMAN pro tempore. No amendment to that amendment is in order except those printed in House Report 107–482. Each amendment may be offered only in the order printed in the report by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 107–482.

Will the gentleman from Illinois (Mr. CRANE) continue to be the designee of the gentleman from California (Mr. THOMAS)?

Mr. CRANE. Yes, Mr. Chairman.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CRANE:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Customs Border Security Act of 2002''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.
Sec. 103. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

Subtitle C—Miscellaneous Provisions

Sec. 121. Additional Customs Service officers for United States-Canada border.
Sec. 122. Study and report relating to personnel practices of the Customs Service.
Sec. 123. Study and report relating to accounting and auditing procedures of the Customs Service.
Sec. 124. Establishment and implementation of cost accounting system; reports.
Sec. 125. Study and report relating to timeliness of prospective rulings.
Sec. 126. Study and report relating to Customs user fees.
Sec. 127. Fees for Customs inspections at express courier facilities.
Sec. 128. National Customs Automation Program.

Subtitle D—Antiterrorism Provisions

Sec. 141. Immunity for United States officials that act in good faith.

Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.
Sec. 143. Mandatory advanced electronic information for cargo and passengers.
Sec. 144. Border search authority for certain contraband in outbound mail.
Sec. 145. Authorization of appropriations for reestablishment of Customs operations in New York City.
Subtitle E—Textile Transshipment Provisions
Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.
Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.
Sec. 153. Implementation of the African Growth and Opportunity Act.
TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
Sec. 201. Authorization of appropriations.
TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION
Sec. 301. Authorization of appropriations.
TITLE IV—OTHER TRADE PROVISIONS
Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.
Sec. 402. Regulatory audit procedures.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:
''(A) $899,121,000 for fiscal year 2002.'';
(2) in subparagraph (B) to read as follows:
''(B) $1,365,456,000 for fiscal year 2003.''; and
(3) by adding at the end the following:
''(C) $1,399,592,400 for fiscal year 2004.''.

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:
''(i) $1,606,068,000 for fiscal year 2002.'';
(B) in clause (ii) to read as follows:
''(ii) $1,642,602,000 for fiscal year 2003.''; and
(C) by adding at the end the following:
''(iii) $1,683,667,050 for fiscal year 2004.''.

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 through 2004 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreement Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows:
''(A) $177,860,000 for fiscal year 2002.'';
(2) in subparagraph (B) to read as follows:
''(B) $170,829,000 for fiscal year 2003.''; and
(3) by adding at the end the following:
''(C) $175,099,725 for fiscal year 2004.''.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

''(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).''.

SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to section 102.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

Subtitle C—Miscellaneous Provisions

SEC. 121. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 101 of this Act, $28,300,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

SEC. 122. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 123. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) STUDY.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 124. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of the enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

SEC. 125. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term ''prospective ruling'' means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 126. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

SEC. 127. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS COURIER FACILITIES.

(a) IN GENERAL.—Section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)) is amended as follows:

(1) In subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''the processing of merchandise that is informally entered or released'' and inserting ''the processing of letters, documents, records, shipments, merchandise, or any other item that is valued at an amount under $2,000 (or such higher amount as the Secretary may set by regulation pursuant to section 498 of the Tariff Act of 1930), whether or not such items are informally entered or released (except items entered or released for immediate exportation),''; and

(B) in clause (ii) to read as follows:

''(ii) In the case of an express consignment carrier facility or centralized hub facility, $.66 per individual airway bill or bill of lading.''.

(2) By redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

''(B)(i) For fiscal year 2004 and subsequent fiscal years, the Secretary of the Treasury may adjust (not more than once per fiscal year) the amount described in subparagraph (A)(ii) to not less than $.35 but not more than $1.00 per individual airway bill or bill of lading. The Secretary shall provide notice in the Federal Register of a proposed adjustment under the preceding sentence and the reasons therefor and shall allow for public comment on the proposed adjustment.

''(ii) The payment required by subparagraph (A)(ii) shall be the only payment required for reimbursement of the Customs Service in connection with the processing of an individual airway bill or bill of lading in accordance with such subparagraph, except that the Customs Service may charge a fee to cover expenses of the Customs Service for adequate office space, equipment, furnishings, supplies, and security.

''(iii)(I) The payment required by subparagraph (A)(ii) and clause (ii) shall be paid on a quarterly basis to the Customs Service in accordance with regulations prescribed by the Secretary of the Treasury.

''(II) 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall, in accordance with section 524 of the Tariff Act of 1930, be deposited as a refund to the appropriation for the amount paid out of that appropriation for the costs incurred in providing services to express consignment carrier facilities or centralized hub facilities. Amounts deposited in accordance

with the preceding sentence shall be available until expended for the provision of customs services to express consignment carrier facilities or centralized hub facilities.

''(III) Notwithstanding section 524 of the Tariff Act of 1930, the remaining 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall be paid to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) of this section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2002.

SEC. 128. NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411(b) of the Tariff Act of 1930 (19 U.S.C. 1411(b)) is amended by striking the second sentence and inserting the following: ''The Secretary may, by regulation, require the electronic submission of information described in subsection (a) or any other information required to be submitted to the Customs Service separately pursuant to this subpart.''.

Subtitle D—Antiterrorism Provisions

SEC. 141. IMMUNITY FOR UNITED STATES OFFICIALS THAT ACT IN GOOD FAITH.

(a) IMMUNITY.—Section 3061 of the Revised Statutes (19 U.S.C. 482) is amended—

(1) by striking ''Any of the officers'' and inserting ''(a) Any of the officers''; and

(2) by adding at the end the following:

''(b) Any officer or employee of the United States conducting a search of a person pursuant to subsection (a) shall not be held liable for any civil damages as a result of such search if the officer or employee performed the search in good faith.''.

(b) REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking ''Whenever the President'' and inserting ''(a) Whenever the President''; and

(2) by adding at the end the following:

''(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

''(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

''(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

''(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

''(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

''(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).''.

SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking ''Any manifest'' and inserting ''(1) Any manifest''; and

(B) by adding at the end the following:

''(2)(A) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

''(B) The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable cargo manifest information obtained pursuant to subparagraph (A). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy and property rights with respect to the cargo involved.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

''SEC. 432. PASSENGER AND CREW INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

''(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person described in subsection (a), if applicable, the person's—

''(1) full name;

''(2) date of birth and citizenship;

''(3) gender;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number;

''(6) passenger name record; and

''(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.

''(c) SHARING OF INFORMATION.—The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable electronic transmission information obtained pursuant to subsection (a). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy rights of the person with respect to which the information relates.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

''(t) The term 'land, air, or vessel carrier' means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

SEC. 144. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

''SEC. 583. EXAMINATION OF OUTBOUND MAIL.

''(a) EXAMINATION.—

''(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

''(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

''(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

''(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

''(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

''(D) The Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

''(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

''(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

''(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

''(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) Mail sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

''(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

''(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

''(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

''(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

''(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

''(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

''(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

''(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

''(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

''(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. app. 1 et seq.).

''(K) Merchandise subject to any other law enforced by the Customs Service.

''(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

''(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

''(B) the sender or addressee has given written authorization for such reading.''.

SEC. 145. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

(2) OPERATIONS DESCRIBED.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

Subtitle E—Textile Transshipment Provisions

SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) IMPORT SPECIALISTS.—$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) INSPECTORS.—$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) $1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106–200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) $75,000 for training of Customs personnel.

(B) $200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—$60,000 for outreach efforts to United States importers.

SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Of the amount made available for fiscal year 2002 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 101(b)(1) of this Act, $1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) TRAVEL FUNDS.—$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''not to exceed'';

(B) in clause (i) to read as follows:

''(i) $30,000,000 for fiscal year 2002.'';

(C) in clause (ii) to read as follows:

''(ii) $32,300,000 for fiscal year 2003.''; and

(D) by adding at the end the following:

''(iii) $33,108,000 for fiscal year 2004.''; and

(2) in subparagraph (B)—

(A) in clause (i), by adding ''and'' at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

''(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.''.

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

''(i) $51,440,000 for fiscal year 2002.'';

(2) in clause (ii) to read as follows:

''(ii) $54,000,000 for fiscal year 2003.''; and

(3) by adding at the end the following:

''(iii) $57,240,000 for fiscal year 2004.''.

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

''(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.''.

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking ''$400'' and inserting ''$800''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

''(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

''(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, the gentleman from Illinois (Mr. CRANE) and a Member opposed each will control 5 minutes.

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

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

The substitute increases authorization funding levels at section 101, including earmark for resources at northern border at section 131, new section 121. It extends authorization through 2004. It deletes sections 121 through 125 concerning customs officer pay changes, and renumbers. It adds new section 127 to change customs' fees for couriers to a fixed fee structure. It clarifies in section 143 that advanced electronic manifest requirements applies only to inbound cargo, as provisions to require sharing of information collected by customs to other government agencies.

It clarifies in section 143 that advanced information for passengers and crew is not intended to create new immigration requirements. Specifically, the Secretary can demand passport and visa information only if such a requirement to have a passport or visa already applies to the passenger or crew.

Mr. Chairman, these provisions are designed to make the bill stronger. I urge a ''yes'' vote on the Thomas substitute.

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

Mr. LEVIN. Mr. Chairman, I claim the time in opposition to the amendment, and I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES), our distinguished colleague.

Mr. HAYES. Mr. Chairman, I rise in strong support of this bill today, the manager's amendment, the substitute by the gentleman from California (Mr. THOMAS). H.R. 3129 will provide customs with better tools to protect America's borders during this time of war. But specifically, I would like to highlight some of the provisions for the textile industry.

Illegal transshipments are some of the most critical issues facing our domestic textile industry, and it is one of the issues that I said should be a part of any debate on trade. I want to thank the chairman and the gentleman from Illinois (Mr. CRANE) for their willingness to work with me and other Members and with the textile industry to address this growing problem of illegal textile transshipments.

Without question, one of the greatest threats to our domestic textile industry is the illegal shipment of textile and apparel goods from ports around the world. Our domestic industry can compete on a level playing field, but they cannot compete against a flood of illegal imports. This bill will go far in helping to address the problem. It adds $9.5 million to fight textile transshipment through added staff dedicated to specific geographic areas such as Hong Kong, India, Korea, Mexico, and the Middle East. It includes an additional 50 new staff, including investigators and inspectors.

By no means will this solve every problem, but it will be very helpful in fighting the problems of illegal transshipments; and I urge my colleagues' support.

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

Mr. Chairman, I am glad that this bill has within it the language regarding transshipment that has been mentioned by the distinguished gentleman who spoke before me. I do want to point out, however, that this bill is strictly an authorization; and unless there is an appropriation to carry it out, the language would not be meaningful.

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

Mr. CRANE. Mr. Chairman, I would urge our colleagues on a good, strong, bipartisan basis to support this substitute.

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

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

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. CRANE).

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 107–482.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. Is the gentlewoman from California (Ms. WATERS) the designee of the gentleman from New York (Mr. RANGEL)?

Ms. WATERS. Yes, I am.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Ms. WATERS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Customs Border Security Act of 2002''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.

Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.
Sec. 103. Compliance with performance plan requirements.
Subtitle B—Child Cyber-Smuggling Center of the Customs Service
Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.
Subtitle C—Miscellaneous Provisions
Sec. 121. Additional Customs Service officers for United States-Canada border.
Sec. 122. Study and report relating to personnel practices of the Customs Service.
Sec. 123. Study and report relating to accounting and auditing procedures of the Customs Service.
Sec. 124. Establishment and implementation of cost accounting system; reports.
Sec. 125. Study and report relating to timeliness of prospective rulings.
Sec. 126. Study and report relating to Customs user fees.
Sec. 127. Fees for Customs inspections at express courier facilities.
Sec. 128. National Customs Automation Program.
Subtitle D—Antiterrorism Provisions
Sec. 141. Exclusive remedy for personal search claims.
Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.
Sec. 143. Mandatory advanced electronic information for cargo and passengers.
Sec. 144. Authorization of appropriations for reestablishment of Customs operations in New York City.
Subtitle E—Textile Transshipment Provisions
Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.
Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.
Sec. 153. Implementation of the African Growth and Opportunity Act.
TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
Sec. 201. Authorization of appropriations.
TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION
Sec. 301. Authorization of appropriations.
TITLE IV—OTHER TRADE PROVISIONS
Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.
Sec. 402. Regulatory audit procedures.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows: ''(A) $899,121,000 for fiscal year 2002.'';

(2) in subparagraph (B) to read as follows: ''(B) $1,365,456,000 for fiscal year 2003.''; and

(3) by adding at the end the following: ''(C) $1,399,592,400 for fiscal year 2004.''.

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows: ''(i) $1,606,068,000 for fiscal year 2002.'';

(B) in clause (ii) to read as follows: ''(ii) $1,642,602,000 for fiscal year 2003.''; and

(C) by adding at the end the following: ''(iii) $1,683,667,050 for fiscal year 2004.''.

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 through 2004 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreement Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows: ''(A) $177,860,000 for fiscal year 2002.'';

(2) in subparagraph (B) to read as follows: ''(B) $170,829,000 for fiscal year 2003.''; and

(3) by adding at the end the following: ''(C) $175,099,725 for fiscal year 2004.''.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

''(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).''.

SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to section 102.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

Subtitle C—Miscellaneous Provisions

SEC. 121. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 101 of this Act, $28,300,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

SEC. 122. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 123. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) STUDY.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 124. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of the enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

SEC. 125. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term ''prospective ruling'' means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 126. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

SEC. 127. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS COURIER FACILITIES.

(a) IN GENERAL.—Section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)) is amended as follows:

(1) In subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''the processing of merchandise that is informally entered or released'' and inserting ''the processing of letters, documents, records, shipments, merchandise, or any other item that is valued at an amount under $2,000 (or such higher amount as the Secretary may set by regulation pursuant to section 498 of the Tariff Act of 1930), whether or not such items are informally entered or released (except items entered or released for immediate exportation),''; and

(B) in clause (ii) to read as follows:

''(ii) In the case of an express consignment carrier facility or centralized hub facility, $.66 per individual airway bill or bill of lading.''.

(2) By redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

''(B)(i) For fiscal year 2004 and subsequent fiscal years, the Secretary of the Treasury may adjust (not more than once per fiscal year) the amount described in subparagraph (A)(ii) to not less than $.35 but not more than $1.00 per individual airway bill or bill of lading. The Secretary shall provide notice in the Federal Register of a proposed adjustment under the preceding sentence and the reasons therefor and shall allow for public comment on the proposed adjustment.

''(ii) The payment required by subparagraph (A)(ii) shall be the only payment required for reimbursement of the Customs Service in connection with the processing of an individual airway bill or bill of lading in accordance with such subparagraph, except that the Customs Service may charge a fee to cover expenses of the Customs Service for adequate office space, equipment, furnishings, supplies, and security.

''(iii)(I) The payment required by subparagraph (A)(ii) and clause (ii) shall be paid on a quarterly basis to the Customs Service in accordance with regulations prescribed by the Secretary of the Treasury.

''(II) 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall, in accordance with section 524 of the Tariff Act of 1930, be deposited as a refund to the appropriation for the amount paid out of that appropriation for the costs incurred in providing services to express consignment carrier facilities or centralized hub facilities. Amounts deposited in accordance with the preceding sentence shall be available until expended for the provision of customs services to express consignment carrier facilities or centralized hub facilities.

''(III) Notwithstanding section 524 of the Tariff Act of 1930, the remaining 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall be paid to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) of this section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2002.

SEC. 128. NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411(b) of the Tariff Act of 1930 (19 U.S.C. 1411(b)) is amended by striking the second sentence and inserting the following: ''The Secretary may, by regulation, require the electronic submission of information described in subsection (a) or any other information required to be submitted to the Customs Service separately pursuant to this subpart.''.

Subtitle D—Antiterrorism Provisions

SEC. 141. EXCLUSIVE REMEDY FOR PERSONAL SEARCH CLAIMS.

(a) EXCLUSIVE REMEDY.—Section 3061 of the Revised Statutes of the United States (19 U.S.C. 482) is amended—

(1) by striking ''Any of the officers'' and inserting ''(a) Any of the officers''; and

(2) by adding at the end the following:

''(b) The remedy against the United States for claims arising from the search of a person made pursuant to subsection (a) by any officer or employee of the Federal government while acting within the scope of his office or employment is exclusive of any other civil action or proceeding for money damages by reason of the same subject matter against the employee whose act or omission gave rise to the claim or against the estate of such employee. The United States shall be liable for any such claim, and any other civil action or proceeding for money damages arising out of or relating to the same subject matter against the employee or the employees estate is precluded without regard to when the act or omission occurred.''.

(b) REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking ''Whenever the President'' and inserting ''(a) Whenever the President''; and

(2) by adding at the end the following:

''(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

''(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

''(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

''(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

''(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

''(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).''.

SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking ''Any manifest'' and inserting ''(1) Any manifest''; and

(B) by adding at the end the following:

''(2)(A) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

''(B) The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable cargo manifest information obtained pursuant to subparagraph (A). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy and property rights with respect to the cargo involved.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

''SEC. 432. PASSENGER AND CREW INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

''(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person described in subsection (a), if applicable, the person's—

''(1) full name;

''(2) date of birth and citizenship;

''(3) gender;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number;

''(6) passenger name record; and

''(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.

''(c) SHARING OF INFORMATION.—The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable electronic transmission information obtained pursuant to subsection (a). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy rights of the person with respect to which the information relates.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

''(t) The term 'land, air, or vessel carrier' means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

SEC. 144. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

(2) OPERATIONS DESCRIBED.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

Subtitle E—Textile Transshipment Provisions

SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) IMPORT SPECIALISTS.—$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) INSPECTORS.—$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) $1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106–200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) $75,000 for training of Customs personnel.

(B) $200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—$60,000 for outreach efforts to United States importers.

SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Of the amount made available for fiscal year 2002 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 101(b)(1) of this Act, $1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) TRAVEL FUNDS.—$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''not to exceed'';

(B) in clause (i) to read as follows:

''(i) $30,000,000 for fiscal year 2002.'';

(C) in clause (ii) to read as follows:

''(ii) $32,300,000 for fiscal year 2003.''; and

(D) by adding at the end the following:

''(iii) $33,108,000 for fiscal year 2004.''; and

(2) in subparagraph (B)—

(A) in clause (i), by adding ''and'' at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

''(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.''.

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

''(i) $51,440,000 for fiscal year 2002.'';

(2) in clause (ii) to read as follows:

''(ii) $54,000,000 for fiscal year 2003.''; and

(3) by adding at the end the following:

''(iii) $57,240,000 for fiscal year 2004.''.

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

''(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.''.

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the

United States is amended in the article description column by striking ''$400'' and inserting ''$800''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

''(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

''(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

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

Mr. Chairman, I rise to offer this substitute because the legislation, H.R. 3129, as introduced, needlessly expands the scope of Federal authority and threatens the protection of civil rights by granting broad search immunity to customs agents and by allowing warrantless searches of outgoing international U.S. mail.

We have said over and over again that we support efforts to give protection to customs agents; and when they talk to the Members of Congress about their need for protection, they were not in any way saying that they did not have some immunity. What they were saying is they wanted to get through the courts faster.

This bill goes far too far, and it is unfortunate that the majority has not been able to discuss or compromise on the critical issues of racial profiling and privacy that are raised in this legislation.

This substitute does address those civil liberties questions and retains the portion of the bill that fairly addresses issues of border security.

It has been consistently stated by the gentleman from New York (Mr. RANGEL) and others that the existing doctrine of qualified immunity shields public officials performing discretionary functions from civil damages if their conduct does not violate any clearly established statutory or constitutional rights which a reasonable person should have known. The Supreme Court has repeatedly held that the reasonableness of an officer's behavior, not the subjective good-faith standard used in this legislation, is the proper test for liability.

What the Customs Service has complained about is the pace of trial through the Federal courts. Bluntly stated, they want the cases against their agents disposed of faster, like every other civil litigant in the country. This bill's response in section 141 is the creation of a broad category of immunity, unavailable to any other law enforcement officer.

That provision is both unnecessary and dangerous to the rights of the public who deserve their day in court to protect against racial profiling and other illegal and unconstitutional searches by the Customs Service that have been highlighted in recent GAO studies.

It is important to note that the Customs Service has argued that section 141 of this legislation would apply retroactively and result in the dismissal of a host of lawsuits, many of which were brought by African American women, who are contesting the legality of disparate, intrusive searches documented by the GAO. When viewed in that light, this provision looks less like a tool to address terrorism than a broom to sweep away troublesome cases that raise issues of questionable conduct and policy.

The substitute replaces section 141's grant of immunity with an exclusive remedy against the government for the actions of customs agents who act within the scope of their authority. This compromise fairly balances the interest of customs agents who follow policy with the interests of those aggrieved persons who have been the victim of questionable searches.

With respect to privacy interests, the authors of this bill have completely failed to make a case for weakening the legal standard for the search of U.S. mail. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and United Parcel Service.

□ 1500

The Customs Service's interest in confiscating illegal weapons, shipments, drugs, or other contraband inbound or outbound is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold the package while they wait for the court to issue a warrant.

The U.S. Postal Service has even taken the position that there is no evidence that eroding these long-established privacy protections will bring any significant law enforcement improvements over what is achieved using existing statutorily approved law enforcement techniques.

In short, experts from the postal service have determined that this provision is unnecessary. As we search for increased security, we must remain mindful of the fact that our civil liberties are a precious resource, and ensure that freedom is not a casualty.

We believe the Rangel substitute strikes the appropriate balance between civil liberties and security by correcting deficiencies in H.R. 3129 as introduced, because increased security should not come at the cost of our constitutional rights.

Of course, I would urge all of my colleagues to join me in supporting the Rangel substitute.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). Is the gentleman from Illinois (Mr. CRANE) opposed to the amendment?

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

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. FOLEY), our distinguished colleague from the Committee on Ways and Means.

Mr. FOLEY. Mr. Chairman, I thank the gentleman for his hard work on this bill. I strongly oppose the substitute and strongly support the base bill.

Are we giving up freedoms and liberties in this bill? Absolutely not. But when we have looked at what has happened in this country since September 11, I think it is incumbent upon us to strengthen the laws of this country and strengthen the rights of our agents to inspect packages that come. We lost a constituent in Palm Beach County through anthrax. We have lost a lot of relatives and family in the World Trade Center, and in the plane that went down in Pennsylvania.

Every time we start looking at tightening our borders and strengthening our integrity and our system, we hear these charges of civil rights abuse and civil rights violations. What about 2,800-and-some Americans who died in New York? What about their civil rights?

We have to protect our borders. This bill does that. I do not mean to be outraged, but I am at times, because I cannot understand, when we are protecting our own borders, when people are coming into this country as our guests, that we do not have the right to search them thoroughly, whether they are U.S. citizens or guests from other nations.

In order to protect domestic tranquility, we must work to focus our efforts to make certain that we do not hamstring our Customs agents, our mail inspectors, from being able to thoroughly search that evidence which may make its way into the country. Ships that come into the ports should be thoroughly screened.

We do this in this bill. We provide the mechanism and means, since we are asking for manifests before the flights and cargo arrive, so we can thoroughly screen it. We are giving $24 million for Florida and other Gulf Coast seaports.

Florida has already been a leader in the Nation on this issue. This bill will provide technology to continue this work.

We also authorize a very important $10 million for child cybersmuggling, which gives the money towards the National Center for Missing and Exploited Children for its operation at the child pornography tip line. We strengthen our borders in Mexico and we strengthen our borders in the north, in Canada. We are not targeting any group. We are not racially profiling. We are providing security and protection for the United States citizens of this country.

I suspect there will be acrimony on this debate. This is the first time since 1992 we have reauthorized the U.S. Customs Service, the oldest law enforcement agency in our country. I am certain there are a lot of people having vigorous debates on civil liberties and civil rights. I do not disagree that we have to be careful not to tread on the basic premises of our Constitution.

But we are at war. We have people who have threatened the integrity of this country. We have people who have destroyed the fabric of our communities through fear, intimidation, and through reckless disregard for human life. We have packages that could come in this country that could destroy our ports. So I think we have to be more proactive. I think we have to give them the tools. I think we have to provide for them some legal protection so they can make the appropriate search.

If we are to wait for a court to rule on every package that comes in this country through the U.S. mail service, or by virtue of a person carrying it across our borders, we will forever jeopardizes the safety and integrity of this country. The courts do not move that fast, they do not operate that quickly. What we are trying to do is provide a level of protection for our citizens. I think it is high time we do.

I salute the committee for its hard work on this bill, and the chairman, and I salute the many Members that I believe will vote for this, because it provides, finally, the tools I think we need to not only protect our borders, but to protect our people.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman from California, my friend, for yielding time to me.

Mr. Chairman, the substitute is very simple, because for the most part, as I believe most of us have said earlier, this bill is actually a very good bill. It just has two provisions which are heinous, which go against our Constitution. If most Americans would have an opportunity to examine this, they would say that this does not belong here.

The first provision grants an exception to our privacy rights to allow Customs, without ever having to go after a search warrant, without ever having to show probable cause, to open up American citizens' mail. This is a provision which they could not substantiate. They could not explain why it was so essential.

I think everyone understands why there is that exception for incoming foreign mail into this country. No one would argue that. But when it comes to Americans and the mail we send abroad, why is it so essential that Mrs. JONES' mail to her mother, who happens to live in the Netherlands, has to be opened without having to go through some scrutiny, legal scrutiny, to determine if it is fair or not for Mrs. JONES' mail to be opened without her consent?

We can do it if we just go through the regular course of getting a warrant, showing probable cause to open up Mrs. JONES' mail. But why all of a sudden do we want to be able to have exceptions?

Remember, just 6 months ago, we passed some laws that gave law enforcement much greater authority as a result of trying to deal with terrorism. But to just undo the mechanisms that we have in place to ensure that we are adequately protected from abusive officials does not seem to be right.

The second provision, which again would mostly target African American women, and that is not conjecture, that is a fact. The General Accounting Office in 2000 found that not only are African American women stopped and searched more often, but it is 9 times more often than their counterparts, Anglo or white women counterparts, 9 times more often. Guess what? It also happens to be the case that those African American women are half as likely to contain contraband as white women, American women.

So while the group that is most targeted is least likely to possess contraband, they are the ones who are most targeted. How does that make sense? When one has had their rights violated, rights under the Constitution, why should we not be able to go out there and seek justice, seek redress?

This substitute says you cannot go after monetary damage, but it also does not say forget about the constitutional rights, you also cannot go after that rogue official who went after you.

Most of our officials within Customs are excellent officers. Several have died in the line of duty. I know the person who stopped the suspected terrorist from coming down to Los Angeles and bombing, or rigging bombs at the Los Angeles International Airport, my airport, was a Customs officer in the State of Washington.

They do tremendous work. Why do we have to paint all of them with the broad brush and believe that they are all going to be bad apples or rogue officers and do these bad things? When there is one that does it, why deny us the chance to seek a constitutionally protected right?

Mr. Chairman, I would ask the chairman if he would engage with me in a brief colloquy. I have a concern that has also been raised as to whether or not this provision, section 141 in the law, is actually retroactive, which would mean that previous bad acts by officials would also be exempted from action if this legislation were to become law.

I guess if we had to pass this, at least let us make it forward-looking, so officers are now on alert.

Mr. Chairman, I would ask the chairman if he would be willing to entertain a brief colloquy. I am concerned that this legislation, as I believe Customs is trying to profess, would be retroactive. But as I read section 141, there is nothing in the provision that says that this will apply to previous conduct of Customs officials. I would hope the chairman would clarify whether or not this law is indeed retroactive.

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

Mr. BECERRA. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, it is my understanding that it is absolutely not retroactive.

Mr. BECERRA. It is not retroactive. I thank the chairman for that answer, and I reclaim my time.

Mr. Chairman, we need to do everything we can to give our law enforcement men and women the tools they need. This bill does a lot to go that route of giving them the resources, the tools they need.

One of the tools they do not need is the ability to violate the Constitution. One of the tools they do not need is the ability to violate our privacy rights. I don't believe any officer from Customs would stand here and say that is what I want.

I can understand if they are saying we want to have any frivolous lawsuit against our conduct while engaging in the scope of our authority, that that should not be appropriate; that those lawsuits while they were acting in the scope of their authority should not be appropriate. Those frivolous lawsuits, absolutely.

In fact, this substitute has language which, as I said before, would not permit monetary damages against a law enforcement official acting within his scope of authority.

So I would hope that the Members of this body will recognize that this substitute is reasonable, it is sensibly based, and it tries to go after the problem that Customs tried to identify, which completely missed in providing some exceptions to constitutional law which have no place in this good legislation.

I would hope that my colleagues, as they come down, would recognize that. We want to do everything we can to elevate our good officers, but there is no reason to protect the bad apples. I would hope that Members would vote for the substitute.

Mr. CRANE. Mr. Chairman, I yield 7 minutes to our distinguished colleague, the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, first let me say that I believe that some of the statements that have been made in the course of this debate, while well-intentioned, have been bordering on outrageous. I would like to correct some of the record.

My particular involvement in this has been as chair of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources in the Committee on Government Reform, where we have authorizing and oversight authority on the drug issues, which has led me into the border issues whenever we talk about drugs.

The reason our subcommittee also has jurisdiction over commerce is it leads us into trade. The reason we have jurisdiction over Justice is it leads us into immigration.

We have held 6 hearings since September 11, 3 on the north border, 3 on the south border, in addition to myself visiting many of these water crossings, as well as staff doing additional border crossings. So far, we have held hearings on the Vermont and upstate New York borders, we have held hearings in the Washington State corridor with Seattle, and in Los Angeles and Long Beach harbors, as well as in San Diego and as well as in Douglas, Arizona, on both borders.

I have also been to relatively obscure sights like Fortuna and Portal, North Dakota, where if you wanted to get a judge to clear something, you would have something in the vicinity of probably 120 miles to go with hardly a tree between there and the judge, where some of these counties only have 2 policemen in the whole county, and where our entire security perimeter is the Customs and the Border Patrol or INS agent at that little station. North Dakota ironically has more crossings with Canada than any other State.

We are totally dependent on our brave personnel at the border to make judgment decisions.

I want to cover a number of things in this, but first let me cover what I believe are some relatively outrageous statements made on the good faith searches.

First off, under this bill, they have to follow the Customs guidelines, which explicitly say never use a person's gender, race, color, religion, or ethnic background as a factor in determining any level of suspicion. That is in the report language. In the bill it says ''good faith searches.'' This defines ''good faith searches.''

We have heard a lot of statements on the floor that are not accurate. In fact, when I met the officer, Diana Dean, at Port Angeles, who, because of her and 2 other Customs agents, they were able to intercept what was going to be a millenium bomber in Los Angeles, they themselves went outside of existing regulations in pursuit of the terrorist who had fled, because they had to make a judgment that this person seemed nervous at the border. They decided that the risk was so high that they would risk a lawsuit in order to try to save people's lives in Los Angeles.

The thanks that they get is to imply that somehow they are not going to follow the Customs guidelines in gender-specific or race-specific searches because they saved people's lives. We should not have people on the border who are risking their careers or their livelihoods based on their right to protect us, and we need to work out these types of questions. They did not search somebody's mail, but, in fact, they went in hot pursuit, which was something that had they not done, the terrorist would have escaped. Had we not captured that terrorist, we would not have much of the information on al Qaeda networks that are in Montreal and other places. We would not have been able to put together the schemes.

Every day on every border every Customs agent has to ask himself or herself, what is their priority; is their priority the safety of the citizens they are hired to protect, whether it be the laws of the United States or, in fact, a terrorist?

□ 1515

They have to make a decision, what is the priority. And at every border crossing, north and south, agents have told me that they are concerned about their flexibility and what their guidelines are and that they are inhibited in their ability not to racial profile, but how they are just extra cautious because they believe that without the ability to have good-faith searches and a little more clarity inside the Customs Department to change this. This is not a dramatic change, because, as I said, good faith says they cannot profile on the basis of gender, race, color, religion or ethnic background.

Now let me address another point. One of the big problems we have on the north border is that DC Bud and Quebec Gold are coming across from Canada. In the south border it is heroine and cocaine coming in. In the north border it is also precursor chemicals coming in for methamphetamines.

What goes back out from American citizens the other way or from illegals or citizens of other countries is the money. If we are going to track the money that goes to terrorists and drug cartels around the world, we have to have the ability to, when there is likely suspicion based on good-faith logical efforts, to be able to search in a timely fashion without hesitance because you are making judgment at the border. You have to establish it is a good-faith effort. You have to be able to track the money.

We have lost much of the terrorist networks around the world because we are losing track of the money. And much of that money is coming back from America going out. At the Canadian Parliamentary/U.S. Parliamentary session that we had this past weekend, one of their concerns is that we are slowing at certain borders, and on our side of the border we have slowed down the borders because we are doing so much checking going out. That is because a lot of the problem is not Canadian and it is not Mexican or Central American, it is American citizens who are, in fact, bringing things in and then taking it back out and we have to have some ability to track that money.

Furthermore, one of the big concerns for all the communities, whether it be Southern California or Texas or Arizona or in the north States like Michigan and Indiana and Washington State, for example, a pickup that is made in Fort Wayne will have as many as a hundred border crossings put in the pickup because they basically have 40 percent Canadian parts and about 60 percent U.S.; and the same thing on the reverse of the border. When you have that happen, we cannot be random checking every single person that is going through. Clearly we have to have some form of better intelligence and better screening.

But we also have to have, because of the biggest busts in United States history, whether it be of drugs on the Vermont border, whether it be at Port Angeles where people save many of thousands of lives because they use their judgment as a customs agent, they have to feel that they are making the best judgment. What one of the people at the Vermont border saw was they thought there was something funny on the bottom of a truck because the bottom of the truck, one of the pieces of equipment did not look right. They decided to check this truck. It was the biggest drug haul they ever got at that border.

We depend on the discretion of these brave people on the border to do this. We need to give them some flexibility because they are trying to protect us. They still cannot harass. They still cannot single out based on that. They have to have a logical good-faith suspicion that is there.

I have a full statement I would like to put on the record on the need to reauthorize the Customs Service. I am disappointed that we did not address the overtime question. We are using these people in many cases for 60 hours a week. We are running out of the budget. We need to figure out how we will deal with this. It has been a great privilege and honor to meet so many of them. I think they should be upheld and praised and not criticized.

1. NEED TO REAUTHORIZE AND IMPROVE CUSTOMS SERVICE

H.R. 3129 comes at an extremely critical time. In the wake of September 11, it is clear that we have to improve security at our nation's borders and ports of entry. Numerous threats face us at the borders: terrorism, narcotics smuggling, alien smuggling, weapons smuggling. The key agency in intercepting these threats is the U.S. Customs Service.

Customs has not been reauthorized for many years. While I am personally impressed with the job being done by the men and women at the Customs Service, it is clear that they will need more help. H.R. 3129 addresses many of the problems faced by the Customs Service, and will strengthen it as it meets the new challenges of the 21st century.

2. MANIFEST AUTHORITY

Section 143 of this bill will require all carriers who are entering the U.S., whether on land, by sea, or by air, to provide the Customs Service with advance manifests of their cargo, crew and passengers.

This provision is absolutely critical in our ongoing fight against terrorism, narcotics smuggling, and other illegal contraband. The Customs Service needs to have this information before a truck, ship or airplane reaches our borders and shores. Advance information allows Customs to determine which shipments and which persons need extra scrutiny, based on the level of risk. Customs can't target the riskiest cargo, crew members and passengers if it doesn't know in advance what and who they supposedly are.

Currently, carriers are required to provide some information. The amount of information, however, varies widely depending on where trucks, ships and airplanes are arriving. In enacting this provision, I believe we will help Customs standardize and improve its targeting procedures, thus enhancing our security.

3. ENHANCEMENTS IN STAFFING

Our Subcommittee has been conducting a comprehensive study of law enforcement and security at our nation's borders and ports of entry. We have been very impressed with the job being done by Customs employees at land crossings, sea ports and airports. But it is especially clear after September 11 that they need more help, particularly on the Northern border.

Section 131 of this bill authorized funds to hire 285 additional Customs inspectors for the Northern border. This is a good start in addressing the severe staffing problems faced at many of our ports of entry.

After September 11, Customs went to a heightened state of alert, meaning that Customs inspectors began conducting more inspections and working much longer hours. We have spoken to many Customs inspectors, and nearly all of them are putting in long hours of overtime. This will allow our inspectors to receive fair compensation when a national emergency forces them to put in the kind of hours they had to last fall.

4. IMPROVEMENTS IN TECHNOLOGY

Section 102 of this bill provides for additional equipment and technology for Customs inspections on both the Southern and the Northern borders. At each of the ports of entry we have visited, it has been clear that the experience, dedication and judgment of individual inspectors is the most important defense we have against those who would do us harm—like Ahmed Ressam, who was caught trying to smuggle bombs into this country in December 1999 by the alertness of Customs inspectors at Port Angeles, Washington.

However, our inspectors can't do their job if they don't have the right tools, and that means technology. Section 102 authorizes funds for additional equipment and technology at our borders and sea ports. This equipment, including VACIS scanning units, cargo container scanners, and other detection devices, allows Customs inspectors to examine far more trucks and cargo containers than they could manually.

5. AUTOMATED COMMERCIAL ENVIRONMENT (ACE)

Section 101 authorizes funds to continue the development of Customs'; ''next generation'' computer system, the ACE system. Customs is currently using computer technology that dates back to the mid-1980's. The program is cumbersome, it frequently breaks down, and it simply isn't adaptable to current trade realities. The ACE system will fix these problems and provide the international trade community with a ''single window'' through which to provide information to all government agencies that regulate and inspect the goods entering the country.

6. IMMUNITY FOR GOOD FAITH SEARCHES

Some people have criticized Section 141, which provides immunity from civil damages for U.S. officials conducting searches at our ports of entry. However, this provision is necessary if our Customs inspectors are going to be able to do the job we're asking them to do. We want our inspectors to be vigilant and thorough in protecting us from terrorists, drug smugglers and others who would do us harm. If so, then we need to give them the assurance that, if they are acting in good faith, they can't be hauled into court.

Ms. WATERS. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman for yielding me time.

Just to respond to my friend, the gentleman from Indiana (Mr. SOUDER), the activities that the gentleman described of customs officials trying to apprehend individuals who were suspects or there was probable cause to believe they were suspects, whether it was contraband or terrorist activities, all that is protected under current law because those officials would have been acting under the color of law and would have had under an objective standard the right to do that because it would have been perceived to be reasonable.

What this legislation does, it removes the objective person's standard of what is reasonable under the Constitution, and says what is subjectively reasonable. So that if the officer said, well, I believed I was reasonable in going after that African American woman and strip searching her because I thought she might be carrying contraband, we under this legislation could not challenge that. Because so long as he believed he was acting in good faith, however that good faith is defined, because this bill does not define it, you could not go after that person.

This legislation would deny us any recourse, that African American woman, that individual who is innocent, recourse. What the substitute says, and I will yield with the time that I have, the substitute says, okay, let us protect the officers so they do not find themselves in court, but do not make the government free of liability for violations of the Constitution. Make the government clean up its act even if you do not cause individuals in the customs service to face lawsuits individually.

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

Mr. BECERRA. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, the gentleman made a misstatement of fact.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The time of the gentleman from California has expired.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, the problem with this standard and, of course, somebody can take it to court if they do not think they filed in good faith, but the fact is that the burden of proof at the time of the actual what is going on at the border, the officer has to make a decision in his mind, not in an outside mind, as to whether it was in good faith. They did at Port Angeles which helped save people in Los Angeles. They made a good-faith effort in what they thought was a good-faith effort. But it intimidates a lot of officers who know if they may think it is a good-faith effort, but somebody outside does not, depending on what that group is and how, it is an inhibiting factor.

They can be sued or you can have a process if you feel it is not good faith in that officer's eyes and he would have to defend that position. It is a question of where the burden is, and you are implying that the customs officers on the border are not capable or we will have rogue officers. If they are rogue officers, they can be pursued. The question is what does the regular officer do and how is it intimidating in our border safety?

Ms. WATERS. Mr. Chairman, I yield myself 1 minute to continue to deal with the question that is before us.

I think the gentleman misunderstands. The fact of the matter is the gentleman from California (Mr. BECERRA) explained that we are not stripping away the protection. They will have immunity from liability. We are taking the liability and placing it in the hands of government rather than on the individual that would have made that decision who thought that it was a reasonable decision at that time.

Mr. Chairman, I yield to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, the further point where the gentleman from Indiana misstates what is current law and what I said, we base it because the Supreme Court has said, not on what the gentleman from Indiana (Mr. SOUDER) believes is reasonable or what I believe is reasonable. It is an objective standard, not a subjective standard.

This bill changes the Supreme Court's law that says you base reasonableness on an objective standard, and it says based reasonableness on what that officer believed was reasonable. And that is not fair because that subjective judgment could cause people's rights to be violated.

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

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentlewoman for yielding me time. I want to thank the gentlewoman from California (Ms. WATERS) and the gentleman from California (Mr. BECERRA) for their strong defense of the liberties of our citizens no matter where they are. And I would say to the gentleman from Indiana (Mr. SOUDER) who has become so expert on what is going on at the border, I was at the border with him in San Diego and I was at those hearings and I did those tours. And there was nothing in those hearings that could lead me to the conclusion that he has stated here in favor of the basic bill.

I represent a border district. I represent the southernmost area of California that borders Mexico. After next year I will represent the whole California/Mexico border. In fact, I represent the border crossing in which there are the most people crossing of any place in the world; and I have represented this area for a decade and a half. So I think I know something about what is going on there and what we can achieve and what we can protect. I think we can do both. We can provide customs with the tools that they need to do their job, and we can protect the constitutional rights of my constituents and citizens from all over this country.

We had a very good bill, I am told, that would have received a large vote in support; but the bill that came to the floor sacrificed privacy under the guise of security, and so we have the Waters substitute, which I am speaking in favor of.

The immunity that is requested has not been really supported by customs. They have not made the case of why the current standard of qualified immunity is insufficient. Officers are already protected from the unwarranted claims as we have heard many times before.

As far as the mail goes, we inspect mail that comes into this country because we do not know what it might contain. But with the mail going out, our privacy should not be unduly invaded. As we have heard several times, customs can search the mail already if they get a warrant. They can hold the mail if it is suspicious. But we should not authorize a wholesale opening of mail without a warrant.

Mr. Chairman, in these United States of America even in 2002, even after September 11, we should not try to guarantee the security of our Nation by crushing the civil rights of our people. This is not the way to go. Support the substitute. Vote down the basic bill.

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

Ms. WATERS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentlewoman from California (Ms. WATERS) controls 14 minutes. The gentleman from Illinois (Mr. CRANE) controls 18 minutes.

Ms. WATERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I was very pleased to hear the dialogue and debate with the gentleman from California (Mr. BECERRA) and the distinguished gentleman from Indiana (Mr. SOUDER), but I think the more we can clarify what this substitute does we might be able to get legislation that all of us could support. It is a simple process. Those of us who live every day as Americans but also have a history of discrimination by this Nation against us are very sensitive to laws that would undermine even more those basic rights. It is our cause, if you will, our particular duty to bring to this House our diverse perspective, and that is to understand what it means to racially profile young African American males, young African American women, young Hispanic men and women and others of diverse racial backgrounds.

What we say today is that this is not an indictment of customs agents. As all of us have, we have excellent and outstanding customs agents working throughout our Nation in every one of our districts. As I go through the Intercontinental Airport in Houston, Texas, every day, I see the fine work of men and women of the Customs Service. We promote and support them.

As a member of the Committee on the Judiciary, we are constantly looking for ways to enhance and provide them with the resources that they need. Let us divide ourselves with that kind of negative attack which is trying to be drawn to those of us who are now speaking about civil liberties.

It is clear and simple. The substitute is not a complicated initiative. It says this: ''Remain in current law with respect to the search of mail; require a warrant, a simple probable cause.'' That is not a difficult proposition. Might I say that most of us are not getting mail timely anyhow. This is not a comment on the U.S. Postal Service. It is not a comment on the U.S. Postal Service. It is a comment on the status of mail today because of necessary security precautions. We accept that. With that in mind, ample opportunity is given to those who believe there is need to search mail. I welcome them searching mail, but they can do it under current law and that is what the substitute provides.

□ 1530

Secondarily, with respect to the Customs agents, there is no chilling effect. Do the job. If someone determines suspiciousness, I give that person 100 percent latitude to do so. The question becomes those who willy-nilly want to seek persons who have no basis upon being sought, there is no suspiciousness, other than color of their skin, and what the substitute provides for us, which I cannot find a reason to divide on this, it protects the Customs agents 100 percent. It tells them to do their job.

If, however, an aggrieved citizen or person comes and says I know that I was targeted on the basis of not good faith, but on racial profiling, the government stands in the shoes of that agent, protects the agent, but then gives the opportunity of the aggrieved citizen to be able to seek address of their grievances.

That is the key to the substitute. Why this could not be supported by my colleagues on both sides of the aisle, to make this the kind of legislation that speaks to what we are trying to do, not a single divide on fighting terrorism but a recognition that the values of this Nation are different.

Let me finally say, Mr. Chairman, and I have said this before, we have a lot of work to do on fighting terrorism, and part of it is in the question of intelligence and sharing intelligence. It is a shame and a sham that there is a closed session dealing with this by 1 committee when other committees of jurisdiction, such as the Committee on Judiciary, have not yet held hearings regarding this important issue.

I believe if we spend our time trying to track why intelligence and memoranda is not shared up the track or up the line so that we can determine how to fix those problems, I think we can spend a lot of good energies doing that, and in this instance, I think we can spend good energies passing a good substitute to make this bill better so that we can fight terrorism in a unified voice but as well stand for the values that this Nation stands for.

Mr. Chairman, I support the substitute. I would ask my colleagues to do so, and I would ask my colleagues to join me in asking that we investigate fully why memos are not communicated that deal with protecting this Nation and providing good intelligence.

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

I would say to the gentlewoman on the other side of the aisle the fact that

none of our colleagues on the Committee on Ways and Means raised this issue during consideration of this bill in committee and the amendment, Rangel amendment.

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

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I am here to urge support for the Rangel substitute which would strike, among other things, section 144 from the bill.

As the ranking member of the committee that has jurisdiction over the Postal Service, I am especially concerned about section 144. This section would allow Customs agents to inspect outbound mail without a search warrant.

Never in our Nation's history have we allowed law enforcement to inspect the outbound personal letters of our Nation's citizens without a search warrant. This is an intrusion on the privacy of the American citizens sending letters abroad, and it could have adverse effects on the delivery of letters by the Postal Service.

As many of my colleagues have heard, the American Civil Liberties Union opposes the measure, saying it violates people's expectation of privacy in the mail and that the Customs Service's interest in protecting our borders is adequately protected by its ability to secure a search warrant.

A leading association of business mailers is concerned about the provision as well, saying it would slow the pace of mail and add millions to the cost of shipping goods overseas.

The Postal Service is strongly opposed to the provision. They say it would have a detrimental impact on their ability to move mail and could jeopardize their international express mail service.

Not only is this provision troubling from a civil liberties standpoint and the standpoint of mail delivery, it may also violate our commitment under international mail treaties. In addition, it contradicts section 3623 of title XXXIX which prohibits inspection of certain classes of mail without a search warrant. The provision does not amend title XXXIX and instead would create a statutory conflict.

The Customs Service has full authority to search outbound mail now as long as it first obtains a search warrant. Customs argues that this requirement creates too much of a burden for them and that they need broader search authority. It may be that the Customs Service needs this authority, but the Committee on Ways and Means has never held a hearing on this issue to explore why this authority is needed or its impact on civil liberties, and the Committee on Government Reform, which has jurisdiction over the Postal Service, has not had an opportunity to examine this issue at all despite its impacts on the Postal Service.

These are serious concerns that need to be explored. We should not approve this unprecedented authority until the Committee on Ways and Means and the Committee on Government Reform have had an opportunity to examine the issue very, very carefully. I urge my colleagues to vote for the Rangel substitute and give us an opportunity to explore these concerns.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from California (Mr. WAXMAN) for bringing that to our attention, and I have just been informed that the Democratic members of the Committee on Ways and Means raised some of those concerns under the gentleman's jurisdiction in committee and even tried to offer amendments. So I thank the gentleman very much for bringing this to the floor at this time.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, well, they might have raised concerns and offered amendments, but the committee that has jurisdiction over the Postal Service did not have a chance to examine it nor did the Committee on Ways and Means, as far as I know, hold hearings on the matter which would have brought in expert testimony.

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

Ms. WATERS. Mr. Chairman, I have no more speakers. I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from Illinois (Mr. CRANE) has the right to close.

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

Mr. Chairman, I thought we had the right to close.

The Rangel amendment, the substitute states that Customs inspectors are not liable for civil damages for suits brought in connection with a personal search. However, the bill does state that the U.S. Government consents to be sued and to be held liable for civil damages for suits brought in connection with the wrongful personal search. I think it is necessary for me to say that because I think there is some confusion about what this amendment does.

Before I talk about this amendment any more, I think it is important for me to clarify that there are many good things in this bill. This bill includes good legislation, all of which we include in the substitute. This bill includes important authorization for appropriations such as providing Customs with funding above the administration's request and equals that provided in the appropriations process.

Most of the increased funding allows for an authorization of $308 million for each fiscal year to ensure that the Customs automation system will be developed in a timely fashion, providing USTR with more than requested by the administration and providing the International Trade Commission with its full fiscal year request. The bill also authorizes such sums as needed to reestablish New York Customs headquarters and operations.

Finally, the bill authorizes $1.3 million for Customs to hire additional personnel to assist ATOA beneficiaries to comply with visa and textile transshipment requirements.

The bill also includes provisions that will help ensure the safety of our borders, including requiring all carriers to file an electronic manifest describing passengers and cargo before entering the country.

So I do not want anyone to get the idea that somehow because we have a substitute that we have ignored those parts of the bill that we think are good, but we think that it is very important for us not to jump on the bandwagon of undermining the civil liberties of American citizens in the name of fighting terrorism. We believe in fighting terrorism, but we do not believe that we undermine or waive the Constitution of the United States to do so.

Let me just say that our Customs agents have all of the authority that they need to do the searches that they want to do, that they are protected with qualified liability, and they do not need to have this bill which, in fact, goes far beyond anything that they have requested.

Let me remind the Members of this Congress that with this authority, with this protection, we do expect our agents to be careful and to be reasonable. They have the ability to strip-search. My colleagues heard the GAO study. We are not making this up. The GAO study talked about the fact that African American women are searched much more than other women. It talked about the fact that African American women have much less contraband, despite the fact they are searched more.

While there are those who are willing to throw out the Constitution, I suspect they are only willing to do it until their wife comes through, or their sister, or their neighbor or their friend, and is strip-searched in ways that they cannot believe is reasonable.

Let me just say that this bill will transfer the liability from the individual agents to the government where it belongs. There are many people who work for government and are agents of the government of the United States and they do not have to accept the liability, that it is on the shoulders of the government of the United States, and that is the way that it should be.

I think that the case has been made here today. I think that these issues were brought up in committee. We see the dissenting views of those who signed a letter indicating their dissenting views, and I would say that not only has the case been made but that the Members of the Congress of the United States should not go throw out the Constitution of the United States in an effort to deal with terrorism.

Mr. Chairman, I yield the balance of the time to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

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

The CHAIRMAN pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for the last 2 minutes on the debate of the gentlewoman's time.

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

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman from California (Ms. WATERS) for yielding me the time, and I compliment her on her statement.

When H.R. 3129 came to the floor on suspension last December and here again today, we argued that the legislation introduced needlessly expanded the scope of Federal authority and threatened the protection of civil rights by granting search immunity to Customs agents so broad and by allowing warrantless searches of outgoing international U.S. mail, that the measure was unacceptable.

In defeating the legislation, we reiterated our commitment to aggressively investigating and preventing future terrorist attacks and agreed to work with the majority to improve the legislation, but, unfortunately, the majority has not been open to discussion and compromise on the critical issues of racial profiling and privacy that are raised by this legislation. Why? Although the Rangel substitute addresses those civil liberty questions and retains the portion of the bill that reasonably and fairly addresses the issues of border security.

Meetings between staff and the Customs Service have clarified the Customs immunity question and proven that the section 141 immunity provision is unnecessary. Although Customs failed to document the specific cases, they disclosed, and we are unaware of any case where a Customs agent, acting within the scope of his authority, has been subject to prejudgment attachment of their personal assets in any kind of a trial that followed.

When H.R. 3129 came to the floor on suspension last December and again here today, we have argued that the legislation as introduced needlessly expanded the scope of federal authority and threatened the protection of civil rights by granting broad search immunity to customs agents and by allowing warrantless searches of outgoing international U.S. mail. In defeating the legislation, we reiterated our commitment aggressively investigating and preventing future terrorist attacks and agreed to work with the majority to improve the legislation.

It is truly unfortunate that the majority has not been open to discussion and compromise on the critical issues of racial profiling and privacy that are raised by this legislation. We believe that the Rangel substitute addresses those civil liberty questions and retains the portion of the bill that fairly addresses issues of border security.

Meetings between staff and the Customs Service have clarified the customs immunity question and proven the fact that the Section 141 immunity provision is unnecessary. Although Customs failed to document the specific cases, they disclosed and we are unaware of any case where a Customs agent, acting within the scope of their authority, has been subject to a pre-judgement attachment of their personal assets or judgement of any kind following a trial.

As we have consistently stated, the existing doctrine of qualified immunity shields public officials performing discretionary functions from civil damages if their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person should have known. The Supreme Court has repeatedly held that the reasonableness of an officer's behavior, not the subjective ''good faith'' standard used in this legislation, is the proper test for liability.

What the Custom's Service has complained about is the pace of trial through the federal courts. Bluntly stated, they want the cases against their

AGENTS DISPOSED OF FASTER, LIKE EVERY OTHER CIVIL LITIGANT IN THE COUNTRY. THIS BILL'S RESPONSE IN SECTION 141 IS THE CREATION OF A BROAD CATEGORY OF IMMUNITY, UNAVAILABLE TO ANY OTHER LAW ENFORCEMENT OFFICER.

That provision is both unnecessary and dangerous to the rights of the public, who deserve their day in court to protect against racial profiling and other illegal and unconstitutional searches by the Customs Service that have been highlighted in recent GAO studies.

It is important to note that the Custom's Service has argued that Section 141 of this legislation would apply retroactively and result in the dismissal of a host of lawsuits, many of which were brought by African-American women who are contesting the legality of disparate intrusive searches documented by the GAO. When viewed in that light, this provision looks less like a tool to address terrorism than a broom to sweep away troublesome cases that raise issues of questionable conduct and policy.

The substitute replaces Section 141's grant of immunity with an exclusive remedy against the government for the actions of Customs agents who act within the scope of their authority. This compromise fairly balances the interests of Customs agents, who follow policy, with the interests of those aggrieved persons who have been the victim of questionable searches.

With respect to privacy interests, the authors of this bill have completely failed to make a case for weakening the legal standard for the search U.S. mail. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service.

The Customs Service's interest in confiscating illegal weapons' shipments, drugs or other contraband inbound or outbound is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold a package while they wait for a court to issue a warrant.

The U.S. Postal Service has even taken the position that ''There is no evidence that eroding these long established privacy protections will bring any significant law enforcement improvements over what is achieved using existing, statutorily approved law enforcement techniques.'' In short, experts from the Postal Service have determined that this provision is unnecessary.

As we search for increased national security, we must remain mindful of the fact that our civil liberties are a precious resource and ensure that freedom is not a casualty of vigilance. We believe that the Rangel substitute strikes the appropriate balance between civil liberties and security by correcting deficiencies in H.R. 3129 as introduced. Because increased security should not come at the cost of our constitutional rights, I urge you to join me in supporting the substitute.

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

My bill would provide Customs with new, necessary search tools in light of America's new security needs while balancing the need for privacy.

The Rangel substitute guts some key provisions. By striking the outbound mail provision, the Rangel substitute allows continued money-laundering to occur. The Rangel immunity provision leaves the Federal Government open to a new class of torts. My bill protects only those inspectors who act in good faith.

Under my bill the government can be sued under the Federal Torts Claims Act.

Mr. Chairman, I urge a no vote on the Rangel substitute and a yes vote on H.R. 3129.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Rangel Amendment to H.R. 3129, the Customs Border Security Act of 2001.

As a Member of Congress, and as an African American, I cannot tolerate the practice of stopping and searching American citizens for no reason other than their race. As I studied H.R. 3129 that is what I feared would happen.

As I thought about this issue, I realized that the words that went to the core of this issue had been written over two centuries ago, and could be found within one of the documents sitting on my desk—The Constitution of the United States. For the Constitution's Preamble states: ''We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.''

Let me repeat the key phrases that are critical to this issue: ''We, the people of the United States . . . establish justice, insure domestic tranquility, do ordain and establish this Constitution.''

The attitude demonstrated by too many law enforcement officers must change from inaccurately resuming the guilt of people of color. This is the least that our Constitution requires of them.

H.R. 3129 is bad for America's citizens. However, the Rangel Amendment addresses the core concern of Customs: that Customs inspectors are not personally liable for monetary

damages in civil suits involving personal searches; the amendment also ensures that there is recourse for potential abuses of civil rights by providing recourse against the U.S. government.

Section 141 of the bill provides immunity to a Customs officer conducting a search of a person or property provided he or she was acting in ''good faith.''

The term ''good faith'' is not defined in the bill. An officer could engage in blatantly discriminatory conduct, but if he in ''good faith'' believes that he was justified in doing so, he could not be held liable.

Customs officers are already entitled to qualified immunity that protects them from unwarranted claims related to illegal and unconstitutional searches.

This bill would expand immunity so as to make it nearly impossible for a person seeking redress for an unconstitutional search.

No law enforcement official is entitled to this broad grant of immunity and the Customs Office, which has a documented history of racial profiling, should not be an exception to the qualified immunity standard. Given that Congress has recently expanded the police powers of government officials, it should not at the same time cut back on the mechanisms in existing law that are designed to ensure police powers are not abused.

It is our duty to breathe life into the words that protect every American Citizen, no matter the color of their skin. We must remember Dr. Martin Luther King's words: ''Injustice anywhere is a threat to justice everywhere.''

I urge my colleagues to vote against H.R. 3129 and support the Rangel Amendment.

□ 1545

The CHAIRMAN pro tempore (Mr. NETHERCUTT). All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. WATERS).

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

RECORDED VOTE

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 231, not voting 6, as follows:

[Roll No. 192]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—231

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Burton
Deutsch
Emerson
Mascara
Traficant
Watts (OK)

□ 1609

Mrs. JOHNSON of Connecticut and Messrs. YOUNG of Alaska, SHERWOOD, SKEEN, WELLER, BACHUS, LUTHER, and GILMAN changed their vote from ''aye'' to ''no.''

Ms. MCCARTHY of Missouri, Ms. HOOLEY of Oregon and Mr. DAVIS of Florida changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district and missed Recorded Votes on Wednesday, May 22, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes:

On agreeing to H. Res. 427, rollcall vote No. 186, I would have voted ''yea;''

On approving the Journal, rollcall vote No. 187, I would have voted ''yea;''

On agreeing to H. Res. 426, rollcall vote No. 188, I would have voted ''yea;''

On agreeing to the Conference Report, rollcall vote No. 189, I would have voted ''yea;''

On Passage of H.R. 3717, rollcall vote No. 190, I would have voted ''yea;''

On Passage of H. Res. 424, rollcall vote No. 191, I would have voted ''yea;''

On Agreeing to the Waters Amendment, rollcall vote No. 192, I would have voted ''nay.''

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NETHERCUTT, Chairman pro tempore 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. 3129) to authorize appropriations for fiscal years

2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes, pursuant to House Resolution 426, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. THOMAS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 327, noes 101, not voting 6, as follows:

[Roll No. 193]

AYES—327

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—101

Abercrombie
Baca
Baldwin
Barrett
Becerra
Blumenauer
Brady (PA)
Brown (OH)
Capuano
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Doggett
Duncan
Engel
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hill
Hilliard
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kilpatrick
Kleczka
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lofgren
Maloney (NY)
Markey
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Nadler
Napolitano
Neal
Oberstar
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Rahall
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sawyer
Schakowsky
Scott
Serrano
Solis
Stark
Strickland
Thompson (MS)
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Woolsey
Wynn

NOT VOTING—6

Burton
Deutsch
Emerson
Mascara
McDermott
Traficant

□ 1629

Messrs. SAWYER, RAHALL and HOLT changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to authorize appropriations for fiscal years 2002 through 2004 for the United States Custom Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3129.

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

There was no objection.

□ 1630

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877

Mr. WYNN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 877.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 428 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 428

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year

ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. All points of order against provisions in the bill, as amended, are waived except as follows: page 4, lines 18 through 23; page 57, line 6, through page 58, line 22; page 92, lines 3 through 5. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. (a) Pending the adoption of a concurrent resolution on the budget for fiscal year 2003, the provisions of House Concurrent Resolution 353, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution.

(b) The chairman of the Committee on the Budget shall submit for printing in the Congressional Record—

(1) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974, which shall be considered to be such allocations under a concurrent resolution on the budget;

(2) ''Accounts Identified for Advance Appropriations,'' which shall be considered to be the programs, projects, activities, or accounts referred to section 301(b) of House Concurrent Resolution 353; and

(3) an estimated unified surplus, which shall be considered to be the estimated unified surplus set forth in the report of the Committee on the Budget accompanying House Concurrent Resolution 353 referred to in section 211 of such concurrent resolution.

(c) The allocation referred to in section 231(d) of House Concurrent Resolution 353 shall be considered to be the corresponding allocation among those submitted by the chairman of the Committee on the Budget under subsection (b)(1).

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

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

Mr. Speaker, the resolution before us is an open rule that provides for consideration of H.R. 4775, the Supplemental Appropriations bill for fiscal year 2002. The rule provides for 1 hour of general debate, and it waives all points of order against consideration of the bill. Additionally, amendments printed in the Committee on Rules report shall be considered as adopted in the House and in the Committee of the Whole.

This rule also contains a very important deeming provision as we move into the appropriations season, and it is important that we address this. Upon passage of this resolution, the rule provides that House Concurrent Resolution 353, as adopted by the House, shall have force and effect as though adopted by Congress. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, today we are considering the emergency supplemental appropriations bill for fiscal year 2002. This wartime supplemental comes 8 months after the September 11 attacks against our Nation. While Americans have begun the process of healing and recovery, we must be mindful of the threats that continue to face our Nation. The alerts and intelligence reports that we receive are constant reminders that the war against terrorism is far from over.

After last September, America responded by fortifying our homeland and launching an aggressive global war on terrorism. Mr. Speaker, this wartime supplemental is absolutely critical to our continued ability to fight and win this war.

There are a number of important provisions in this bill, but none more important than the funds that will go towards helping America win this war on terrorism, both abroad and at home. The bill provides $15.77 billion for the Department of Defense. This money will go towards ongoing military operation costs, personnel costs, and costs associated with forced mobilization. Fighting the war is expensive, and this effort is no exception. However, I believe that the American people are united in their support for making sure that our military has the necessary resources to carry out its mission of insuring our national security. In short, we need to help our President to make sure that our military and the men and women who are dealing not only in law enforcement, but also our military, have the necessary elements to win.

Mr. Speaker, with the frequent announcement of possible terrorist attacks, many Americans are dealing with a sense of fear about our future. I want to emphasize that this bill addresses this uncertainty about the future and will hopefully help to instill confidence in people.

Priorities and funding have been given to allow our intelligence operations to track, analyze, and prosecute global terrorist threats against the United States and our allies. With the $1.5 billion included in the supplemental, intelligence funding has increased to record levels since September 11. This bill also provides funds to improve the Federal Bureau of Investigation's technology systems. These additional funds will enhance the FBI's overall counterterrorism and intelligence processing capabilities, allowing for better electronic sharing of information between Federal, State, and local law enforcement agencies.

In addition to protecting our national security, this wartime supplemental also provides funds to help secure our homeland.

One area of particular attention since September 11 has been Immigration and Naturalization, the INS Service, and its operations. In March 2002, the INS mailed a letter to a Florida flight school informing them that Mohammed Atta and another hijacker had been approved for student visas. Needless to say, many still-shaken Americans were very concerned when this news came out.

The supplemental builds on what Congress has already done to address this issue, and provides additional money to the INS to help them better account for individuals who have committed immigration violations and who have not followed orders to leave this country.

Since last September, a number of changes have been implemented to improve safety at our airports. For those of us who fly frequently, these changes can take some getting used to. I must confess that I too have been pulled out of the line and searched from head to toe on more than one occasion.

However, these safety changes are necessary to restore confidence in our airlines. Americans should be further assured because this bill provides additional funds for checking baggage, explosive inspection systems, as well as baggage screening and security enhancement at United States commercial ports. Other initiatives targeted at improving our homeland security include funds for secure transportation of nuclear weapons and materials, as well as money for the increased security at nuclear weapons facilities.

After the September 11 attacks, this Congress acted with expediency to pass a $40 billion emergency supplemental for recovery and to fight the war on terror. Today, we build upon our past efforts and continue to remember those who lost their lives in New York, Pennsylvania, and here in Washington, D.C. As our President has committed, and I quote our President, ''We will direct every resource at our command, every means of diplomacy, every instrument of law enforcement, every financial influence, and every necessary weapon of war to the destruction and to the defeat of the global terror network.''

This shared commitment means that we will continue to provide and fund whatever is necessary to winning the war on terrorism.

Yet this bill also advocates for fiscal discipline and restraint in other areas. On March 20 of this year, the House passed its budget resolution, H. Con.

Res. 353. However, the absence of a budget resolution conference report makes it necessary for us to consider language that would deem the House-passed budget resolution to be a conference report. In effect, this language would bind the House to the spending and revenue levels established in the budget resolution, and the corresponding 302(a) allocations, and any related rulemaking provisions.

This language is necessary both to establish parameters on discretionary spending and to implement such mandatory initiatives accommodated in the budget resolution such as a prescription drug benefit under Medicare, concurrent receipt of military retirement and veterans disability benefits, and a new tax benefit for charitable giving.

I want to take a minute to remind my colleagues that this House-passed budget was a carefully crafted bill that balanced our priorities of winning the war and securing our economic and personal security. From providing the largest increase in 20 years to the national defense to growing our economy and paying down the debt, this wartime budget makes America safer, the economy stronger, and secures the future for every single American.

I am pleased that the measure that is before us today recognizes the critical needs associated with our continued war effort, while maintaining our commitment to fiscal discipline. I urge my colleagues to support this open rule and the underlying legislation.

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

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

Mr. Speaker, last week, congressional Republicans were caught using a September 11 Presidential photo as a fund-raising prop for their political campaigns. It was a particularly shameless sparing of political war profiteering, one that did an immense disservice to the President, as well as to the country. Unfortunately, Republican leaders have not learned their lesson, and they are trying to do it again today by confusing the public with this rule.

So let me speak very plainly about the question posed by the vote on the rule today. If we want to increase America's national debt and write a blank check to keep raiding the Social Security trust fund, then vote ''yes'' on this rule. If, on the other hand, we believe we should be honest with the American people and sit down together to work out a bipartisan plan to stop raiding Social Security, then vote ''no'' on this rule. That will force the Republican leaders to stop playing politics with the war, and then we can overwhelmingly pass a bipartisan emergency spending bill crafted by the Committee on Appropriations.

Under this rule, the Republican leadership attempts to sneak through a provision paving the way for raising the debt ceiling, without a straight up-or-down vote on the issue. They are attempting to shield their weak-kneed Members from having to vote on putting us deep in debt. They want to put billions of dollars on the national credit card, without each putting the credit card through the credit card reader. They do not want a telltale receipt for their spending spree.

Make no mistake, Mr. Speaker. The Committee on Appropriations has written a good bill that reflects our bipartisan support for national defense and homeland security. It is true that many Democrats believe we should do a lot more for homeland security, but the bill does provide substantial resources for priorities like safeguarding nuclear facilities in airports. Additionally, it provides more than the President requested for the Department of Defense, most of it for Operation Enduring Freedom, and the Committee on Appropriations has provided $200 million for antiterrorism aid to Israel in its time of need.

Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, and the gentleman from Florida (Mr. YOUNG), the chairman of the committee, deserve credit for their good work. Unfortunately, the Republican leaders do not hold in high regard such work, so they have overruled the Committee on Appropriations chairman and have crafted a rule that shatters the spirit of bipartisanship and the underlying bill. It is a rule that uses the war on terrorism as cover to take care of as many Republican political problems as they can think of.

For example, last year some Republican Members were criticized at home for siding with the Republican leadership on the fast track trade authority bill, despite the fact that it was harmful to people in their districts. So today, the Republican leadership is using this rule to provide them a textile provision that they can claim is their reward.

Here is another example, Mr. Speaker. A couple of Republican Members would benefit from a provision in the rule that would increase Medicare reimbursement rates for doctors and hospitals in their particular districts. That might be a good thing, but it would cost doctors and hospitals in every other district in the country. In other words, it helps only a very small fraction of the country and does it at the expense of everyone else. So it requires careful consideration in the light of day, not a procedural trick on a wartime appropriations bill.

As I explained at the beginning, Mr. Speaker, the most important issues hidden in this bill are Social Security and the national debt. The economic plan Republicans passed last year created massive, long-term deficits that threatened Social Security; and now, not even 18 months after President Bush inherited historic budget surpluses, this administration says the Federal Government has to borrow hundreds of billions of dollars more and put our children deeper into debt.

Democrats have repeatedly tried to sit down with the Republicans to work out a bipartisan solution to this threat to Social Security. Instead, just last night, in the Committee on Rules, four of the most fiscally conservative Members of the House, the gentleman from Texas (Mr. STENHOLM), the gentleman from Kansas (Mr. MOORE), the gentleman from Florida (Mr. DAVIS), and the gentleman from South Carolina (Mr. SPRATT), offered yet another approach to restore fiscal responsibility, but were denied by the Republican leadership.

That is because the Republican leadership is deathly afraid that Americans will notice how much of the Social Security trust fund they are squandering under the programs. After all, the key to the secret Republican plan to privatize Social Security is to keep it sacred until after the elections. So instead of allowing a vote on the Bush administration's request to go deeper into debt, Republican leaders have hidden in this rule legislative language that will allow them to do it in the secrecy of a conference committee without a straight up-or-down vote on the floor of the House.

□ 1645

This is just plain dishonest, Mr. Speaker. But it makes the vote on the rule very simple, because it means that Republican leaders have made the vote on this rule a vote to increase America's national debts and keep raiding Social Security.

So if Members believe that the American people deserve an open debate and a straight up-or-down vote on the future of Social Security, vote against the rule. Then we can give the underlying supplemental appropriations bill the overwhelming bipartisan vote it deserves.

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

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

Mr. Speaker, one of the greatest parts about the rule that we are doing here today, is it is an open rule. We can stand up on the floor of the House and talk about whatever we want to talk about. We are not trying to sneak anything through. We are doing it right out in the open.

The light of day will be the best disinfectant, and that is why this debate is so powerful, because the truth can be told. We are going to tell the truth about this supplemental, because it is all about helping the United States and our military and men and women who are in law enforcement get the money that they need to keep this country going, and to make sure that we win this war. That is what this is all about.

Mr. Speaker, I yield 5 minutes to the gentleman from Mobile, Alabama (Mr. CALLAHAN).

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

Mr. Speaker, the gentleman from Texas (Mr. SESSIONS) is a great American, especially since he knew in advance that I was rising in opposition for the first time in my 18 years in Congress against a Republican rule before this House.

I do it out of principle and I do it in all good faith, not to be critical of the Committee on Rules, not to be critical of their goals, but to express some concerns that I have that I think are very important, and that is aid to Israel.

For Israel in this bill, suddenly, in the middle of the night, in the Committee on Appropriations, without any encouragement from Prime Minister Sharon, without any encouragement from Chairman Arafat, within the Beltway some decided that we ought to give Israel $200 million in economic support, and give Mr. Arafat's area $50 million in economic support.

But to bring some history to the House, to ask Members to reflect back to 1997 when Prime Minister Netanyahu came before this very body, stood right in front of the Speaker and told this body that it was time for Israel to wean themselves of American economic support because their economy was better than ours. When Mr. Netanyahu said that, I immediately arranged a trip. I sat down with Mr. Netanyahu. I sat down with him, just the 2 of us. We worked out a process to wean Israel of all economic support, because they said it was no longer needed.

Along with that, at the same time we were giving Mr. Mubarak in Egypt a proportional sum of money. Two-thirds of whatever Israel got, Egypt got; not necessarily good foreign policy, but that was the policy that has been in effect since Camp David.

So I went to Cairo and I talked to President Mubarak, and he, too, agreed that Egypt would be reduced, just as Israel was, provided that Israel did not come in the back door and try to bump up their economic support without considering Egypt.

So I went before the Committee on Rules and asked for an opportunity to present this amendment to this body, on this bill, to give the proportional amount of money to Egypt, but I was for some reason denied.

But at the same time, some of the other areas Members of Congress wanted to be considered, such as the wage indexing problem in Pennsylvania with respect to Medicare reimbursement. It is also a problem in another 30 States. Yet, somehow or another, in this bill a self-executing rule says that Pennsylvania's problems will be resolved, but no other State will be resolved, so we will be left out in the cold on the indexing of Medicare payments to hospitals in the State of Alabama. Why they would give them that and not give me this simple opportunity to present an amendment for an up-or-down vote is beyond comprehension.

I also am upset about the deeming resolution, an unnecessary provision that is placed in this bill for the first time that I can ever recollect since the Republicans have been in charge, an unnecessary provision that is going to cause havoc and chaos as we go through the appropriation process in the next several months.

So with that, Mr. Speaker, for the first time, I think I am going to have to vote against this rule. I am not lobbying people to vote against it, but I am just expressing my own consternation, my own fears, my own principles.

I am going to offer amendments as we go through the bill to strike all of the aid to Israel that was included here without any request from Israel, without any request from the administration, without any requests from anybody. But someone within this beltway decided since we were going to have a supplemental bill, they were going to get some pork in it for Israel.

It is wrong to do that in this bill at this time. We will have a foreign operations bill on this floor in the next couple of weeks. That would be the appropriate time to address any economic support increase for Israel, not in an emergency supplemental bill. It was not included in the President's request, and it was not even requested by the government of Israel. It is the wrong thing to be doing.

Many Members know in their hearts that I am right, but they feel politically they cannot vote for it. I know in my heart that I am not going to win my amendments, but I am going to give people an opportunity to at least vote to see whether or not we ought to be doling out foreign aid in this emergency supplemental bill.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

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

Mr. Speaker, we all come here individually as politicians, and as we are assigned committees, as we develop expertise on substance, we become legislators, rather than mere politicians.

On the Committee on Appropriations, I think it is safe to say that we can take people with the most extreme ideological differences, and if we send them out in the field to examine a problem, when they come back to this Chamber, 8 times out of 10 they will probably have the same ideas about how to deal with the problem. That is what happens in a legislative body when we have the normal course of give-and-take and the normal willingness to compromise.

That is not just true of the Committee on Appropriations; it is supposed to happen on every other committee in the Congress. That is what is supposed to turn us into what we have been called when we have been called ''the greatest legislative, deliberative body in the world.''

But we have fallen a far, far pace from that on this bill. At least 6 times on major legislation, on patients' protection, the energy bill, the Airline Security Act, the Patriot Act, the pension reform, and welfare-to-work, each time, rather than running these bills through the committee process and accepting the committee result, we have seen the majority party leadership instead dictate a different result and dictate that a different package be brought to the floor. We are seeing the same thing here.

We had a bipartisan bill which was the product of 6 weeks of hard work between the 2 parties on the Committee on Appropriations. Then when the committee went into full committee, a number of amendments were adopted. Some of them I did not like, but with the exception of the DeLay amendment, which gave the President the authority to engage in a military attack on The Netherlands, I basically had no real problem with what the committee did.

But then it went to the Committee on Rules, and the instructions came down from on high that a number of extraneous items should be added to the bill. The first was that the House would deem that the budget resolution brought out by the Committee on the Budget months ago would be deemed now in effect.

That produces for discretionary funding in the next fiscal year a level $10 billion below the level being spent this fiscal year.

In the end, any knowledgeable Member of this House on either side of the aisle, and most especially knowledgeable Members on the Committee on Appropriations, understands that that is not deliverable.

I do not believe that we will find a majority of votes on either side of the aisle for the education bill, for instance, that would be produced as a result of those limitations because I do not believe either party is going to cut President Bush's education budget. But that is what it requires.

But the biggest outrage of all is this: We have in this rule a proposition which will allow seemingly innocuous language to be added, which is really the door-opener in order to raise the national debt, the limit on the national indebtedness, the limit on the Nation's credit card, by $750 billion.

The plan is to have the Senate insert increased debt, and then have it come back here wrapped in a package so that no Member ever has to actually vote on that freestanding item. Yet they will force an increase in the Nation's credit card debt.

□ 1700

And this proposition is being brought to us by a lot of the same people for the last year that have been parading all over this floor, talking about how they were going to support a constitutional amendment. This is a copy of H.J. Res. 86. There are 110 Republican sponsors on this resolution to require that not a dime of additional debt could be added without having a three-

fifths vote of this House. Yet today this would facilitate raising the debt without individual Members having to stand up and take the heat for that vote. And if you take a look at the people who are listed on it, I would ask all of them how they can justify putting their names on this resolution and telling their constituents that they are against raising the debt without a full firm vote on it and then engaging in this sleight of hand.

This resolution is sponsored by people like the gentleman from Texas (Mr. DELAY); the gentleman from Virginia (Mr. GOODE); the gentlewoman from Kentucky (Mrs. NORTHUP); the gentleman from Wisconsin (Mr. RYAN), my own State; and a variety of others. I would ask each and every one of them, how can you justify going to your constituents and saying you are going pass this constitutional amendment and then you flip-flop and come back here and do this?

I do not think this process does a credit to the House, and I do not think it is a real process. I think it delays delivering money to the Pentagon that we need to get to the Pentagon in order to reimburse them for the costs of the war.

This day, if we proceed to pass this rule, will not go down as one of the glory days in the history of the House.

BILL SUMMARY AND STATUS FOR THE 107TH CONGRESS

COSPONSORS, ALPHABETICAL

Bachus, Spencer	Akin, W. Todd
Barr, Bob	Baker, Richard H.
Barton, Joe	Bartlett, Roscoe G.
Bilirakis, Michael	Bass, Charles F.
Blunt, Roy	
Bono, Mary	Boehner, John A.
Brady, Kevin	Boozman, John
Bryant, Ed	Brown, Henry E., Jr.
Calvert, Ken	Burton, Dan
Cantor, Eric	Cannon, Chris
Chabot, Steve	Castle, Michael N.
Combest, Larry	Chambliss, Saxby
Crane, Philip M.	
Culberson, John Abney	Crenshaw, Ander
Davis, Jo Ann	Deal, Nathan
Dunn, Jennifer	DeMint, Jim
English, Phil	Duncan, John J., Jr.
Forbes, J. Randy	
Gekas, George W.	Fletcher, Ernest L.
Goodlatte, Bob	Ganske, Greg
Graves, Sam	Graham, Lindsey O.
	Gutknecht, Gil
Hart, Melissa A.	Hansen, James V.
Hayworth, J.D.	Hastings, Doc
Herger, Wally	Hefley, Joel
Hoekstra, Peter	Hilleary, Van
Isakson, Johnny	Horn, Stephen
Jenkins, William L.	Issa, Darrell E.
Johnson, Sam	
Keller, Ric	Jones, Walter B., Jr.
Kerns, Brian D.	Kennedy Mark R.
Kirk, Mark Steven	LaTourette, Steve C.
Lewis, Ron	Linder, John
Lucas, Frank D.	Manzullo, Donald A.
McCrey, Jim	McKeon, Howard P. (Buck)
Myrick, Sue	Miller, Jeff
Nussle, Jim	Norwood, Charlie
Ose, Doug	Osborne, Tom
Pence, Mike	Otter, C. L. (Butch)
Pitts, Joseph R.	Platts, Todd Russell
Pombo, Richard W.	Pryce, Deborah
Radanovich, George P.	Rohrabacher, Dana
Rehberg, Dennis R.	Ryan, Paul
Royce, Edward R.	Schaffer, Bob
Ryun, Jim	Sessions, Pete
Schrock, Edward L.	Shuster, Bill
Shimkus, John	Simpson, Michael K.
Simmons, Rob	
Stearns, Cliff	Terry, Lee

COSPONSORS, ALPHABETICAL—Continued

Sullivan, John R.	Tiberi, Patrick J.
Tancredo, Thomas G.	Walden, Greg
Thune, John R.	Weller, Jerry
Toomey, Patrick J.	Wilson, Joe

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from San Dimas, California, (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time, and I congratulate him on his management of this rule.

This is obviously a great challenge. It is important to note that this rule is for consideration of a wartime supplemental appropriations bill. The gentleman from Florida (Mr. YOUNG) described this before our Republican conference yesterday very appropriately as a wartime supplemental appropriations bill.

What has happened in the last 24 hours? We have seen an increased threat of terrorism. We have seen instability in a wide range of areas in the world; and this administration is, I believe, doing the best job possible to deal with this. The President months ago asked for a supplemental appropriations bill that would provide Israel with the resources necessary.

Now, a number of people who have been speaking against this have talked about some other issues. Let us remember, 99 percent, Mr. Speaker, of this legislation deals with supplemental appropriations for our war efforts. Now, we have heard talk about what some have said is an unprecedented use of the deeming process. Well, my Democratic colleagues had something known as the Gephardt amendment which regularly deemed an automatic increase in the debt ceiling. We, in the past several years, have had three occasions, had a deeming of the budget, of parts of the budget before. So I think it is very important to note that this is a very challenging time.

We are dealing with a situation which will begin here and then move to a joint House/Senate conference. My friend, the gentleman from Alabama (Mr. CALLAHAN), raised the issue of Egypt. We know that this administration is determined to do everything that it possibly can to bring about peace and stability in the Middle East. It is a challenge. Administrations in the past have tried and failed. But we know under the stellar leadership of President Bush, Vice President Chaney, the National Security Advisor, Dr. Rice and Colin Powell and Donald Rumsfeld, that we have a wonderful team working on this. That is why I believe it is important for us to provide the support the administration wants. And, yes, he is right that the administration did not make the additional request for aid to Israel, but there is no indication that the President would not be supportive of what is taking place here, because we clearly stand by our ally, the State of Israel, the one democratically elected government in the region.

What I am saying, Mr. Speaker, is that I believe we need to realize that our number one priority is to win the war on terrorism. And to do that, as the President and others have said, we have to have the resources necessary to win that war. And that is why every Member of this House should vote in favor of this rule and in favor of the supplemental appropriations bill.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

I listened to the gentleman from California (Mr. DREIER). If we really wanted to help the war effort, strip all this extraneous nonsense out of the bill, strip all of these baubles that they are trying to use to buy votes on the other side on Medicare and trade and all this other stuff and just do a supplemental that provides the money to fight the war. That is all you need to do.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, what the gentleman from California (Mr. DREIER) said is that we are at war and the Committee on Rules has now usurped all the responsibilities of the standing committee. It really makes no difference what the Committee on Appropriations wants to do, what the Committee on International Relations wants to do, the Committee on the Budget, the Committee on Ways and Means. The President of the United States and the chairman of the Committee on Rules, they will decide what is the best for this great country and for the Congress.

Imagine that in this appropriation we have issues that we hold sacred in the Committee on Ways and Means. That is the budget ceiling where we debate among each other as to what it is going to be. But instead of just coming out and saying that the Committee on Rules has decided that we have got to raise the debt ceiling, instead of doing that, what do you put in here?

Again, you wave the flag and say that the Committee on Rules has dictated that the Government of the United States will take all steps necessary to guarantee the full faith and credit of the government.

Is this gobbledygook? Is this patriotism or is this stealing the jurisdiction of another committee? What you mean to say is we will find some sneaky way to get the debt ceiling increase by passing a nothing rule over here and allowing the Senate to take our jurisdiction and to bring it back, wrap it up in the flag and dare someone during wartime to vote against it.

What is the next thing he is going to do? Oh, the Committee on Rules now knows how to handle Medicare. Not the Committee on Energy and Commerce, not the Committee on Ways and Means, not the House. What you have decided is there are certain hospitals in

Republican districts that are in trouble, and you are going to give them assistance at the expense of other hospitals. Is it in here? Yes.

Lastly, you are going to violate trade agreements in the rule. Shame on you.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Columbus, Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time and for his strong leadership on this rule which will bring before the Congress today a critical piece of legislation, a supplemental appropriations bill for a Nation that is at war.

The President of the United States comes to this Congress and asks for supplemental assistance, and this Congress provides it today: $15.7 billion in national defense, $5.8 billion in homeland security. And, Mr. Speaker, we commit ourselves in this rule and in this measure to live within our means as a Congress. In the months ahead as we consider appropriations, we commit ourselves to the budget resolution that has been passed by the so-named deeming elements of this rule.

These are the priorities of the Nation, Mr. Speaker: a national defense and prosecuting the war, homeland defense as we hear recriminations and discussions of what was done and what not done prior to September 11. The American people want us to respond in this Congress to these needs, and they want us to live within our means and to practice the fiscal discipline for which this majority is so rightly celebrated.

Lastly, Mr. Speaker, there has been talk about the $200 million for Israel. I, being one of the Members who have called upon the leadership and urged the leadership despite the lack of the call for the administration to add to these funds, I see them as perfectly appropriate to a defense supplemental bill: 493 Israelis have been killed since September of 2000; 3,955 wounded. Israel has spent $255 million in their front in this war on terrorism in the third and fourth week of Operation Defensive Shield alone.

America must stand by Israel in her darkest hour. Let us do no less than those we remember on this Memorial Day. Let us do our duty.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

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

Mr. GEPHARDT. Mr. Speaker, I rise to urge Members to vote ''no'' against this rule.

Over 1 year ago, Republicans passed an economic plan. They said at the time that their plan would generate economic growth, protect the surplus that we built up in the 1990s, and safeguard Social Security. Republicans enacted a giant tax bill for the wealthy, while promising that there would be enough room in the budget for Social Security, education, Medicare prescription drugs, and the defense of the United States of America.

Today, Republicans are making it clear that they are refusing to confront the consequences of their economic plan.

This rule is an outrage. It places full faith and credit language in the bill to avoid a desperate request by the President's Secretary of the Treasury to bail the administration out of the economic folly of their own making. It hides the fact that Republicans took a record surplus, turned it into a huge and mounting deficit, and put Social Security in jeopardy. It makes a mockery of the Republican rhetoric to safeguard the trust fund. It makes a mockery of the Republican votes to create a lockbox. It ignores and it weakens our intergenerational contract and commitment in the 21st century.

Instead, Republicans refuse to work with Democrats. They deny debate on a plan the gentleman from Kansas (Mr. MOORE) and the gentleman from South Carolina (Mr. SPRATT) sought to offer. That plan provides a way out of spending the Social Security surplus. It puts Social Security first, not last. It is sensible. It is responsible. It is the right thing to do for the American people.

Republicans did not give it one second of time on this floor today. They are silencing the voices of the American people on the future of Social Security. Now is not the time to give the Federal Government carte blanche to run up the debt. Our economic future is at stake. People's retirement security is on the line. We ought to be talking today about a 1-month extension of the debt limit. We ought to be coming back here in the next month to talk about how to fix this problem. We ought to have a budget summit between the President and the bipartisan Congress to find out how we can write a budget that is in tune with the changed circumstances that we have faced since September 11. We need to bring both parties and the President to the table, and we need the parties to work together. We need communication. We need collaboration to put our fiscal house back in order, to save Social Security first and today.

The American people deserve a comprehensive, fair debate on Social Security. So I hope Members will vote ''no'' on this rule, and I hope Members in both parties would decide to vote ''no'' on this rule.

I can tell you that every family who lost somebody on September 11 has been around the dining room table trying to figure out a new budget because of their changed circumstances. Well, America had a tragedy on September 11, and, as a family, we ought to be sitting around the table in respect and honesty to work out a new budget for this country. We cannot do that through gag rules that silence the voices of the American people on this side of the aisle. Vote ''no'' against this rule.

□ 1715

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

Evidently we have failed to communicate this openly to all Members. This is an open rule. This is an open rule for any Member of Congress, including the gentleman from Missouri (Mr. GEPHARDT), to offer any sort of amendment that he would like to. This is no gag rule. This is no sham. This is no trick. By presenting an open rule, it means that both sides are presented an equal opportunity to present their case.

There has been a lot said today about Social Security. The fact of the matter is that there is a part of this rule that says, ''The United States Government shall take all steps necessary to guarantee the full faith and credit of the government.'' That is what we are trying to do.

We are trying to make sure that this supplemental bill has an opportunity to be debated under an open rule today to where we have an opportunity to pass this bill and to where we can engage the other body, the Senate, which is controlled by the other party, the other body who controls that, to where we can work together as Republicans, as Democrats, with the President of the United States.

The fact of the matter is the song is always the same. The bottom line is that for years a clear majority of Democrats have been opposed to funding the military, and that is exactly the same way it is today. This is about funding our military. This is about a wartime budget. This is about trying to make sure that we win the war.

I know where the opposition comes from. We hear it over and over and over again.

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

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). Does the gentleman from Texas (Mr. SESSIONS) yield for a parliamentary inquiry?

Mr. SESSIONS. Mr. Speaker, I do not.

The SPEAKER pro tempore. The gentleman from California (Mr. CUNNINGHAM) is recognized for 2 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am under the impression that the Chair has to yield for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California (Mr. CUNNINGHAM) has been recognized for 2 minutes.

POINT OF ORDER

Mr. TAYLOR of Mississippi. Mr. Speaker, I make a point of order on that.

The SPEAKER pro tempore. The gentleman from Mississippi will state his point of order.

Mr. TAYLOR of Mississippi. Mr. Speaker, that I believe a parliamentary inquiry has precedence over that.

The SPEAKER pro tempore. The Chair would respond to the gentleman that the gentleman from Texas (Mr. SESSIONS) had yielded 2 minutes to the gentleman from California (Mr. CUNNINGHAM). The gentleman from California had the floor. The gentleman from Mississippi was not yielded to for the purpose of a parliamentary inquiry. The floor belonged to the gentleman from California who has been recognized for 2 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I had not planned on speaking but the minority leader came to the floor, and he talked about Social Security trust fund safeguards, tax breaks for the rich, Social Security, Medicare, prescription drugs.

Let me remind my colleagues that not a single Democrat economic package went forward when President Clinton was President. None of my colleagues' policies went forward. We passed them to create a surplus by welfare reform, by tax relief, by stimulus packages, whatsoever. Matter of fact, in 1993, the Democrats, when they had the entire majority of the House, the Senate and the White House, increased the tax on the middle class. They took every dime out of the Social Security trust fund. They increased Social Security taxes. They cut military COLAs and veterans' COLAs. So do not tell me about saving Social Security.

I have been waiting for this debate. I have in my office the leadership of the Democrat party, since every one of them have been here, the number of times that they have voted to cut the Social Security trust fund, which I am going to submit. So do not talk to us about cutting the Social Security trust fund. It is just rhetoric.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, my parliamentary inquiry, would the open rule the gentleman from Texas (Mr. SESSIONS) makes reference to allow me to offer an amendment that would remove the language that allows this bill to raise the debt limit?

The SPEAKER pro tempore. The Chair is unable to deliver an anticipatory ruling on what may later occur in Committee of the Whole if the gentleman were to attempt or any Member would attempt to offer certain amendments.

Mr. TAYLOR of Mississippi. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. Gentleman will state his inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, it would be my understanding that an open rule would allow me to offer any amendment that I wish to keep the Republican majority from raising the debt limit and plunging us more than $6 trillion in debt.

The SPEAKER pro tempore. The Chair is unable to construe the resolution which the House is debating at this time. That is a proper subject for debate among Members.

Mr. TAYLOR of Mississippi. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, when the Chair is construing whether or not a Member can offer an amendment, is that in itself limiting the rules of the House and, therefore, not an open rule?

The SPEAKER pro tempore. There is a difference in the Chair interpreting or construing a resolution which the House has already adopted and the Chair giving an interpretation of a resolution which is currently under consideration and the subject of debate in the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, if I may understand, the passage of this rule would indeed prohibit me or any other Member of this House from offering an amendment that would keep us from raising the debt limit. Does that not in itself constitute a restrictive rule?

The SPEAKER pro tempore. The Chair would respond that the Chair has already answered the gentleman's question. The Chair is not in a position to construe or characterize resolutions which are currently pending before the body.

Mr. TAYLOR of Mississippi. Mr. Speaker, who would be in a position to construe that?

The SPEAKER pro tempore. As the Chair has previously stated, that is a proper subject of debate when debating the resolution.

Mr. FROST. Mr. Speaker, I yield myself 15 seconds.

Under the rule pending, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Kansas (Mr. MOORE) would not have the opportunity to offer their amendment that has previously been described on the debt ceiling. That is fact. This is not an open rule. They would be prevented from offering their amendment.

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

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me the time.

Mr. Speaker, I rise in opposition to this rule because it takes another giant step, a big step in the Republican march toward fiscal recklessness that has characterized their performance in the 107th Congress. The majority has done everything possible to hide, hide from the American people the fact that this rule allows the second largest increase in the Nation's debt limit ever.

The Republican tax cut has already driven the Nation back into deficit spending. As a result, every penny of this back-door increase in the debt limit will come from the Social Security and Medicare trust funds.

We all agree, Mr. Speaker, that additional resources are needed to meet our Nation's defense and homeland security needs. We all support that, Democrat and Republican alike.

As the senior Democrat on the Permanent Select Committee on Intelligence, I understand full well the investments that are necessary for a strong response to the ongoing terrorist threat must be met. However, I must say shame on the Republican majority for hiding their raising of the debt limit and their raid on Social Security and Medicare behind our legitimate need to protect our forces and to protect our country.

It is possible to fight terrorism and put forth a fiscally responsible budget, but the Republican leadership has failed to do so. Again and again we have heard excuses from the majority that they attempt to explain the dramatic shift from surpluses to deficits and the raid on Social Security and Medicare trust funds that has resulted. A wartime budget, a recession, forecast errors, the list goes on. The question remains, where is the plan to get us out of this mess? Why should we sign a blank check to pay for the Republican tax cut by raiding Social Security and Medicare?

Last year, the majority said they had an economic plan that would pay down the maximum amount of debt possible and promise to protect the entire Social Security surplus. Today, they are requesting the second largest increase in the debt limit in our Nation's history to continue their raid on Social Security and Medicare. We have to have an up-or-down vote on their stealth plan to mortgage our children's future.

I urge my colleagues to oppose the rule.

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

The song is always the same. The bottom line is that for years a clear majority of Democrats have been opposed to funding the military, and today is no different.

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

Mr. FROST. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 12¼ minutes remaining. The gentleman from Texas (Mr. SESSIONS) has 7 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, my colleagues have heard any number of reasons why this is a bad rule. Let me give my colleagues another one.

If this rule passes, one of our premier airlines is liable to go out of business because this rule specifically protects language that terminates the airline loan guarantee program. After the events of September 11, we passed legislation knowing that the airlines were hurting, knowing that some of them could go into insolvency.

One airline in particular, U.S. Air, is headquartered at Washington's National Airport. Washington National Airport was closed down for an entire month, and for 8 months it has only had partial service. So understandably U.S. Airways has not had the revenue to stay afloat. That is what this loan guarantee program was for, but this rule protects $1.3 billion in savings by terminating the program because it knows that that is the amount of money that U.S. Airways needs to stay afloat.

So we are forcing an airline into bankruptcy, 40,000 jobs, 204 cities served. Now, this is not what the gentleman from Florida (Mr. YOUNG) wanted. This is not what the gentleman from Kentucky (Mr. ROGERS) wanted. They have been trying to work it out along with the gentleman from Virginia (Mr. DAVIS). They have been trying to do the right thing, but this rule does the wrong thing. It is outrageous to try to save money through this kind of a budget gimmick and cause the loss of 40,000 jobs, and think of what it is going to do to the economy of 204 cities that are served by U.S. Air. Unbelievable.

This rule needs to get defeated. It is one of the worst rules to come before the House of Representatives.

Mr. SESSIONS. Mr. Speaker, I would like to, if I could, engage with the gentleman from Texas (Mr. FROST) and let him know that the time appears to be unbalanced at this point, and I would like to see if he would like to get us to more of an even stance.

Mr. FROST. Mr. Speaker, we are prepared to yield additional time at this point.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, I rise in opposition to this rule for many reasons, and not because I am opposed to defense funding. If this were a clean increase for the war in Afghanistan, it would be passed unanimously.

First of all, this rule deems what the House could not do directly. It deems the budget resolution and sets the discretionary spending ceiling at $759 billion. That is $9 billion less than the other body. Mark my word, that $9 billion discrepancy will cause us problems before this fiscal year is out.

The second reason to get the votes necessary for passage, the rule claims $1.2 billion in savings to offset the amendments that the committee added in the supplemental over and above the President's request. The largest amount of these comes from obligational delays. They are not saying they are obligational delays.

The rule would prevent the Air Transportation Stabilization Board from guaranteeing any more airline loans for the rest of this fiscal year, but beginning the next fiscal year, they could make those loans. Someone may say that is harmless. Not for U.S. Air. It is a matter of life and death for U.S. Air because they told us they need funding by August 1. So it saves no money, but it does not do U.S. Air any good at all.

Most of all, I am really upset with this rule because it gets too clever by half, much too coy when it comes to something that is gravely serious, and that is the debt owed by the United States of America. We are creeping up on our statutory debt limits, and rather than face up to this issue squarely, this rule makes passing reference to the statutory debt ceiling just enough to have this matter originate in the House and leaves the heavy lifting to the other body.

□ 1730

What it seeks to avoid most of all is a direct vote on this very important issue, and our constituents need to know where we stand.

Now, we would have offered, if the committee had made it in order, an amendment that would have offered a suitable procedure for undertaking something this serious. It simply would have provided that if we take up the debt ceiling, we can increase it by $250 billion, but if we increase it by any more we must have in place a budget resolution that will put the budget in balance in 5 fiscal years.

That amendment was not made in order, which is another reason to vote against the rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, why can we not just for once be honest with the American people?

Every single Member of this body is in favor of supporting our troops in Afghanistan. And any rhetoric notwithstanding is not being honest. Everyone that makes statements like my friend from Texas made a moment ago knows better than that. The war on terrorism is too serious to play political games with.

To call this rule an open rule is laughable. The answer to the question of my colleague from Mississippi, Mr. Speaker, is no, he will be held out of order when he offers an amendment to pay for this war and not charge it to our grandchildren.

I cannot imagine how anybody that purports to be a conservative would support this resolution and this rule if they look at the scoring that is being applied, and then saying to their colleagues it is being paid for, when my colleagues know better.

Back in 1994, I joined with 321 of my colleagues, including 166 Republicans that are still here, that said we ought to put a stop to emergency spending bills having nonemergency issues being added to them. It passed 322 to 99. There were only four Republicans that opposed it in 1994. Then in 1995, when the Republicans took over the majority, they thought it was a darned good rule and they put it in saying when we have emergency spending, we ought to confine the issues and the spending to emergencies. Yet this rule waives any amendment that strikes any of those spending bills that are not emergency, because suddenly my Republican colleagues have seen the light and they believe that spending for any purpose is okay; but yet they are going to call themselves conservatives.

A vote for this rule is a vote for using parliamentary tricks to sneak an increase in the debt limit into law without addressing the fiscal problems highlighted by the need to increase the debt limit. That is my opposition to this rule. That is my opposition to this bill.

My colleagues should be open and honest and come out and say they are in favor of increasing the debt of this country $750 billion. But they choose to hide it. That is wrong and it is not honest.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, if the Democrats had proposed this rule, I would be up here speaking against it. This rule is, I think I will put it this way, if I were doing business with someone who devised or ran their business like this rule, I would quit doing business with them immediately; and I think the American people ought to as well.

What my Republican colleagues have done with this rule is they have made passing reference to the statutory assurance that the United States take all necessary means to protect our credit, which is the debt ceiling, and then they have provided that the amendments printed in the Committee on Rules shall be considered as adopted. That is not an open rule and they know it.

No one can call that an open rule. We cannot get at striking section 1403 because it will be held out of order. So when my colleagues say it is an open rule, it is not and my colleagues know it. It is crystal clear that it is wrong. It is dead wrong.

We are engaged in a generational mugging of the next generation here because we will not face up to what we are trying to do to pay for this. It is wrong.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Savannah, Georgia (Mr. KINGSTON), who is a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I just want to say that I support this rule, and I will support the supplemental bill as well. I am supporting the rule and the bill because of three things, three important things that it does.

Number one, it continues the war internationally against terrorism; number two, it protects our homeland; and, number three, it helps complete the job of rebuilding New York City.

Just to go through some of these things. This wartime supplemental provides $15.7 billion to aid the troops in the ongoing war. I have visited Afghanistan and Central Asia and the countries of Tajikistan, Pakistan, and Uzbekistan. They need our support. It is not time to turn our back on them.

This bill secures our homeland as well with $850 million for checking baggage for explosive devices, $630 million for baggage screening and $75 million for security enhancements at commercial ports.

Just to give one statistic, Savannah, Georgia, which I represent, last year brought in one million containers. Of those containers, only 1 percent were checked. This bill helps address that problem.

This bill also, in the name of homeland security, provides local law enforcement the tools that they need to track down terrorism. How often do my colleagues get these calls, which I know I have been getting since 9–11, from the local police officers and the sheriff departments: they have seen something suspicious, but they do not know who to call or what to do. This helps them hook in with the national tracking system.

It also helps our communities in terms of disaster preparation. One of the issues we have to deal with is the EMS folks, training them and getting them up to speed on what is needed. I think that it is very important that we continue to work with our local law enforcement training people.

Then, finally, our $5.5 billion to help build New York City, that great city which we in America all love and like to talk about.

This bill is about making sure we never forget what happened to our Nation on 9–11, and I urge my colleagues to support the rule and the bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, we all want to take care of the troops. What a lot of us do not want to do is to lie to the American people and mislead them and tell them we are not borrowing money to do it.

The gentleman from Texas (Mr. SESSIONS) misspoke, and I am going to leave it at that, when he said they are paying down the national debt. In the past 1 year, the national debt has risen by $323,329,559,211.21. Now that is straight off the Treasury report. Do not tell the people that we are balancing the budget. My colleagues are suggesting that we vote to increase the debt limit by $750 billion. That is a thousand times a thousand times a thousand times 750.

If we have to pay for this war, and we should, then let us cut spending someplace else, like the American people do.

I would tell the gentleman from Texas (Mr. SESSIONS) that on the day my daughter was born our Nation was less than $1 trillion in debt. The gentleman is proposing that we go over $6 trillion in debt, and she is not yet 24 years old. Where does it stop? Where is the shame?

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

What the majority party, my Republican Party, is trying to do is to make sure that our President, that our law enforcement, that our military has the money that is necessary to fight this war. It is not a war we wanted to get into; it was a war that was thrust on America on September 11. It was a war that America was thrust in and now our President and our Vice President are leading our Nation.

We all saw the destruction and the damage that happened. We stood up with pride and in awe of the men and women of the New York City Fire Department and Police Department as they battled these terrorists and then looked after the people of New York. We, as Members of this body, responded within days. We are now trying to respond again.

We believe it is honest and forthright that we follow procedures that people out in Dallas, Texas, and all across this country understand, not just in my congressional district but all the Members, when we say that we are trying to do the things that the President has asked for and that are in the best interest of this country to fund our military and law enforcement and the men and women who protect not only our borders but our parameters well out, including Afghanistan and our allies.

What we have said is very plain and simple. We are following a constitutional process where we have to go and negotiate with another body called the United States Senate. We are trying to make sure that while this negotiation is going on that we can say that the United States Government shall take all steps necessary to guarantee the full faith and credit of the government. I think to do anything different would be irresponsible.

I cannot say what the debt is going to do between now and the time we reach an agreement with the United States Senate and the President signs this bill. But what I can say is that we are responsible enough to say that the United States Government will stand up for what it should.

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

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, in the previous comments, the majority manager of the bill has referred to this as an open rule. Therefore, under this open rule, I would like to ask unanimous consent that the amendment offered by the gentleman from Kansas (Mr. MOORE) be made in order in the ensuing debate.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would respond that the gentleman's request is out of order. The gentleman from Texas (Mr. SESSIONS) has yielded to the gentleman from Texas (Mr. FROST) for the purposes of debate only, not for the purposes of amending the rule, even under unanimous consent.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, we have heard over and over and over that this is a rule about the war. What the majority party has done is wrapped this rule in the flag and wrapped this rule in the war and is trying to hide the fact from the American people that they are trying to increase the credit card debt of this Nation by $750 billion, three-quarters of a trillion dollars.

We all are Americans, we all stand together against terrorism, and we will all provide whatever resources and money are necessary to win this war on terrorism. But at the very least we should be, we should be, and we must be honest with the American people and tell them what it is we are doing. What the Republicans are attempting to do is to sneak through a $750 billion increase in the debt limit here without a stand-alone vote.

That is absolutely wrong, because what my colleagues are going to do is to pass that debt on to our children and grandchildren. Shame. Shame.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, it is ironic that 1 year ago we were having a debate in this House about how much of the debt we could pay down. Today, the House is being asked to pass in this rule, having nothing to do with the underlying bill, a measure that will allow for the public debt of the Nation to increase by three-quarters of a trillion dollars without debating it in the light of day.

We have soldiers abroad who are fighting to defend the Constitution, yet we have the majority party which does not even want to allow the public to see the debate of whether or not we want to raise the national debt to pay for the war.

All of us support the war effort. There is not a Member on either side, that I am aware of, who is not in favor of the war effort.

□ 1745

But what is a shame is the fact that the Republicans want to slide a fast

one past the American people so they can have it both ways and say we can cut taxes and we are not going to increase the debt when in fact that is what they are doing. They are raising the national debt with this vote.

We should defeat this rule and start over and bring a clean supplemental up that every Member will vote for.

PARLIAMENTARY INQUIRY

Mr. EDWARDS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman will state it.

Mr. EDWARDS. Mr. Speaker, having listened to the comments of the gentleman from Tennessee, my parliamentary inquiry is this: Would it take an amendment to change an open rule in order to make it open?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry which is appropriate for the Chair to answer.

Does the gentleman have a further parliamentary inquiry?

Mr. EDWARDS. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. EDWARDS. It is my understanding that this has been described by the majority as an open rule. Yet a few minutes ago, the Speaker said in response to the comments of the gentleman from Tennessee that it would require a change in the rule in order to make it an open rule.

My parliamentary inquiry is if this is an open rule, why would it require a change in the rule to make it an open rule?

The SPEAKER pro tempore. The Chair would simply respond to the gentleman, the House has a mechanism to amend a pending rule if the House sees fit. The Chair responded in such a fashion earlier on several occasions.

Mr. EDWARDS. I thank the Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) has 3 minutes remaining. The gentleman from Texas (Mr. FROST) has 2½ minutes remaining.

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

Mr. Speaker, the money that we are spending in this bill is for the national defense, and it is for men and women who protect us. Tonight when Americans go to sleep after hearing this great and vigorous debate, they can go to sleep knowing that this House is talking about the things that are important to make sure that our sons and brothers and fathers and aunts and uncles, the freedoms that we enjoy as a result of this House talking about the debate that will get our military and law enforcement the money that is necessary to make sure that we win this war.

That is what this debate is simply about. I am proud of what we are doing here.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, in 2000, Congress passed the CBI bill. In the most sensitive area of apparel and textiles, the bill endeavored to build on the strengths and complementarities of Caribbean countries. CBI nations were provided enhanced access to the U.S. market with some important requirements as to use of American fabric, and within these requirements the ability to dye and finish this material in their nation. Included was enhanced implementation of core labor standards.

In order to obtain a few votes to pass their fast-track bill, the administration cut a deal that turns its back on CBI. The attempt in this bill to carry out that deal is antithetical to the administration's rhetoric about the importance of expanded trade and about the needs of evolving economies. It is another troubling result of the decision of the administration and House Republicans to pass fast track on a partisan basis, refusing to address concerns of Democrats who have worked hard to craft constructive trade legislation these last years. The administration has missed an historic opportunity to build a viable, strong, bipartisan foundation for trade policy and the consequence is the attempt to ratify in this bill an act of expediency. It has zero to do with the war against terrorism.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, my friend from Texas has now three times made a very impassioned speech regarding that this is for the troops, and I want to again say, every single person over here supports our troops. In addition to that, I will say I support our President 110 percent. In fact, I believe in our opposition to this rule that I am supporting the President more than you are.

Here is why. The President asked for $27.1 billion. This bill is $29.4 billion. You made reference to the Senate, in having a package to go to the Senate. The Senate is proposing to spend $31 billion. That means we are going to compromise somewhere between 29.4 and 31. That is not what the President asked for.

This is more than just supporting our troops. We all support the troops. This is about fiscal responsibility and the debt limit.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. ANDREWS).

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 1 minute.

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

Mr. ANDREWS. I thank my friend for yielding time.

Mr. Speaker, the House is in the business of taking votes to decide things. This week we took a vote on whether to congratulate the people of East Timor, as we should have. We took a vote on naming a Federal building, as we should have.

The majority has a plan to borrow $750 billion and pass along the bill to our children. But they do not want to put that up for a vote. The choice that is before the House on this rule is very simple. Should we or should we not take a recorded vote on borrowing $750 billion? Our only chance to cast a vote on that, if the majority has its way, is on this rule vote.

Defeat the rule, bring this question, like the question of congratulating the people of East Timor, before the American people so they can see where we as their elected representatives stand. Defeat this rule.

Mr. SESSIONS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois, the Speaker of the House, for 2 minutes.

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

Mr. HASTERT. Mr. Speaker, we have heard a lot of debate on this bill today. This bill has been on the docket for about 6 weeks trying to bring it together. In this bill is $14 billion-plus for our men and women who fight the war in Afghanistan and around the world. In this bill is $5 billion for New York so that they can recoup and rebuild their city for the losses they got on September 11. In this bill is $7 billion for defense against terrorism in this country, air marshals, police, things to make this country safer so that we can travel, so that we can live our lives.

There is a lot of debate and a lot of demagoguery that goes on in a place like this. But there are times when you need to move forward, pass legislation, get it done and do the right thing. I have heard a lot of, again, conversation from the other side of the aisle. Do we need eventually to raise the debt ceiling in this country? You know we have to do that. There is not one person in the room who will deny that that has to be done. Do we do it in this bill? No. Do we give ourselves a possibility that we can do it at a later date? Yes. Do we have to make sure that there is some discipline in the budget as opposed to the other side of the Rotunda where there is no discipline? Yes. We need to do that. We need to do it for our own good. We also need to do it on mandatory and discretionary spending if we want to do the things in health care and prescription drugs that is right for this country.

You can vote no against this. If you vote no, you ought to know that you are voting against our military, you are voting against the people in New York. You need to know that you are

also voting against the ability for us to solve the problems that we have in this country. If you want to vote against trying to solve the problems in health care and prescription drugs, vote no for this bill.

If you want to move forward and have the Congress do the things that the American people expect us to do, then you want to vote yes for this rule and vote yes for the bill.

Mr. DICKS. Mr. Speaker, I rise in strong opposition to this rule, because it robs the Department of Defense of $13.2 billion that was requested by the President. I must say that I am surprised and frankly feel let down by my colleagues and good friends on the other side of the aisle, many of whom have in the past stood shoulder to shoulder with me in calling for more defense spending.

This rule includes a so-called ''deeming'' provision which says that the House shall consider the Budget Resolution to have passed a conference committee just as it passed the House. Doing so weakens national security because the budget resolution made two incredible raids on the Defense budget, reducing the money available to be appropriated for Defense by $13.2 billion.

First, the Budget Resolution reduced the Budget Authority available for defense by $10 billion by eliminating the contingency fund requested by the Department of Defense. I share some of the Budget Committee's concerns that this request was vague, but Congress is more than capable of working with the Department to determine how that funding can best be used, and no serious defense observer believes that the Department of Defense will not need this $10 billion, and even more, for its operations in FY03. This rule today puts that funding off limits.

Second, the Budget Resolution reduced the Budget Authority available for Defense by $3.2 billion which had been set aside by the Department of Defense for civilian health care accrual. The Budget Committee doesn't support doing this accrual accounting change, but taking the money away from the Department of Defense is the wrong answer. We have seen a consistent pattern in recent years of underestimating the costs in the Defense Health Program and many Operations and Maintenance accounts. The $3.2 billion included for civilian accrual costs should be maintained as a hedge against cost escalations in these accounts.

In addition to being $13.2 billion below the President's Request for defense, this resolution puts us as much as $6.9 billion under the Defense Authorization bill the House approved just a few weeks ago. That bill maintained the $3.2 billion originally requested for civilian accrual and it allocated $3.7 billion of the contingency fund to high priority operational items.

We should reject this rule Mr. Speaker, and allow the Appropriations Committee to bring to the floor a Defense Appropriations bill that is at least equal to the President's request, a request which is already $40 billion below what is required in procurement alone. That's not just according to me, that is the testimony given by the Chairman of the Joint Chiefs of Staff, Gen. Richard Myers, before the Defense Appropriations Subcommittee this year.

Mr. SESSIONS. Mr. Speaker, I move the previous question on the resolution.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, is including $10 million in this bill to assist in State efforts to prevent and control transmissible spongiform encephalopathy, including bovine spongiform encephalopathy, chronic wasting disease, and scrapie, in farmed and free-ranging animals, does that constitute a vital defense need?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

The gentleman from Texas moved the previous question on the resolution.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 209, answered ''present'' 3, not voting 7, as follows:

[Roll No. 194]

YEAS—216

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—209

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)

Waxman
Weiner
Wicker
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—3

Bonilla
Nethercutt
Wamp

NOT VOTING—7

Burton
Deutsch
Emerson
Lipinski
Mascara
Traficant
Wexler

□ 1823

Ms. CARSON of Indiana, and Messrs. SANDERS, LARSEN of Washington, BAIRD and GUTIERREZ changed their vote from ''yea'' to ''nay.''

Mr. STEARNS changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94, noes 300, not voting 41, as follows:

[Roll No. 195]

AYES—94

Ackerman
Allen
Andrews
Baird
Barrett
Becerra
Berman
Berry
Bishop
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Capuano
Clayton
Clement
Clyburn
DeFazio
Delahunt
Doggett
Edwards
Eshoo
Evans
Farr
Filner
Ford
Frank
Gephardt
Gordon
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hoekstra
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kilpatrick
Langevin
Lee
Lewis (GA)
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Miller, George
Mink
Neal
Oberstar
Obey
Olver
Owens
Pascrell
Pelosi
Pomeroy
Rangel
Rodriguez
Roybal-Allard
Sanchez
Sandlin
Sherman
Shows
Slaughter
Snyder
Solis
Spratt
Stark
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Waxman
Wynn

NOES—300

Abercrombie
Aderholt
Akin
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Collins
Combest
Condit
Cooksey
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Engel
English
Etheridge
Everett
Ferguson
Flake
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hilliard
Hobson
Hoeffel
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Matheson
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—41

Baldwin
Bonior
Burton
Cannon
Carson (OK)
Clay
Coble
Conyers
Cox
Coyne
Deutsch
Dingell
Dooley
Ehrlich
Emerson
Fattah
Fletcher
Foley
Graham
Greenwood
Hall (OH)
Hilleary
Hinojosa
Lampson
Lipinski
Mascara
McIntyre
Meeks (NY)
Miller, Gary
Ortiz
Platts
Radanovich
Rivers
Sanders
Sawyer
Schakowsky
Simpson
Traficant
Watkins (OK)
Wexler
Woolsey

□ 1844

Mr. SHOWS changed his vote from ''no'' to ''aye.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4775, and that I may include tabular and extraneous material.

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

There was no objection.

PERMISSION TO INCLUDE EXTRANEOUS MATERIAL DURING CONSIDERATION OF HOUSE RESOLUTION 428

Mr. OBEY. Mr. Speaker, I ask unanimous consent that I may be allowed to include extraneous material immediately following my remarks on the rule that has earlier passed.

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

There was no objection.

□ 1845

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to House Resolution 428 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4775.

□ 1845

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Chairman, I am pleased to bring to the House the 2002 Supplemental Appropriations Bill. This is the first appropriations bill that we will be considering this year, and it should prove to be an interesting experience.

The Committee on Appropriations ordered this legislation reported last week. The bill is extremely important, and I believe it will enjoy broad bipartisan support. It is extremely important, Mr. Chairman, because this is a wartime supplemental appropriations bill. This is to pay for our wartime activities in Afghanistan and other places that our military troops might be deployed. This is a wartime appropriations bill to repay our military services for the monies they have already expended from their fourth quarter accounts.

This is an extremely important bill in that it also, besides providing money for the Defense Department, provides for our homeland security. As we get further away from September 11, we may be tempted to forget what happened on that day in the United States of America. But, Mr. Chairman, we were attacked. Our people were attacked. We are going to fight back. We are going to finance our effort to fight back.

The President of the United States is doing an outstanding job in leading our Nation in the prosecution of the military campaign. He is doing an outstanding job in leading our Nation in seeking out terrorist organizations wherever we can locate them and proceeding to bring them to justice. So it is a very important bill, Mr. Chairman. However, over the last 5 weeks, some of the focus has gotten lost on this important bill. It has been sort of like a ship growing barnacles. Everyone knows this is a must-pass bill, and there are probably 435 ideas of what should be added to or subtracted from it. But I want to remind everyone again, the focus of this bill is and must continue to be that this is a wartime supplemental appropriations bill. It provides money for our troops. It provides money for our intelligence community. It provides money for the safety and security of our people and our community. It provides support for the victims of the attack in New York at the World Trade Center. And it provides funds to promote the U.S. foreign policy to prevent future attacks.

The committee reported a bill that provides $29.387 billion and half of that, or $15.8 billion, is for the Defense Department to continue to prosecute the war on terrorism. This bill supports the President. It fully funds his requirements for national security, foreign policy; and it provides an additional $5.5 billion in support for recovery in New York. There is $1.77 billion in additional funds for the Defense Department to pay for costs relating to the mobilization of the Guard and Reserve forces and to cover their operational expenses.

It provides for our country's biggest concern, securing our homeland, by providing $5.8 billion. That is $522 million above the President's request. It ensures that our nuclear assets can be secured and that law enforcement and our first responders, who are so important in providing for the safety of our people in our community, have adequate information to prevent, hopefully, or, if necessary, to respond to acts of terrorism.

It also gets the Transportation Security Administration up and running so that the traveling public will be safe. We have all heard the concerns raised over the past few days that the FBI had information that somehow was left out of security briefings for the President. The most important thing we can do to protect our country and our constituents from future attacks is to ensure that law enforcement and our intelligence community and the Commander in Chief, the President of the United States, have timely access to accurate and complete information.

I have been to the FBI; and my friend and colleague, the gentleman from Wisconsin (Mr. OBEY) has been to the FBI. We have seen firsthand their antiquated technology equipment that needs to be enhanced, that needs to be updated, that needs to be brought into today's world. We looked at this closely and determined that the President's request did not provide enough for that purpose. So in the terrorism supplemental last year we added $132 million above the President's request for the FBI's information technology, and this supplemental bill contains an additional $100 million above the President's request for additional technology enhancement for the FBI.

At this point, there will be some who try to assess the blame. We are here to find solutions and to provide the funding necessary to put those solutions in place.

Now, in addition to defense and homeland security, we had a shortfall in the Pell grant program, an important program for the education of our young Americans. We added $1 billion to provide funding for the Pell grant program.

Our leadership, on a bipartisan basis, asked for funding to pay for the election reforms that we enacted earlier this year. So we added $450 million for that purpose. We increased the President's budget request for defense by $1.8 billion. In the committee, added by amendment, was $250 million for Israel and for humanitarian relief for the Palestinians. We have added $275 million over the President's request for veterans health care.

Mr. Chairman, we did not just spend the money. We had offsets. We had offsets of $1.8 billion more than the President's budget request had asked for. And so, Mr. Chairman, this is a good supplemental bill. It is well within the budget limits placed on us by the 2002 budget resolution.

I hope that we can consider this bill as what it is, a wartime emergency supplemental. I hope that we are not distracted by the other issues that were debated heatedly during the consideration of the rule. Let us focus today on this wartime emergency supplemental for our troops, for our security agencies, for our intelligence agencies, for the FBI and for the President of the United States to be able to do the things that we are demanding that he do, and that is to make America secure and to seek out those who perpetrate or would perpetrate terrorist attacks against our Nation.

H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT

[Dollars in thousands]

	Budget request	Recommended in bill	Bill compared with request
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Food Safety and Inspection Service (contingent emergency)		2,000	+2,000
Food and Nutrition Service: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	75,000	75,000	
Animal and Plant Health Inspection Service: Salaries and expenses (contingent emergency)		10,000	+10,000
Natural Resources Conservation Service: Watershed Rehabilitation Program (rescission)	−9,000		+9,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration: Salaries and expenses (contingent emergency)		18,000	+18,000
General Provisions: Export Enhancement Program (limitation) (sec. 101)		−450,000	−450.000
Total, chapter 1	66,000	−345,000	−411,000
CHAPTER 2			
DEPARTMENT OF JUSTICE			
General Administration: Salaries and expenses (emergency)	5,750	5,750	

H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT—Continued

[Dollars in thousands]

	Budget request	Recommended in bill	Bill compared with request
LEGAL ACTIVITIES			
United States Marshals Service: Salaries and expenses (contingent emergency)		1,000	+1,000
Federal Bureau of Investigation: Salaries and expenses (emergency)	10,000	10,000	
Contingent emergency		102,000	+102,000
Immigration and Naturalization Service: Enforcement and Border Affairs: Salaries and expenses (emergency)	35,000	35,000	
Contingent emergency		40,000	+40,000
Office of Justice Programs: Justice assistance (emergency)		175,000	+175,000
DEPARTMENT OF COMMERCE AND RELATED AGENCIES			
RELATED AGENCIES			
Office of the United States Trade Representative:			
Salaries and expenses (contingent emergency)		1,100	+1,100
European Communities Music Licensing Dispute	3,300		−3,300
DEPARTMENT OF COMMERCE			
Export Administration: Operations and Administration (emergency)	8,700		−8,700
National Institute of Standards and Technology: Scientific and Technical Research and Services (emergency)	4,000	4,000	
National Oceanic and Atmospheric Administration: Fisheries Finance Program Account (limitation on direct loans)	(24,000)	(24,000)	
Negative subsidy	−3,000	−3,000	
Departmental Management: Salaries and expenses (emergency)	400	400	
THE JUDICIARY			
Supreme Court of the United States: Care of the Buildings and Grounds (emergency)	10,000	10,000	
United States Courts of Appeals for the Federal Circuit: Salaries and expenses (emergency)	857		−857
Courts of Appeals, District Courts, and Other Judicial Services: Salaries and expenses (emergency)	3,143	3,143	
Contingent emergency		3,115	+3,115
DEPARTMENT OF STATE AND RELATED AGENCY			
DEPARTMENT OF STATE			
Administration of Foreign Affairs:			
Diplomatic and Consular Programs (emergency)	51,050	51,050	
Capital Investment Fund (emergency)	2,500		−2,500
Educational and Cultural Exchange Programs (emergency)	10,000	10,000	
Contingent emergency		10,000	+10,000
Embassy Security, Construction, and Maintenance (emergency)	200,516	200,516	
Emergencies in the Diplomatic and Consular Service (emergency)	8,000		−8,000
International Organizations and Conferences:			
Contributions to International Organizations (emergency)	7,000	7,000	
Contributions for International Peacekeeping Activities (emergency)	43,000	43,000	
RELATED AGENCY			
Broadcasting Board of Governors:			
International Broadcasting Operations (emergency)	7,400	7,400	
Broadcasting capital improvements (contingent emergency)		7,700	+7,700
RELATED AGENCIES			
Securities and Exchange Commission: Salaries and expenses	20,000	20,000	
Contingent emergency		9,300	+9,300
Total, chapter 2	427,616	753,474	+325,858
CHAPTER 3			
DEPARTMENT OF DEFENSE—MILITARY			
Military Personnel: Military Personnel, Air Force (emergency)	206,000	206,000	
Operation and Maintenance:			
Operation and Maintenance, Army (emergency)	107,000	107,000	
Contingent emergency		119,000	+119,000
Operation and Maintenance, Navy (emergency)	36,500	36,500	
Contingent emergency		17,250	+17,250
Operation and Maintenance, Air Force (emergency)	41,000	41,000	
Contingent emergency		19,500	+19,500
Operation and Maintenance, Defense-Wide (emergency)	739,000	739,000	
Contingent emergency		12,975	+12,975
Defense Emergency Response Fund (emergency)	11,300,000	11,300,000	
Contingent emergency		1,393,972	+1,393,972
Procurement:			
Other Procurement, Army (emergency)	79,200	79,200	
Aircraft Procurement, Navy (emergency)	22,800	22,800	
Procurement of Ammunition, Navy and Marine Corps (emergency)	262,000	262,000	
Other Procurement, Navy (emergency)	2,500	2,500	
Procurement, Marine Corps (emergency)	3,500	3,500	
Aircraft Procurement, Air Force (emergency)	93,000	93,000	
Contingent emergency		36,500	+36,500
Procurement of Ammunition, Air Force (emergency)	115,000	115,000	
Other Procurement, Air Force (emergency)	752,300	735,340	−16,960
Procurement, Defense-Wide (emergency)	99,500	99,500	
Contingent emergency		4,925	+4,925
Research, Development, Test and Evaluation:			
RDT&E, Army (emergency)	8,200	8,200	
RDT&E, Navy (emergency)	19,000	9,000	−10,000
RDT&E, Air Force (emergency)	60,800	60,800	
Contingent emergency		39,000	+39,000
RDT&E, Defense-Wide (emergency)	74,700	52,000	−22,700
Contingent emergency		20,000	+20,000
General Provisions:			
General Transfer Authority (sec. 305)	(1,000,000)		(−1,000,000)
MH–47 Helicopters (contingent emergency) (sec. 308)		93,000	+93,000
Chemical Demil (contingent emergency) (sec. 309)		100,000	+100,000
Rescissions (sec. 310)		−59,000	−59,000
Total, chapter 3	14,022,000	15,769,462	+1,747,462
CHAPTER 4			
DISTRICT OF COLUMBIA			
DISTRICT OF COLUMBIA FUNDS			
Operating Expenses			
Division of Expenses:			
Public education system (rescission)		(−37,000)	(−37,000)
Human Support Services:			
Child and Family Services Agency		(11,000)	(+11,000)
Department of Mental Health		(26,000)	(+26,000)
Repayment of loans and interest (rescission)		(−7,950)	(−7,950)
Certificates of participation		(7,950)	(+7,950)
Total, chapter 4			
CHAPTER 5			
DEPARTMENT OF DEFENSE—CIVIL			
DEPARTMENT OF THE ARMY			
Corps of Engineers—Civil: Operation and Maintenance, General (contingent emergency)		128,400	+128,400

H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT—Continued

[Dollars in thousands]

	Budget request	Recommended in bill	Bill compared with request
DEPARTMENT OF ENERGY			
Energy Programs: Science (contingent emergency)		29,000	+29,000
National Nuclear Security Administration:			
Weapons Activities (emergency)	19,400	19,400	
Contingent emergency		106,000	+106,000
Defense Nuclear Nonproliferation (contingent emergency)		5,000	+5,000
Environmental and Other Defense Activities:			
Defense Environmental Restoration and Waste Management (contingent emergency)		67,000	+67,000
Defense Facilities Closure Projects (contingent emergency)		16,600	+16,600
Other Defense Activities (emergency)	7,000	7,000	
Total, chapter 5	26,400	378,400	+352,000
CHAPTER 6 BILATERAL ECONOMIC ASSISTANCE Funds Appropriated to the President			
United States Agency for International Development:			
Child Survival and Health Programs Fund (contingent emergency)		200,000	+200,000
International Disaster Assistance (emergency)	40,000		−40,000
Contingent emergency		190,000	+190,000
Operating Expenses of the United States Agency for International Development (emergency)	7,000	7,000	
Other Bilateral Economic Assistance:			
Economic Support Fund (emergency)	525,000	460,000	−65,000
Contingent emergency		250,000	+250,000
Assistance for the Independent States of the Former Soviet Union (emergency)	110,000	110,000	
Department of State:			
International Narcotics Control and Law Enforcement (emergency)	114,000	120,000	+6,000
Migration & Refugee Assistance (contingent emergency)		10,000	+10,000
Nonproliferation, Anti-Terrorism, Demining and Related Programs (emergency)	83,000	83,000	
MILITARY ASSISTANCE			
Funds Appropriated to the President:			
Foreign Military Financing Program (emergency)	372,500	366,500	−6,000
Peacekeeping Operations (emergency)	28,000	20,000	−8,000
MULTILATERAL ECONOMIC ASSISTANCE			
Funds Appropriated to the President: Special Payments to the International Financial Institutions (rescission)	−157,000	−159,000	−2,000
General Provisions: Rescission (sec. 602)		−60,000	−60,000
Total, chapter 6	1,122,500	1,597,500	+475,000
CHAPTER 7 DEPARTMENT OF THE INTERIOR			
Bureau of Land Management: Management of Lands & Resources (contingent emergency)		658	+658
United States Fish and Wildlife Service: Resource Management (contingent emergency)		1,443	+1,443
National Park Service:			
Operation of the National Park System (contingent emergency)		1,173	+1,173
Construction (contingent emergency)		19,300	+19,300
United States Geological Survey: Surveys, Investigations, and Research (contignent emergency)		25,700	+25,700
Bureau of Indian Affairs:			
Operation of Indian Programs (contingent emergency)		134	+134
Rescission	−10,000	−5,000	+5,000
Indian trust fund management litigation			
Departmental Offices: Departmental Management: Salaries and expenses (contingent emergency)		905	+905
RELATED AGENCY			
Smithsonian Institution:			
Salaries and expenses (contingent emergency)		11,000	+11,000
Construction (contingent emergency)		2,000	+2,000
Total, chapter 7	−10,000	57,313	+67,313
CHAPTER 8 DEPARTMENT OF LABOR			
Employment and Training Administration: Training & Employment Services (contingent emergency).	750,000	300,000	−450,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Health Resources and Services Administration: Health Resources and Services (rescission)	−20,000		+20,000
Centers for Disease Control and Prevention: Disease Control, Research, and Training (contingent emergency)		1,000	+1,000
National Institutes of Health: Buildings and facilities (rescission)	−30,000	−30,000	
Administration for Children and Families: Children and Families Services Programs (contingent emergency)		500	+500
DEPARTMENT OF EDUCATION			
Student Financial Assistance	1,276,000	1,000,000	−276,000
Total, chapter 8	1,976,000	1,271,500	−704,500
CHAPTER 9 LEGISLATIVE BRANCH House of Representatives			
Committee Employees: Standing Committees, Special and Select		1,600	+1,600
Library of Congress: Copyright Office: Salaries and expenses (emergency)	7,500	7,500	
Joint Items Capitol Police Board			
Capitol Police: General Expenses (contingent emergency		16,100	+16,100
Total, chapter 9	7,500	25,200	+17,700
CHAPTER 10 DEPARTMENT OF DEFENSE			
Military Construction, Air Force (contingent emergency		8,505	+8,505
Military Construction, Defense-wide (contingent emergency)		21,500	+21,500
Total, chapter 10		30,005	+30,005
CHAPTER 11 DEPARTMENT OF TRANSPORTATION			
Office of the Secretary: Transportation Administrative Service Center (obligation limitation)	(128,123)	(128,123)	
Transportation Security Administration: Salaries and expenses (emergency)	2,455,000	2,305,000	−150,000
Contingent emergency	1,945,000	1,545,000	−400,000
	4,400,000	3,850,000	−550,000
U.S. Coast Guard: Operating Expenses (emergency)	189,000	189,000	
Contingent emergency		21,000	+21,000

H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT—Continued

[Dollars in thousands]

	Budget request	Recommended in bill	Bill compared with request
	189,000	210,000	+21,000
Acquisition, Construction, & Improvements (emergency)	66,000	66,000	
Contingent emergency		12,000	+12,000
	66,000	78,000	+12,000
Federal Aviation Administration:			
Operations (transfer authority)	(100,000)	(25,000)	(−75,000)
Grants-in-aid for airports (contingent emergency)		200,000	+200,000
Federal Highway Administration: Federal-Aid Highways, Emergency Relief Program (Highway trust fund) (emergency)	167,000	167,000	
Federal Motor Carrier Safety Administration:			
Border Enforcement Program (Highway trust fund) (emergency)	19,300	19,300	
Hazardous materials security (Highway trust fund) (contingent emergency)		5,000	+5,000
	19,300	24,300	+5,000
Federal Transit Administration: Capital Investment Grants (emergency)	1,800,000	1,800,000	
Research and Special Programs Administration: Research and Special Programs (emergency)	3,500		−3,500
General Provisions:			
Airline loan program limitation (sec. 1103)		−393,000	−393,000
Air carrier compensation (sec. 1104) (rescission)		−250,000	−250,000
Total, chapter 11	6,644,800	5,686,300	−958,500
CHAPTER 12			
DEPARTMENT OF THE TREASURY			
Federal Law Enforcement Training Center (contingent emergency)		15,870	+15,870
Financial Management Service (sec. 1201) (rescission)		−14,000	−14,000
Internal Revenue Service: Business Systems Modernization (sec. 1201)		14,000	+14,000
United States Secret Service (contingent emergency)		46,750	+46,750
POSTAL SERVICE			
Payment to the Postal Service Fund (emergency)	87,000	87,000	
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS			
Appropriated to the President:			
Office of Administration (emergency)	5,000		−5,000
Office of Management and Budget (rescission)		−750	−750
Election Administration Reform and Related Expenses		450,000	+450,000
INDEPENDENT AGENCIES			
Federal Election Commission		750	+750
GENERAL SERVICES ADMINISTRATION			
Real Property Activities: Federal Buildings Fund (emergency)	51,800	51,800	
General Activities: Policy and Operations (emergency)	2,500		−2,500
Total, chapter 12	146,300	651,420	+505,120
CHAPTER 13			
DEPARTMENT OF VETERANS AFFAIRS			
Veterans Health Administration:			
Medical Care	142,000	417,000	+275,000
Medical and Prosthetic Research (rescission)	−5,000		+5,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Public and Indian Housing: Housing certificate fund (rescission)		−300,000	−300,000
Community Planning and Development:			
Rural Housing and Economic Development (rescission)	−20,000		+20,000
Community Development Fund (emergency)	750,000	750,000	
Housing Programs: Rental Housing Assistance (rescission)		−300,000	−300,000
INDEPENDENT AGENCIES			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
National Institute of Health: National Institute of Environmental Health Sciences (emergency)		8,000	+8,000
Agency for Toxic Substances and Disease Registry: Salaries and expenses (emergency)		11,300	+11,300
Environmental Protection Agency: Hazardous Substance Superfund (emergency)	12,500		−12,500
Federal Emergency Management Agency:			
Disaster relief (emergency)	2,750,000	2,750,000	
Disaster assistance for unmet needs (contingent emergency)		23,320	+23,320
Emergency management planning & assistance (emergency)	326,728	151,700	−175,028
National Science Foundation: Education and Human Resources (emergency)	19,300		−19,300
Total, chapter 13	3,975,528	3,511,320	−464,208
Grand total (net)	28,404,644	29,386,894	+982,250
Appropriations	(1,513,300)	(1,975,350)	(+462,050)
Emergency appropriations	(24,447,344)	(24,091,099)	(−356,245)
Contingent emergency appropriations	(2,695,000)	(5,341,195)	(+2,646,195)
Rescissions	(−251,000)	(−1,177,750)	(−926,750)
Offsets		(−843,000)	(−843,000)

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

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I wanted to first of all congratulate the chairman of the committee, the gentleman from Florida (Mr. YOUNG), for doing his usual good job in trying to produce a bipartisan bill.

As members of the committee know, our committee worked for 6 weeks and produced a bipartisan bill. And I want to tell you some of the things that it did to correct some of the chaos that we see in some of the agencies that are dealing with counterterrorism.

We found out that the Department of Energy had asked for $380 million to upgrade security so that weapons of mass destruction and nuclear material would be less susceptible either to terrorist attack or theft. OMB only approved 7 percent of that money. The committee provided the amount that was needed.

We also discovered that the Immigration and Naturalization Service had asked for $52 million because they had the reasonable idea that we ought to be able to determine which immigrants, or which persons here on visas I should say, had overstayed their visas; visas had expired; they had been asked to leave the country and, yet, had refused to do so. The INS wanted $52 million to set up a system to stop that nonsense. The OMB denied it all. The committee put in enough money to deal with the problem.

The FBI, the gentleman from Florida (Mr. YOUNG) has indicated that we discovered after September 11, the FBI had a great need for computer modernization. We discovered, for instance, that less than half the computers at the FBI could be used to send a picture of a suspected terrorist from one FBI office to another around the country. So last year, over the threat of a veto by the President of the United States,

we inserted enough money to see to it that that problem was corrected. As a result, Operation Trilogy will be up and running by the end of this summer, and we will have that capacity at the FBI.

In January, the FBI asked for an additional $635 million to secure their records and to take other actions necessary to protect against terrorism. OMB denied 625 of the $635 million, and the committee corrected that. In the last bill last year, we provided enough funds so that the Corps of Engineers could provide additional security for the hundred most vulnerable Federal sites in the country. The Corps of Engineers asked for an additional $128 million to deal with threats to additional sites. OMB denied it. The committee moved to take care of it.

We also saw the chaos at the Transportation Security Administration, very well described in the committee report. That planning has been so bad that the agency, for instance, suggested that we ought to be paying the guards who are looking over the shoulders of screeners at airports up to $84,000 a year, more than local mayors, more than airport directors would be paid in those same towns. It provided for 650 additional headquarters staff people here in Washington. And yet the budget request provided no money to house the new screening equipment that airports are supposed to install. So there would have been no way that we could have met the deadlines for having that equipment up and running. And the administration requested insufficient dollars to make certain that cockpit doors are fully secure by the end of the calendar year.

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So the committee took actions to correct that.

The OMB also turned down the request from the Department of Defense for $790 million to avoid the demobilizing of 20 percent of the Guard and Reserve forces who presently are filling slots on the border, in ports, on a temporary basis until people can be trained to take their place, and the committee took action to fix that problem. So I think that we had a good bipartisan product.

Now, there were problems with the bill after it emerged from the full committee. We did have an amendment offered by the distinguished majority whip, the gentleman from Texas (Mr. DELAY), which gave the President the authority to use our military forces to invade The Netherlands, if necessary, in order to extract Americans who might be held by the World Court.

I have a chart here labeled TOM DELAY's Proposed Invasion of The Netherlands. Gives you some idea of where The Hague is and what will be required by way of carrier capacity, tanker capacity, if we were to invade The Netherlands. If somebody wants to take that seriously, feel free. I think that it leaves us open to considerable ridicule. But in spite of that I was willing to support this bill. But then we had the leadership attach this ridiculous rule to this bill which provided a convenient device by which the Nation's indebtedness could be raised by $750 billion without any Member ever having voted on it directly, and they also imposed the House budget resolution, which will mean, I guarantee you, we will not have enough resources to produce appropriation bills that the House will pass.

So we have seen again, and this has happened often in this House, we have seen an original bipartisan piece of legislation emerge from this committee, and we have seen it fundamentally screwed up by adding extraneous items that have no business on an appropriations bill.

So I think we are going to be here a long time because some of us feel that the ability of the House to proceed in an orderly and fair-minded fashion is worth arguing about, and we will be doing that through a series of actions that we will be taking and amendments that we will be offering.

I do ask one additional question. As I said, we have had 116 of our Republican friends offer a resolution requiring that a three-fifths vote of this House be required in order to raise the indebtedness of the United States, and yet we have seen this flip-flop action here today, and I would ask the following Members, Representatives ADERHOLT, BACHUS, BARR, BARTON, BILIRAKIS, BLUNT, BONO, BRADY, BRYANT, CALVERT, CANTOR, CHABOT, CRANE, CULBERSON, DELAY, DOOLITTLE, DUNN, ENGLISH, FORBES, GEKAS, GOODLATTE, GRAVES, HAYWORTH, HERGER, BAKER, BARTLETT, BASS, BOEHNER, I can't read that signature, CANNON, CASTLE, CHAMBLISS, CUNNINGHAM, DEAL, DEMINT, DUNCAN, and all the others whose names I put in the RECORD earlier, I would ask them how they can go home to their constituents and tell them that they are going to vote to require a new higher threshold of votes on this House before the Nation can be plunged into more indebtedness and then engage in the flip-flop that they engaged in today whereby they have guaranteed that we will see a huge increase in national indebtedness when this bill comes back from the Senate?

I find that to be quaint and interesting.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON), a member of the committee.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for allowing me to speak tonight and I stand in support of this bill.

This bill does 3 things, and it all goes back to that horrible day, 9/11. This bill continues the war on terrorism. This bill continues the battle for homeland security, and it helps rebuild our beloved national city of New York.

Just remember, the American people will never forget September 11 and what this Congress has done immediately after 9/11 to start the battle. We will never forget the brave who died. We committed ourselves almost immediately to make sure that Osama bin Laden and all the terrorists around the globe would not be victorious.

This bill tonight is part of that battle. This bill has $15.77 billion to support our troops, and I had the opportunity, with the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, to go on a bipartisan basis to Afghanistan. We went to Uzbekistan, Tajikistan and Pakistan. We visited 4 of our bases, and we met with our troops, we met with Afghan soldiers, and I can say that they appreciate what the United States of America is doing. They are happy that we are there.

Their biggest concern is will we stay committed, and this bill tonight helps show the world that we are committed, not just behind our troops but behind the people over there so they can have a secure future. But the battle is not just in central Asia; it is all over the streets of America.

So the second thing this bill does is help secure our homeland. One of the things that it does is work with local law enforcement personnel to track down any potential suspicious terrorists or activities on a local level. This bill also helps secure everybody who is traveling; $850 million to help check for baggage, explosives and detection systems; $630 million for baggage screeners; $75 million for security enhancements at U.S. ports. And I just want to talk about this.

Not all of us are traveling. Prior to 9/11 there were 1.2 million Americans in the air at any given day. Nowadays it is about 800,000, and what this does is it secures our airlines even further, but also our ports.

I am from Savannah. Last year in Savannah, we had 1 million containers come in. Of the 1 million, only 1 percent were actually screened and checked as to what their contents were. This bill helps expand that so that our ports can be secure.

It also strengthens our communities for any other disasters, working with EMS facilities and giving the local hospitals the support that they need and the expertise.

Our war against terrorism is not going to be over until every city in America is safe. As somebody told me, this war is about making sure we can go to Wal-Mart and not have to worry, and I think that that is something we all have to keep in mind.

Finally, in this bill is $5.5 billion to help rebuild the great New York City, and that is going to be a long job, and I think it is certainly in the national interest to do so.

There are some other things in this bill that are less high profile but very important, and one of the things is there is $1.6 million for additional staff and resources for the Permanent Select Committee on Intelligence, and one of the issues that has come up recently is do we need a blue ribbon committee to study what went wrong on 9/11 and how can we do a better job.

Well, this bill addresses that because we already have an existing intelligence committee. It is bipartisan. One chairman is BOB GRAHAM of Florida, a Democrat. Another chairman is the gentleman from Florida (Mr. GOSS), a Republican. A bipartisan committee that has been working since January to look into 9/11. It is bicameral, Senate and House together, and it is comprised of experts. This bill addresses that, and I urge my colleagues to support this legislation.

Mr. OBEY. Mr. Chairman, I yield 5½ minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the ranking member for yielding me the time, and I also want to take the opportunity to thank our chairman of the committee, and to me it has been a pleasure to work with the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, and I rise to address the foreign operations component of this bill.

The foreign operations portion of the supplemental contains $1.6 billion for various priorities and provides for the vast majority of the administration's requests. I am particularly pleased that the committee did not grant the broad waivers sought by the administration along with these funds but, rather, included specific waivers where appropriate.

This bill will give the President the broad latitude and flexibility that he sought to carry out the war on terrorism. While many have expressed concern that unnecessary funds for foreign operations were added to the bill, in excess of the President's request, I believe the funding added by this committee is extremely important.

In light of the fact that the committee received few details as to how the funding requested will actually be spent, we were well within our discretion to provide what we thought was necessary. I strongly support the additional funding in this bill for rebuilding Afghanistan, a long-term commitment we simply cannot shortchange, and I also support the additional funds provided for Israel.

The bill contains both military and economic assistance to a number of countries outside the immediate area of Afghanistan, such as the Philippines, Georgia and Yemen, where United States troops are or will be engaged in training indigenous forces to combat terrorism. The committee has approved funding in these instances with the clear expectation that the administration will keep Congress fully informed of any change or expansion in the role of the United States forces. I hope this will indeed be the case.

As I said before, I strongly support the additional assistance to Israel that is included in this bill. Maintaining Israel's security and stability has long been a fundamental priority of the United States foreign policy. Israel has devoted precious resources to fighting the terror that continues to threaten its own citizens, 3 of whom were murdered just this week by suicide bombers, and the country is a key democratic ally in our war against terror.

This funding originally requested by the State Department as part of its supplemental request to OMB is essential to ensure our key partner in the Middle East remains strong. I urge my colleagues to oppose amendments to cut this funding.

I would like to take a moment to discuss 2 specific items of concern. First, the current status of fiscal year 2002 funds for the United Nations Population Fund. The conference agreement on the fiscal year 2002 foreign operations bill provided $34 million for the organization, a deal that was painstakingly negotiated. The administration knew about our negotiations, and after the bill passed the House by an overwhelming margin, the President signed it on January 10, 2002.

Only after signing the bill did the administration express concern about as-yet unproven allegations that UNFPA supported coercive family planning practices in China in violation of U.S. law. In a direct challenge to clear congressional direction, the President waited 5 months to even investigate these claims, and UNFPA was forced to cut its staff and curtail its life-saving programs around the world.

During committee consideration of this bill, the gentleman from Arizona (Mr. KOLBE) and I offered an amendment which would have ensured that UNFPA received the funds intended for it by July 10, 7 months after the signing of the bill, unless the President determines that the organization is in violation of the U.S. law.

I am deeply disappointed that the Committee on Rules left this provision and another dealing with UNFPA unprotected. In my judgment, it was inappropriate to single out this particular issue while allowing the bill to come to the floor with highly controversial provisions regarding the International Criminal Court, the budget resolution and Medicare provider payments.

I anticipate the Senate bill will have something to say about UNFPA, and I look forward to discussing it in conference.

I am also disappointed that the rule did not allow me to offer an amendment increasing funding to address the global AIDS crisis. While this bill already contains $200 million for HIV/AIDS, a clear indication that Congress recognizes the emergency nature of the crisis, we can and should be doing more. Applications to the Global Fund to Combat Infectious Diseases have far exceeded the fund's resources, and this situation will only get worse as time goes by. Our own bilateral programs, while highly effective, will reach 25 percent of affected areas.

□ 1915

Our response to this tragedy must be as expansive as the pandemic itself so that we stop the wholesale destruction that AIDS is causing in Africa and will cause in other areas around the world.

As a global leader, we have the responsibility to take the initiative, jolting other donors into contributing more. Again, I anticipate that the Senate bill will far exceed ours, and I look forward to discussing this in conference as well.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in support of the bill.

This bill provides much-needed appropriations for the Department of Transportation, particularly the new Transportation Security Administration and the U.S. Coast Guard. The bill also provides $1.8 billion in additional expenses for the City of New York to address its transit needs in the wake of 9–11. And I am pleased that we were able to provide the vast majority of requested funds for all DOT agencies, except the TSA; and that is a special case.

The administration requested $4.4 billion in supplemental funds, but the request made a curious statement. It admitted that OMB did not have a clue whether or not $1.9 billion, almost half of the amount, was necessary. It asked Congress to write a blank check for that amount and let OMB figure it out later. Well, Mr. Chairman, that is not the way we do things on the Committee on Appropriations. We expect the administration to justify their request, all of it, in great detail. While some of that material is now being developed and being presented, it is clear much more work remains to be done. Because of that lack of supporting justification, the committee was unable to support the full request for contingency emergency funding for TSA.

Members should know that unless a change in direction is made, the TSA will be monstrous in size. When this agency was established last year, we thought we were creating an agency of about 33,000 people. The current estimate now is almost 70,000. We are planning to create a vast army of new Federal workers, some of whom would do nothing more than check your driver's license and airplane ticket or run your shoes over to an x-ray machine and bring them back to you. TSA plans to

hire over 3,000 people just to sit in a chair and make sure someone does not run the wrong way down an exit lane.

Mr. Chairman, there has to be a better way. I do not intend to recommend funds for a 70,000-man bureaucracy full of shoe runners and exit-lane watchers. Technology can obviate the need for thousands of these positions, and others are not the purview of TSA or simply not essential. So I believe strongly that TSA needs to look more carefully at its growth plans, and I will continue to press them as the fiscal year 2003 appropriations process unfolds.

This supplemental bill asks TSA to begin that review now. We provide full funding for the procurement and installation of bond detection systems at airports. In fact, we even raise those funds because the request, we thought, was inadequate. But we have not provided funds to build up that 70,000-man agency. The bill caps staffing at no more than 45,000 full-time positions. I believe that anyone who reviews TSA's plans in detail, as I have, will conclude that this is sufficient for the first year of that agency. In fact, it is about twice the number of people who were performing screening activities just 1 year ago.

I am pleased that the bill provides even more funding than requested by the Coast Guard, an agency on the front line of the fight for homeland security. We provide the FAA flexibility to address operating budget shortfalls which stem from extra security expenses at air traffic control facilities, and we provide additional funds for review of truck drivers who apply to drive hazardous materials within the country. These are all vitally needed transportation security improvements, and I am pleased we were able to fund them, especially given the tight budget constraints placed on us in this bill.

Mr. Chairman, I think this is a good bill given the constraints placed on the committee, and I ask Members to support it.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I rise with some concern about the process here in the United States House of Representatives. I am a proud member of the Committee on Appropriations, and I am proud of the work we do there. I am also very proud of the Chair, who I think manages that committee very fairly. But something happened on the way through the process here that stinks.

The committee worked very hard to try to pay for the needed costs of what has happened in this country since we were here last year, the unexpected costs; and that is why this bill is needed. This is an emergency bill. It provides additional funds to pay for essentially contingencies that were not anticipated; and as we have heard, 9–11 is the biggest of those. But also there is an old adage here that says this is the only train that is going to make it all the way to the White House, and if you want to be on that train, you better load up.

I think that the committee did a good job of making sure that this was not a big pork process and that it did not load up too much; and that is always a tough bipartisan effort to put out a good bill. But after the bill was put out of the committee, it went to the Committee on Rules, and there the word came down that this bill was going to be beefed up. It was going to be loaded up, and it was going to take care of the political problems that certain Members of this House were having.

I am from California, and we all know that California is facing a big financial problem. It is in debt. It is a big State, the biggest producer of taxes in the United States, and the biggest contributor of taxes to the Federal Government. It is a State that probably can take credit for the surge in the economy in the last decade, and a State that was hardest hit in the recession, particularly to the dot-com industry that was such a success.

So that is why the State is in debt. Its revenues just did not meet expectations. It had incredible costs to pay for energy, costs that we are now seeing were not the State's problem, but a manipulation of the market by the private sector. Yet we find in California that we have a lot of hard-liners who feel that we ought to have constitutional amendments on requiring a balanced budget, as we do in California. The State is not allowed to go into debt; and, therefore, the legislature, at this moment, is cutting like mad and in fact doing some tough political things in an election year. They are even raising some new revenue.

But Members of the California delegation who are here in the other party have come out in signing a resolution, H.J. Res. 86, introduced this year, to amend the United States Constitution to require a two-thirds vote if we are to raise the debt limit. But guess what, they are the ones, the first ones to criticize a Democratic Governor in California and then turn around in this House, put their name on a resolution to require a constitutional amendment to do the same as California.

But this bill, because of the way it was amended in the Committee on Rules, it allows them to essentially duck a vote on the debt increase, a huge debt increase, of the Federal Government. We have a dozen Republicans from California that are coauthors of that bill who now run away from the responsibility of having a balanced budget to allow the United States Government to go into a big deficit. That is wrong. It is the wrong way to handle this emergency appropriations bill.

We will see in the debate tonight a sort of in-your-face; that if you do not vote for this bill, you are not voting for the soldiers; if you do not vote for the bill, you are not voting for the firemen; if you do not vote for this bill, you are not voting for a half dozen other particular interests out there. That is not the reason why a lot of people are going to vote against this bill. The reason is that this process has been corrupted by essentially hijacking a legitimate bill and making it a bill with all kinds of other political riders on it, the kind of process that we around here always complain about; that we ought to be fair and open and full of transparency. The process was hijacked. And it is not the fault of the appropriators; it is not the fault of the good work of the Committee on Appropriations. It is the fault of the Committee on Rules taking mandates from Republican leadership. That is wrong.

I just hope that tonight, as the debate goes on, that people realize this was a good bill, put out by a good committee, and it was hijacked along the way to do wrong for the United States and to do evil in the budgetary process. This essentially takes money that is in our Social Security account, takes money that is in the Medicare account and requires those monies to be spent on things that should not be spent on by those accounts.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Energy and Water.

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

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

First, let me say I have great admiration for the chairman, the gentleman from Florida (Mr. YOUNG), and for the efforts he has put into this bill, as well as those of the gentleman from Wisconsin (Mr. OBEY) representing the minority of this House.

Secondly, as I approach the last year of my tenure here in the Congress of the United States, I just want to tell my colleagues that today is a classic example of how great this institution is. In America and in every democracy, a majority rules. Just a few minutes ago I was in the well of this House arguing against something on a principle that I believe very deeply in, and I lost, because a majority rules. When this bill passes it will be because a majority of us will vote for it. And if a majority votes for it, it will go on to the Senate.

But this is a great institution, filled with great people, with great minds, with great Americans, who have one thing in common, and that is we all want to do what is best for America.

As I listen to the debate on this floor each week, I hear the Democrats on the one hand saying this is not the right avenue to take. And I hear my majority Republican Party saying this is the avenue we should take. But very seldom do we have different destinations. We are all trying to get to the same corner of the room. Now, the Democrats, in many cases, choose to go to

the left to get there; and the Republicans choose to go to the right to get to, guess what, the same destination.

There is no doubt that we want to do everything we possibly can in this war on terrorism. There is no doubt that we all want to support the President of the United States to make certain that the administration has ample facilities and ample resources to provide the services they need to provide to the American people. It is only right that we disagree, but it is only right that a majority rules. And while I was defeated in my quest to change the rule to move in a different direction, a majority of the Members of this House voted to tell me that they disagreed with me, and I respect that.

I will have amendments tonight to change the direction of this bill, amendments that will reduce some sections of this bill I do not like. But guess what, I have $378 million for energy and water in this bill, which is vitally needed by the areas of government that my committee has jurisdiction over. There are so many good things in this bill, and there are a few things that I wish were not in there. So a majority should prevail there too, Mr. Chairman.

As we debate this issue tonight to decide whether we ought to vote ''yes'' or ''no'' on final passage, we weigh the good over the bad. And while these are some things that I disagree with in here, the good in this particular case outweighs the bad.

So as I leave, I respect this institution. I respect all of my colleagues. I respect the great tradition of this House. And I respect that we live in a democracy where we can differ, but, nevertheless, in a democracy where a majority rules. And that is what America is all about.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), the distinguished deputy whip.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and my colleague, the gentleman from Wisconsin (Mr. OBEY), for yielding me this time.

This evening, I rise in strong opposition to raising the debt limit.

□ 1930

The Republicans are trying to sneak in a provision that increases the debt ceiling without a full, fair, open and honest debate. Apparently the other side, the majority party, are hiding something. What are they hiding? What is the great secret?

The American people deserve to know that the funds for a debt limit increase will come directly from the Social Security trust fund. We need to protect Social Security and ensure that we meet our obligations today. Instead, the majority party, the Republicans, are stealing from the Social Security trust fund and increasing our national debt every chance they get. For the next 10 years, we will increase the debt by more than $300 billion. Something is wrong with that.

This party, the Republicans, are mortgaging the future of our children. They are ripping away the safety for our Nation's seniors. Increasing the debt limit is like increasing the credit limit on your credit card. What does this do? It just puts you in a deeper and deeper hole. That is what the Republicans are doing. So do not be fooled. They are putting us in deeper debt and it is their obligation to get us out of it. We should not spend Social Security on anything other than Social Security. American families work hard to pay into a system that they should be able to count on when they retire. Social Security is a sacred trust, a sacred covenant between the American people and our government. We must never, never, ever take away the security out of Social Security. Let us keep our promise to the American people.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. REGULA), the distinguished chairman of the Subcommittee on Labor, Health and Human Services and Education.

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

Mr. REGULA. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to point out to my colleagues that this bill contains $1 billion for the Pell grants. Why? Because more Americans are seeking these grants. This amount ensures that every qualified student applicant will receive a Pell grant and this can spell the difference of more opportunities for a better job and a chance to participate more fully in the American dream. I think it is vitally important that we approve the legislation with this particular feature in the bill.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary.

Mr. WOLF. Mr. Chairman, I rise in strong support of this legislation. The bill includes $112 million for the FBI, which is $102 million above the request of the administration; but it will help the FBI do what they have to do. The recommendation also includes $10 million for the foreign terrorist tracking task force, a multiagency effort to prevent terrorists from coming into the country. We certainly need that as quickly as possible.

$75 million is recommended for the INS, $40 million above the request. Again the administration was low in its request. You cannot complain about the INS and then not fund its necessary programs, including $49 million to address the shortfall in the immigration inspection account; $25 million to bolster efforts to track and apprehend people who have absconded on deportation orders; and $1 million to continue development of an entry-exit system.

The bill also has $175 million for the Justice Department for State and local first responder equipment, training and planning needs. This funding is provided to the Department of Justice as authorized by the USA Patriot instead of being provided to FEMA as requested.

For the State Department and the Broadcasting Board of Governors, the bill includes a total of $337 million for critical embassy security and public diplomacy needs. After September 11, a lot of attention has been paid to the inadequacy of public diplomacy efforts. We are not doing an adequate job of telling America's story to the world and communicating effectively with the foreign public. To improve this effort, the bill includes $52.6 million for information, exchange and broadcasting programs of the State Department and the Broadcasting Board of Governors, $27.7 million above the request. The amount also includes $17.5 million for information programs, $20 million for international exchange programs, $7.4 million for the continuation of the Radio Free Afghanistan, and $7.7 million to expand the reach of the Middle East Radio Network.

Then in closing, the bill also includes $20 million for 100 additional positions at the SEC to address the immediate and urgent need for increased oversight of the accounting industry.

Finally, the bill includes a provision authorizing the closed circuit transmission of the Moussaoui trial to victims of the September 11 attacks, and we also provide the requisite funding for that.

Mr. Chairman, this is a very important and an emergency issue. I urge quick passage of the bill, hopefully through the Senate and to the President for his signature.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) concerning INS fee collections.

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

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

Mr. WOLF. I would be pleased to engage in a colloquy with the gentleman from Washington and the gentleman from New York.

Mr. DICKS. Mr. Chairman, the fiscal year 2002 Commerce Justice State appropriations bill authorizes the Attorney General to charge and collect a $3 fee per individual for immigration inspection and preinspection activities related to commercial ships.

It is my understanding that it was not the intent of this provision to levy additional costs on regularized commuter ferry traffic between foreign countries and the United States and that it was this concern that led the committee to include an exemption for

ferries operating on the Great Lakes between Canada and the United States in the legislation. I would like to bring to the committee's attention another region of the United States that I believe should be provided an exemption from this fee. Several passenger ferries operate between Washington State and Canada carrying passengers, cars and freight daily between the two countries. The new fee would significantly increase ferry ticket prices charged to commuters and businesses.

It had been my intent to offer an amendment to this bill exempting certain ferry vessels from this fee. However, the committee has indicated that it would prefer to deal with this issue comprehensively in the fiscal year 2003 Commerce Justice State appropriations bill. I would like to ask the gentleman from Virginia and the gentleman from New York if my understanding accurately reflects their intention.

Mr. WOLF. I would say, Mr. Chairman, the gentleman from Washington is absolutely correct. It was our intent to differentiate these commuter vessels from cruise ships. As part of the fiscal year 2003 appropriation process, we absolutely will explore legislative exemptions to ensure that the fee does not have unintended consequences. I thank the gentleman for bringing this to our attention. We will take care of it.

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

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

Mr. SERRANO. I agree with the gentleman from Virginia and look forward to working with him and the gentleman from Washington to ensure that this fee is fairly and equitably imposed.

Mr. DICKS. Mr. Chairman, I thank the gentlemen very much for engaging in the colloquy.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. I thank the gentleman for yielding me this time and for the opportunity to speak in favor of this legislation that is before us.

Mr. Chairman, as it has been mentioned, there are three purposes behind this bill: it is a wartime supplemental. First, to pay for the expenses, the huge expenses of our war against terrorism. Secondly, to pay the major expenses of homeland security to protect the United States borders and the people in the country. And, third, to provide the emergency assistance for those that have suffered through these disasters relating to terrorism.

I rise to address some of the elements relating to homeland security. We did not begin just after September 11 to try to address homeland security. Our subcommittee, among other things, funds the U.S. Customs Service. Even before September 11, we had allocated major funds to put 285 additional agents of the Customs Service at our borders, to add $33 million in inspection technology to examine the cargo that is coming into the country, looking for dangerous substances as well as drugs that could be sought to be brought in. Then we continued this process in the supplemental that we passed in December, not only paying for recovery and restoration of the offices that were destroyed in New York City but also beefing up the air and marine operations of the Customs Service, providing the funding with which the Customs Service is already adding over 300 additional special agents, over 600 additional border inspectors and the support people to go along with it.

There is another $68 million in the technology to be able to examine, without having to open all the containers, the cargo that comes into the country; and the major expansion of the training that is necessary for the people that are coming in as new Federal law enforcement people. This supplemental continues those efforts. For example, the Federal law enforcement training center in Georgia has to train some 6,000 investigative personnel of the Transportation Security Administration. This bill has the funding for those personnel. It has additional funding to add more security at the Federal buildings under the supervision of the General Services Administration which is the landlord for our Federal Government. It has some $87 million to help pay for better filtration equipment and other items to protect workers in the postal system against the threats of anthrax or any other substance that someone might send as part of a terrorist act through the mail.

There are major other elements of this bill trying to protect our Nation, trying to secure our borders, to detect and deter and halt threats before they get into the United States of America. This is a major and significant effort. I want to thank Chairman Young and everyone who has been responsible for making these resources available to better secure our homeland.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to express my concern about the procedures used to bring this important legislation to the House floor and the lack of inclusion in doing so. I would point out in the rule that was adopted earlier today in this Chamber, section 1404 was added to the underlying legislation relative to the treatment of certain counties for the purpose of reimbursement under the Medicare program. I do not rise today to express my opposition to the inclusion of those counties if relief is necessary for them. I rise in opposition to a point that other counties were not included as well.

The fact is, under this legislation, counties in Lackawanna, Pennsylvania; Luzerne, Pennsylvania; Wyoming, Pennsylvania; Columbia, Pennsylvania; Lycoming, Pennsylvania; and Mercer, Pennsylvania, were included. Hospitals in Orange County, New York, were included. Hospitals in Dutchess County, New York, were included.

On November 7 of last year, I wrote to the chairman of the Committee on Ways and Means explaining that Porter Memorial Hospital in Porter County, Indiana, was experiencing similar difficulty as far as an inequitable reimbursement under their classification in Medicare reimbursement. On January 22 of this year, I received a response from the honorable chairman indicating that he had received my communication, that hearings would be held and I would be notified. On February 5 of this year I wrote to the chairman of the Committee on Ways and Means and asked that we be allowed to testify on behalf of Porter Memorial Hospital in Porter County, Indiana.

□ 1945

Subsequent to February 5, no hearings were held that I am aware of. We were not asked to provide any materials for justification as far as the arguments for Porter Memorial Hospital. But tonight, on May 22, I find out that we have 8 hospital counties in the States of Pennsylvania and New York whose problems are being rectified tonight. That is not fair. That is not inclusive in this legislative process. Porter Memorial Hospital in the State of Indiana, in the County of Porter, is as deserving.

I would hope as this session proceeds that the representations made by the chairman of the Committee on Ways and Means on January 22 that hearings were going to be held and that action on this vital issue to Porter Memorial Hospital would be taken.

The fact is that Porter Memorial Hospital is located very near Chicago, Illinois. Their costs of providing care to residents in that area are comparable to the City of Chicago, Illinois, but the reimbursements are not. There is a differential for an adjoining county between Cook County, Illinois, and Porter County, Indiana. That is Lake County, Indiana, and that places the people at Porter County in a further disadvantage. I would hope that this problem is rectified.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WALSH), the distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Florida (Chairman YOUNG) for being a champion for my State, New York.

As a number of Members have mentioned, there are 3 goals to this supplemental. I would like to address the New York City component of that. We remember well President Bush's pledge to do whatever it takes. A number of

$20 billion was discussed. There was a lot of discussion, a lot of contention about that in the last supplemental. The President said, ''I am good for my word.'' The chairman said the President's word is good. I said the President's word would be good. And the President's word is as good as gold. In fact, this brings the total appropriation for New York City to $21.5 billion.

There is $5.5 billion additional in this for the reconstruction and recovery of New York, $1.8 billion for transportation, $2.75 billion for FEMA, and $750 million for HUD. The HUD fund, CDBG funds, have enabled New York City to begin to put itself back together again and at the same time retain the businesses and the residences of the people who live in that Lower Manhattan neighborhood.

I was there just 2 weeks ago, and I was there the Friday after the attack, with President Bush. It is a remarkably different place. Then it was total devastation. Today the World Trade Center site looks like a construction site. It is hallowed ground, clearly, but New York is back to work.

Is there more to do? There is lots more to do. Decisions have not yet been made on what to do at that site. But the fact of the matter is the neighborhood is alive, it is vibrant, and it is New York City again. It has that hum in Lower Manhattan.

So the President kept his promise, the Congress is keeping its promise, and it is a remarkable thing to see the vibrancy of that city returning.

Is there more to do? Yes. Is there planning to be done at the World Trade Center site? Yes. But the New Yorkers will make that decision, with the help of the Federal Government and the people of the United States.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, I was very supportive of the supplemental appropriations bill as we worked our will in committee under the quite able leadership of our chairman and ranking member. I am, however, somewhat concerned about the rule and the self-executing nature of the various amendments to this, particularly the one related to the debt ceiling and the like.

I just want my colleagues on the Committee on Appropriations to know that I think the original work of the committee as reported represented, I think, an appropriate response to a number of issues facing the country at this time, and I was particularly pleased with the work that was done to help the District of Columbia meet some of the needs that have been associated with September 11 in terms of police overtime and the like. I just want to thank the chairman and the ranking member for their work on those important matters.

As we conclude our work, I would hope that in the future we would not have these types of add-ons. But it is part of the process, unfortunately, and we will have to work our will here on the floor. But the committee deserves, I think, appropriate thanks from the House for the original work that was done.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time. I do so to yield to my friend, the gentleman from Michigan (Mr. SMITH), for the purpose of a colloquy.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, first may I compliment the gentleman and his committee on his efforts to get needed support to our first responders, our firefighters, so they can better prepare for any terrorist attack that may occur.

Mr. Chairman, as the gentleman knows, the President's fiscal year 2003 budget request proposes consolidating existing preparedness programs under the Office of National Preparedness within the Federal Emergency Management Agency. This is a proposal Congress will be addressing in the coming months.

However, a concern I have is that the first responder supplemental grant funding for fiscal year 2002 in this bill goes to the Department of Justice. I understand the reason behind providing Justice with funding, but I hope it does not mean that the anti-terror needs of firefighters and emergency medical personnel will be implemented without the input of the U.S. Fire Administration, which is part of FEMA.

Can the chairman provide some assurance that he and his House conferees will take into account the needs of firefighters and EMS personnel as it distributes these supplemental funds?

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, the gentleman makes a good point. There is no question, as we watched on television as the recovery and the first response in New York City and at the Pentagon unfolded before our very eyes, we saw the importance of the first responders in not only protecting property, but especially saving lives. So I would have to tell the gentleman we are still in the process of figuring out the best division of responsibility among the various agencies for providing assistance to first responders, which we are going to do. There is no question about that.

I agree with the gentleman from Michigan that we have to involve those agencies with responsibility for assisting firefighters and EMS personnel to help assure that they are prepared. I can assure the gentleman that the Committee on Appropriations will continue to work to make sure it takes into account the needs of firefighters and EMS personnel, as well as law enforcement officers, when it considers how to distribute the supplemental funding in this bill and in the fiscal year 2003 appropriations bill.

Mr. SMITH of Michigan. Mr. Chairman, if the gentleman will yield further, I thank the chairman for his statement, and certainly all his personal support for our first responders and law enforcement personnel in this Nation.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I thank the gentleman for this opportunity to have that colloquy.

Mr. SCHIFF. Mr. Chairman, I rise today in support of emergency security assistance to our democratic ally Israel. The $200 million in supplemental assistance to Israel contained in the FY 2002 Supplemental Emergency Appropriations bill provides vital emergency resources to a key U.S. ally and a frontline state in the war against terror.

Mr. Chairman, it became painfully evident after September 11 that Israel and the United States are engaged in a common struggle against terrorism. Neither country asked for this struggle; both have constantly chosen a path of peace when given the choice. Israelis must know that the U.S. stands with them in this difficult hour, as they have repeatedly stood with this country throughout the years.

The United States has never been more resolved to eliminate the threat of terrorism against innocent civilians and free society. The democratic State of Israel stands shoulder to shoulder with the United States in this effort. Terrorist attacks against innocent Israeli civilians are taking place on a constant basis. In the face of terror, Israel is attempting to rout out the forces that threaten the daily lives of its citizens. But Israel continues to suffer a systematic and deliberate campaign of terror aimed at inflicting as many casualties as possible.

Mr. Chairman, as the world's leading democracy, we have a responsibility to stand by a democratic friend and ally threatened by a wave of terrorist aggression. At this volatile stage of developments in the Middle East, Israel needs to know that it can count on U.S. security assistance.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 4775, the Supplemental Appropriations Bill. For the last few years supplemental appropriations bills have been brought to the floor to cover shortcomings in the previous year's appropriation bills. Increasingly, these bills have strayed from their original purpose of merely appropriating funds for certain programs. Instead, they make changes in policy, create new regulations, or implement new and completely unrelated laws. This bill continues this unfortunate trend. It sends billions of dollars in foreign aid to other countries, cuts funding to low-income and elderly housing, and includes specific Medicare ''fixes'' for hospitals in the districts of three Republican House members. Most egregious of all, the bill raises the federal debt limit to let the government keep spending money above what we should.

The Republicans have a problem and they don't know what do about it. Their irresponsible tax cut has eaten up so much of the government's resources that we are about to exceed the federal debt limit. Rather than admit that they caused this problem, the Republicans have slipped language into the bill to raise the debt limit without anyone knowing. In other words, they've taken a page from Ken Lay's book: cover up irresponsible spending

with hidden accounting tricks. What a disgrace.

Keeping up these tricks, the Republicans want to send $1.4 billion in aid to foreign countries four months ahead of time in order to dodge the budget bullet. There is simply no justification for this funding. Even worse, the bill further relaxes controls that prevent human rights violators from receiving military assistance.

And the bill doesn't stop there. Listen to this: we're going to give Israel $200 million to continue destroying Palestinian infrastructure while at the same time giving the Palestinians $50 million to rebuild! The bill relaxes restrictions on aid to Colombia despite its ongoing human rights violations in its war against revolutionaries within its own boarders. It even appropriates $1.8 billion in military funding above the President's request.

The Republicans naturally need a method to pay for all this new spending and they have proposed to do so in two ways: first, as I've already described, they want to raise the debt limit. Second, they want to cut valuable programs here at home. For example, the Republicans have cut $300 million for low-income and senior housing in order to pay for this bill. In doing so, they turn their backs on 13 million Americans who spend more than half of their income on substandard housing.

This bill wastes more of our precious resources and then covers up for it with hidden, below-the-table gimmicks. I will vote against this awful bill and urge my colleagues to do the same.

Mr. HOEFFEL. Mr. Chairman, once again the GOP leadership in the House has taken a necessary bipartisan effort to fund our war on terror and bolster our homeland security, and riddled it with partisan budgetary maneuvers including a thinly veiled provision that would permit an increase in our nation's debt ceiling.

This supplemental appropriations bill includes $15.6 billion in necessary military and defense-related expenditures to fight the war on terror, and another $13.6 billion for homeland security, financial help for rebuilding efforts in New York City, and foreign assistance, including $200 million for Israel—all necessary expenditures that I support and will vote for.

However, the rule for this legislation includes seemingly innocuous language that would allow a huge increase in the debt ceiling to be inserted in the conference report without a separate vote. This is unconscionable.

Raising the debt ceiling, coupled with the current reckless fiscal policy of increasing spending while reducing tax revenue, will put us on the track for a fiscal train wreck.

This will plunge this country back into a level of debt, borrowing, and higher interest rates that we thought we had permanently left behind. In just a year, we have seen actual and projected surpluses erased. Today, the most recent analysis suggests that we will run a $300 billion non-Social Security deficit in this fiscal year. Even if we spend Social Security dollars to fund the government—a policy that I adamantly oppose—we will still run a $150 billion deficit this year.

Our debt ceiling is like a limit on a credit card, and if we keep raising it without taking action to put our fiscal house back into order, we are heading for fiscal disaster. It is not prudent for a family in financial trouble to seek a higher limit on the family credit card nor should Congress impose a long-term debt ceiling increase without a sound fiscal plan.

I would support a time-limited increase in our debt limit to help fund our war efforts—possibly one to three months—but that must be accompanied by a budget summit between leaders of Congress and the Administration to put our budget back into order and prevent us from further fueling our debt with money from the Social Security and Medicare Trust Funds.

While the supplemental bill is generally a good bill—absent the provisions contained in the rule—I am troubled by one particular provision. In order to keep the cost of the bill under $30 billion, the bill drafters offset $643 million of the costs by striking airline loan guarantees that Congress passed after 9/11. These guarantees are a matter of survival for the airlines, particularly US Airways. I will work with my colleagues in the Senate to see that this language is not included in the conference version.

Although I support this supplemental spending, I will quite possibly vote against it in a conference report if an unfettered debt ceiling increase is included. Funding our war on terror, making America safe and putting our fiscal house back in order are not mutually exclusive pursuits. We need a budget summit to come to a bipartisan agreement on ways to fund our current spending needs, stabilize our tax policy and protect Social Security and Medicare without throwing our budget into turmoil from which it will take years to recover.

I have been a hawk on our national debt since I came to Capitol Hill, and I will remain so in this crucial fiscal period.

Mr. BOEHNER. Mr. Chairman, I rise in support of the Appropriations Committee's effort to bring forward a bill that provides funds to address the current shortfall in the Pell Grant Program for this nation's neediest students.

Specifically, this bill puts forward an additional $1 billion to ensure the largest maximum award in the history of the Pell Grant Program—$4,000. This bill, while providing for the $4,000 annual maximum Pell Grant award as proposed by the President, will also provide assurances to students and their families that the necessary funds will in fact be available for them when they are needed.

This President and this Congress stand firm in their commitment to the Pell Grant Program. That commitment is clear as evidenced by this chart, which shows a steady and substantial increase in the annual maximum award since fiscal year 1995, the point when Republicans gained control of the Congress, through the current year. We will continue our pledge to support the Pell Grant Program as we move forward with the President's education agenda.

The Pell Grant Program is the foundation of the Federal need-based student financial assistance programs, and is often the only hope low-income students have to achieve their dream of obtaining a higher education. Currently, the Pell Grant Program serves more than 4.4 million students and in FY 2003, the President's budget request will serve an additional 55,000 students, allowing more students to move forward and obtain a quality education.

We can do nothing better than provide an opportunity for this nation's citizens to obtain a quality education.

In addition, I'd like to thank the Appropriators for including $190 million to help replenish the National Emergency Grant program, and for restoring $110 million to the dislocated worker program. These funds will go a long way in supporting American workers who have lost their jobs due to the economic slowdown and last year's terrorist attacks.

Mr. Chairman, I urge my colleagues to show their support for American workers and the very important Pell Grant Program by voting yes on this legislation.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the amendments printed in House Report 107–484 are adopted.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for ''Food Safety and Inspection Service'', $2,000,000, to remain available until expended: *Provided,* That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for ''Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'', $75,000,000, to remain available until September 30, 2003, which shall be placed in reserve for use in only such amounts, and in such manner, as the Secretary determines necessary, notwithstanding section 17(i) of the Child Nutrition Act.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Animal and Plant Health Inspection Service, Salaries and Expenses'', $10,000,000, to remain available until expended, to assist in State efforts to prevent and control transmissible spongiform encephalopathy, including bovine spongiform encephalopathy, chronic wasting disease, and scrapie, in farmed and free-ranging animals: *Provided,* That the entire amount shall be available only to the extent an official budget request, that includes

designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Food and Drug Administration, Salaries and Expenses'', $18,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. None of the funds appropriated in this or any other Act for the Department of Health and Human Services may be used to consolidate the Food and Drug Administration Office of Public Affairs or Office of Legislation at the Office of the Secretary of Health and Human Services.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I make a point of order that section 101 of the bill, beginning on line 18 through line 23, violates clause 2 of rule XXI of the Rules of the House of Representatives prohibiting legislation on appropriation bills.

The language in question prohibits the Food and Drug Administration from consolidating its Office of Public Affairs or Office of Legislation at the Office of the Secretary of Health and Human Resources under this bill or ''any other Act.'' As such, the language changes current law and constitutes a violation of clause 2 of rule XXI.

I insist on my point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. YOUNG of Florida. Mr. Chairman, reluctantly, I must concede the point of order.

The CHAIRMAN. The point of order is conceded.

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

The Clerk will read.

The Clerk read as follows:

SEC. 102. Of the funds made available for the Export Enhancement Program, pursuant to section 301(e) of the Agricultural Trade Act of 1978, as amended by Public Law 104–127, not more than $28,000,000 shall be available in fiscal year 2002.

CHAPTER 2

DEPARTMENT OF JUSTICE

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

Mr. Chairman, people at home must be scratching their heads wondering what are these folks talking about? Let me tell you what we are not talking about. There is no disagreement between the majority of Republicans and the majority of Democrats as to whether we should fund our war against terrorism, because we all support that; or that we should increase funding for the Defense Department, because we support that; or increase funding for agencies that protect us and inspect things coming into the United States, things and people, Customs, Secret Service, et cetera; or provide money for the rebuilding of New York City. There is no disagreement.

So what have we been hearing about this debt ceiling that bothers the Democrats so much? Well, you see, the problem is that my friends on the Republican side of the aisle decided that they would force through a rather large tax cut, a $1.35 trillion tax cut, last year, that benefited, in my opinion, disproportionately, the richest 5 percent in the United States. At the time they said America could afford that, there would be no deficits; that surpluses that were present under President Clinton would continue now under President Bush, even with this $1.35 trillion tax cut.

Something happened. A war on terrorism; the recession was still going on. But then about 45 percent of what will now be a $300 billion deficit in the year 2003 is a direct result of this tax cut forced through by the Republican party.

The problem with this bill, and I am going to support this bill because I support all the aid to our men and women overseas defending us, standing in harm's way, and all of the good things in the bill, the problem with the bill, that we hope will get fixed by the Senate because the Democrats are in control of the Senate and they will hopefully hold the line on this, is my Republican colleagues have inserted into this supplemental appropriations bill a way for the new deficits created, 45 percent of the reason for which is their tax cut, they have created a way to fund these national deficits that are expected for the next 10 years, and they buried it in this bill. They did not have a debate on it. They would not let us debate whether we should postpone the tax cuts for the very richest of Americans in order to eliminate 45 percent of these new deficits, next year projected to be $300 billion, and we all know where this money is coming from. It is coming from our children and grandchildren and Social Security, as they stick their hands deeper and deeper into the pockets of future generations to pay for a tax cut that benefits primarily the rich.

Again, they did not plan on it this way. They thought there would be surpluses. Then the war on terrorism came, and the recession. So we said now there is a war on terrorism and a recession. Perhaps we ought to delay this tax cut that benefits primarily the very rich. They said no. So rather than admitting to the American people that the Republicans have now created this huge deficit, 45 percent of which is related directly to their tax cut that goes to primarily to the rich, admit they have a deficit this year and projected for the next 10 years, admit that 45 percent of the reason for this new deficit is their tax cut that goes primarily to the very rich, they have buried language in this bill preventing a debate on it so that the American people will not realize that when they said they could do a tax cut that benefited primarily the rich and created surpluses, they were wrong. They guessed wrong.

□ 2000

I think that that is a terrible mistake that needs to be rectified.

What else could we do with this money? We could pay off our debts if we did not have this tax cut for the very rich. We could even just postpone it, delay it for a year, take a look around, see what the war on terrorism is like, whether we are out of the recession or not. Reasonable people of goodwill could debate whether a tax cut is important in the midst of a recession. We are out of the recession, according to all of our official estimates, and most of this tax cut is going to take effect for the rich in the next 10 years, except we have to pay for it now.

So if anyone is wondering why there appeared to be a disagreement between Democrats and Republicans about a bill where we all support an increase in defense, the war on terrorism, all of the agencies rebuilding New York, et cetera, et cetera, we all support that. What we do not support on the Democratic side is the unwillingness of the Republican majority to hide the effect of their tax cut, which by conservative numbers, 45 percent of the reason for the upcoming deficits will be as a direct result of their tax cuts; and we say, if you want to cause these deficits, cause us to dig into Social Security, to pay for your tax cuts that disproportionately benefit the wealthiest of Americans, at least debate it out in the open. Do not hide it in this bill. We are hoping that the Democratic Senate, when this bill goes to conference with the Senate bill on this emergency supplemental, will be resolved at that point.

Mr. Chairman, I urge my colleagues to support this bill, but encourage the Senate and the conferees to remove this hidden, deficit-hiding device.

MOTION TO RISE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 250, not voting 50, as follows:

[Roll No. 196]

AYES—134

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrett
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clement
Clyburn
Condit
Conyers
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank
Gephardt
Gonzalez
Hall (OH)
Hastings (FL)
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McGovern
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Mink
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Schakowsky
Schiff
Serrano
Sherman
Snyder
Solis
Spratt
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Watt (NC)
Waxman
Woolsey
Wu
Wynn

NOES—250

Aderholt
Akin
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Bartlett
Barton
Bass
Bereuter
Biggert
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
English
Everett
Ferguson
Flake
Fletcher
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Pastor
Paul
Payne
Petri
Phelps
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—50

Abercrombie
Barr
Becerra
Bilirakis
Boehner
Burton
Buyer
Clay
Clayton
Culberson
Deutsch
Dooley
Doolittle
Ehrlich
Emerson
Fattah
Foley
Frost
Gordon
Graham
Gutierrez
Gutknecht
Harman
Hilleary
Horn
Hoyer
Hulshof
Johnson, Sam
LaFalce
Lampson
Lipinski
Mascara
McDermott
McIntyre
Meek (FL)
Miller, George
Neal
Norwood
Oxley
Pence
Peterson (PA)
Pickering
Sawyer
Scott
Slaughter
Stark
Stenholm
Tauzin
Traficant
Waters

□ 2023

Mr. SUNUNU changed his vote from ''aye'' to ''no.''

Mr. HILLIARD and Mr. RUSH changed their vote from ''no'' to ''aye.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Ms. KILPATRICK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise as a Member of the Committee on Appropriations, having served with the gentleman from Florida (Chairman YOUNG), who was very dignified as this Committee on Appropriations spent over 3 days, 14 hours on the first day, trying to bring to this House of Representatives a supplemental bill to really react and respond to our war on terrorism.

Many of us, over 60 of us who sit on that committee, vowed that we would do the work necessary. We put 20 hours-plus on the bill over 3 days, and brought a bill to this floor, an emergency supplemental. I am appalled with what the Committee on Rules has done with our work. It has emasculated the committee system in this House.

Mr. Chairman, the gentleman from Florida (Chairman YOUNG) has done a wonderful job, and our ranking member, the gentleman from Wisconsin (Mr. OBEY). We have worked together in a bipartisan way to bring the bill to the floor of the House. But what we have before us is not the bill that came out of the Committee on Appropriations. It is not the bill we were told was an emergency and had to be passed right away to address the war on terrorism.

What we have before us now is a bill with all kinds of amendments added onto it, and all kinds of things we cannot amend as Members of this House that do not address the emergency before us.

This bill will increase the debt limit without a vote of this House. We may have to increase the debt limit, primarily because of the $1.3 trillion tax cut that was given to the wealthiest of Americans just last year at the time when the economy was slowing.

The CBO has told us that we will be in deficit $2.7 trillion, so perhaps we will have to increase the debt limit, but let us vote on it. Let us debate it. Do not bury it in this emergency supplemental that we spent so much time and energy and hours on.

Mr. Chairman, I think it is unfair, and it emasculates the committee system in this House of Representatives. The Committee on Rules has gone ahead and gone deeper into the Social Security trust fund, leaving everything to be taken care of in conference, and again, not allowing us, the elected Members of this House, to have the proper forum in which to debate it.

There is no new money for education, and again, if we adopt this supplemental that the Committee on Rules has rewritten, we automatically adopt the Republican budget resolution that passed this House earlier this year. That budget resolution, if we remember, did not fortify Medicare, did not take care of Social Security, did not take care of education. If we adopt this Committee on Rules supplemental tonight, we automatically adopt that poor budget resolution that was passed a few months ago.

Mr. Chairman, these are trying times for our country. We are at war. We do need to address the emergency needs of our troops, our homeland security. But we also need to address the national defense, homeland, problems of education.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Florida.

□ 2030

Mr. HASTINGS of Florida. Mr. Chairman, I agree with the gentlewoman that it was the Committee on Rules because that is where the action is. But it was the majority on the Committee on Rules that undertook this. I thank the gentlewoman for yielding.

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from Florida (Mr. HASTINGS) for making that caveat. It was the majority, the Republican members of the Committee on Rules who emasculated the work of the fine Committee on Appropriations and the gentleman from Florida (Mr. YOUNG) and

the gentleman from Wisconsin (Mr. OBEY), and now we have before us not an emergency supplemental that deals with terrorism, but a bill that will raise the debt limits for this country, making us have more bills to pay and at the same time not having an up-or-down vote on it; nor will we be able to debate that. I think that is unconscionable.

We live in a time in this country where leadership is paramount, where we must stand up and be counted. This is not the way this House should be run. This is not the way the majority should run it. I hope we will vote against the supplemental. Some people say they cannot vote against it because of what is in it. I think you can vote against it, come back and put together a supplemental for the American people that will address the emergency needs of our country.

Our health care industry is about to collapse. I have been visited by doctors in this country. I am sure you have too. They are not taking Medicare senior citizen patients. The reimbursements are too low. Our children cannot stand up to the competition of people all around the world. We can fix that. This supplemental does not begin to address that.

At a time when we need leadership, we are finding more and more that we are doing the wrong things for the people of this country. They expect us to be leaders. They sent us here for that.

Mr. Chairman, I would urge my colleagues, watch what we do over the next few hours. Vote against this supplemental.

We are being asked to do something today that we have not done in almost 6 years—pass legislation that paves the way for increasing the debt limit that will allow the government to borrow money to pay its bills. The majority is attaching this on to a must-pass bill, an emergency supplemental appropriations to fund homeland security and the war on terrorism, in order to minimize its exposure as the party of fiscal irresponsibility.

For more than 60 years, the other side of the aisle has billed itself as the party of balanced budgets, budget firewalls and Social Security lockboxes. But their rhetoric does not comport with reality and they know it. In the last half of the 20th century through last year, the only budget surpluses this nation enjoyed came under Democratic administrations and Democratic financial management.

That's a point the Republican majority does not want to acknowledge. Consequently, it wants to slip debt-increase legislation through on the sly without a full and fair debate of the fiscal position of the country, how we got there, and how we're going to deal honestly about digging ourselves out of the hole in which we now find ourselves.

The problem is the other side is in a state of denial. It does not want to expose itself as the party of deficit spending after a Democratic administration produced the longest string of budget surpluses in the history of this country. And it doesn't want to own up to the fact that it has to raise revenues before the country can get back on the right track to fiscal sanity. Yes, the economic slowdown and the war on terrorism caused us to spend more than general revenues allow. But the primary reason we are spending beyond our means is because of a $1.3 billion tax bill Congress passed last year.

Because the other side doesn't want to deal with the deficit situation honestly and openly, the majority wants us to approve must-pass legislation, so it can have a license to raid the Social Security and Medicare trust funds.

We need to ensure that all areas of our budget are adequately funded. While it is necessary to fund defense and national security priorities, it is not acceptable to ignore domestic priorities that are of crucial importance to our nation and the American people. By insufficiently funding key priorities such as education and prescription drugs, we are short-changing our families and children. Yes, they might be safer on the national security front, but if we cannot ensure our nation's children a quality education, if we can't ensure seniors a sound prescription drug coverage, and if we can't ensure the solvency of our Social Security for so many people in the future, we are truly off the mark.

The budget resolution presented a distorted vision for our future by laying out a budget that does not sufficiently fund our education and health care needs. This is not a budget that the appropriations committee should adhere to if we really want to keep the promises we have verbally made to our people. It is time to match our words with real funding levels on paper.

EDUCATION

In January, the President signed into law landmark education reform legislation with the ''Leave No Child Behind Act.'' Yet, his proposed budget and the Republican budget that was passed in the House does not make the title of this bill a reality. If we continue along the Republican funding path, more and more children will be left behind. Both budgets provide a $1.4 billion (2.8 percent) increase over FY 2002 funding levels to the Department of Education, which represents the smallest increase in funding in recent years.

Not only does the budget for education represent the smallest increase in recent times, it actually eliminates funding for 28 key education programs such as Drop-Out Prevention, Rural Education, Close-Up Fellowships, and numerous other programs that enrich students' education.

At the same time, the budget resolution proposes cutting or freezing many other elementary and secondary education programs, including educational technology (cut $134 million—15.7 percent), improving teacher quality programs (cut from $105 million to $3 billion total), and safe and drug-free schools (cut $102 million or 13.7 percent). It also freezes funding for 21st century community learning centers after-school programs, comprehensive school reform. Even keeping funding for programs for FY 2003 at their current level represents a cut in funding when inflation and rising costs are taken into account.

If we expect schools to implement the provisions laid out in the ''Leave No Child Behind Act'', then we must give them the funding resources needed to help them succeed. Mandates without adequate funding is leaving our schools and teachers with their hands tied.

In my state of Michigan, funding for educational priorities such as school construction and class size reduction have been eliminated. Other programs have been cut, such as Even Start which provides grants for family literacy projects that include early childhood education for children through age 7.

HEALTH

The Republican budget proposed a mere $350 billion for Medicare reform and prescription drug coverage over ten years. This represents a gross underfunding just for a prescription drug coverage, which would cost $700–800 billion over 10 years alone if we want a comprehensive, meaningful drug coverage plan for seniors and disabled individuals. This funding level does not even account for what will be needed to strengthen Medicare for our future. If Republicans, in their maneuvering today, really expect us to stick with the funding levels proposed in the budget resolution, then their actions on the floor definitely contrast with the verbal promises that they offer seniors everyday on the floor and in their districts.

Overall, the health care outlook in the GOP budget is bleak. If we are asked to stick with their numbers, major programs will be cut, such as rural health programs (41.9 percent cut), Telehealth (84.6 percent cut), and other programs that assist in coordinating care for the uninsured.

SOCIAL SECURITY AND MEDICARE RAIDS

The huge tax breaks for the wealthy that Republicans passed have left us looking at deficit spending. And where will the funds for all our programs come from? Social Security and Medicare trust funds. This is what they have to resort to when just last year, Members pledged not to raid Social Security and we passed Social Security lockbox legislation on the floor. This promise has been broken and the lockbox is locked no more.

The Congressional Budget Office (CBO) projected last January that the course of the Republican path would lead Congress to spend $845 billion of the Social Security trust fund over the next 10 years. And this in only taking into account the FY 2002 budget.

This return to deficit spending and raiding of the Social Security trust fund cannot be explained by the recent recession or the war against terrorism. When taking into account the Administration's own numbers, the national debt will be $2.75 trillion higher than what was originally projected early last year before the President's FY 2002 budget proposal. When adding recessionary costs and the war, these numbers combined total $800 billion of projected debt. This means that $1.9 trillion is left that cannot be explained either the economic downturn or the war against terrorism.

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

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

Mr. ANDREWS. Mr. Chairman, we are gathered tonight in a place of great and high honor. This is a Chamber in which decisions that have profoundly affected the history of our Nation and of humankind have been debated with great dignity and honor. In this Chamber we have debated questions of civil rights, questions of war and peace, questions of education and health care. And what brings honor to this institution and what humbles each one of us privileged enough to serve in this institution is the process of debate, of exchanging ideas, of laying before the

people of the Nation, the people of the world, our divergent and heartfelt views.

What we are doing tonight in this Chamber does not measure up to the standards of honor of this Chamber. Because this bill is being used as a vehicle to make a decision of monumental importance for the future of this country, but we are not debating that decision. We will not take a vote on that decision. We will not let the public hear our voices on that decision.

There is a plan to move innocuous language in this bill that talks about protecting the full faith and credit of the United States to a conference with the other body. There is an anticipation that the other body will add a law which authorizes the borrowing of $750 billion, the bill which will be handed off to the children of this country. The bill will then be brought back here, and it will be put to a vote where that $750 billion borrowing is wrapped in the holy garments of all the good things that are in this bill, aid to the troops, aid to loyal allies of this country, reconstruction of New York City, things for which there is broad, even, unanimous appeal.

The majority has chosen to hide its plan rather than to debate its plan, and that is just plain wrong. I think I know why, Mr. Chairman, the majority has chosen to do that. In 1990 when I came here, for every $100 that we needed to run the government, we were bringing in $70 worth of revenue. And we made up the difference by pilfering money from the Social Security trust fund and borrowing the rest from the private markets in a way that drove up interest rates and drove down economic activities. President Clinton made good decisions to change that. Members of Congress of both parties made good decisions to change that. The American people worked very hard, paid a lot of taxes and changed that. And by 2000, for every $100 we spent to run our country, we brought in $108. And we were told that $108 would be $115 and then $125 and then $135, and there would be all this money to spend.

In the summer of 2001, the majority voted to rid the Treasury of about $2 trillion worth of money in one of the largest tax cuts in American history. There were voices, mostly on this side, who warned against the risk of that proposal. Our warnings when unheeded. The bill became law. A recession came along. The terrorist attacks of September 11 came along. And where do we find ourselves?

For the fiscal year that will end this September 30, instead of having $108 in revenue for every $100 we will spend, we will have 80. So here we are once again borrowing the rest. Borrowing once again from the Social Security trust fund and robbing the pensions of Americans. Borrowing once again from the same markets that our entrepreneurs and companies looked to grow their businesses.

The majority understands that the public would rebel against such a plan. So rather than bring that plan to this floor and defend it, they have chosen a procedural vehicle that will obscure it. That is the wrong thing to do. This is a bill that does much good and many of us will support it for that reason. I believe that if the leadership of this committee had been permitted to bring this bill forward, that is all the bill would have done.

But the majority leadership has a different agenda. It is to obscure the agenda that will result in the borrowing of $750 billion. We vote on congratulating the people of the East Timor in this Chamber. We vote on the naming of Federal buildings. We vote on resolutions honoring people that win NCAA basketball championships; but we are not going to cast a vote on indebting the children in this country to the tune of $750 billion.

It is so wrong, it is so indefensible the majority will not put this on this floor. It is the wrong way to proceed.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to engage in a colloquy with the chairman of the committee, as well as my colleague, the gentleman from Virginia (Mr. WOLF), also I think that the gentleman from Virginia (Mr. MORAN) and the gentlewoman from North Carolina (Mrs. MYRICK) also are concerned.

This regards section 1103 of the bill dealing with the Federal loan guarantee program for air carriers. The airline industry has changed dramatically and permanently since September 11. Business air travel is down 30 percent industry-wide and total industry revenue is down 15 percent since 2000.

It is an unfortunate reality that some carriers' financial situation is currently unsustainable. We cannot now pass the provision that moves the goal post on the very companies for whom the legislation was intended when it was passed a mere 9 months ago.

I ask the chairman, this section would upon enactment of the bill delay disbursement of loan guarantees until October 1 of this year. Is it the chairman's understanding that while this provision would prevent the actual issuance of a loan guaranteed until October 1, that the air transportation stabilization board may continue and complete processing of applications during the remainder of this fiscal year?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, first let me say it is essential to the United States that a viable air transportation system be up and running. So I would say to the gentleman that what he suggests is my understanding.

The Office of Management and Budget in a letter sent to our committee interprets this provision as only preventing the actual issuance of credit pursuant to the Air Transportation Safety and System Stabilization Act. The stabilization board may continue accepting and fully considering qualified applications as authorized by that act.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield to the gentleman from Virginia (Mr. WOLF) for further inquiry.

Mr. WOLF. Mr. Chairman, I thank the gentleman for that statement.

As the chairman knows, many of our colleagues, and certainly I am in that group, strongly support this program and we want to ensure that no changes are enacted that would prevent a qualified carrier from receiving a loan guarantee as early as the stabilization board may act on the application. This particular program was enacted to assist carriers suffering losses as a result of the terrorist attack on September 11. The Federal Government's closure of Reagan National Airport made matters even worse for some of the carriers.

I know the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Virginia (Mr. MORAN), the gentlewoman from North Carolina (Mrs. MYRICK), and the gentleman from Kentucky (Mr. ROGERS) have been very, very concerned about this. We are aware of one or more carriers that may apply for a loan guarantee before the deadline of June 28, 2002.

There are concerns that the provision, if enacted, might have the unintended consequences of preventing a qualified carrier from securing a Federal loan guarantee in time to avoid bankruptcy or other irreparable harm to a carrier's operations, employees and customers.

Would the chairman be willing to work with us and other Members, and there were so many that were interested in this, to ensure that that provision does not have those unintended effects?

Mr. YOUNG of Florida. If the gentleman would yield again, the committee does not intend to prevent any carrier from having an application fully considered, nor does it intend for this provision to result in the kind of outcome the gentleman is concerned about.

We will work with the gentleman and other Members as we go to conference with the Senate on this bill to address any concerns that affected parties may have.

Mr. TOM DAVIS of Virginia. I thank the gentleman for his assurances.

Mr. Chairman, I include in the RECORD a letter from the Office of Management and Budget which clearly states the provisions which we are considering today permit the Air Transportation Stabilization Board to continue to complete the processing of

qualified loan guarantee applications that are properly filed.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This letter provides the Administration's interpretation of Section 1103 of the pending House FY 2002 supplemental appropriations bill (H.R. 4775) regarding airline loan guarantees. This provision was not proposed by the Administration but was added by the House Committee on Appropriations during committee consideration of the supplemental appropriations bill.

Under Section 1103 of the bill, the Air Transportation Stabilization Board would be able to continue and complete processing of qualified applications for loan guarantees during the balance of FY 2002 consistent with the authorities of P.L. 107–42, the Air Transportation Safety and System Stabilization Act.

While the Board could not obligate loan guarantee funds during the balance of FY 2002 (from enactment through September 30, 2002), it can, after October 1, 2002, issue the loan guarantees to qualified applicants.

Sincerely,

NANCY P. DORN,
Deputy Director.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I thank my friend, the gentleman from Virginia (Mr. TOM DAVIS), and the gentleman from Virginia (Mr. WOLF) and I thank the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Kentucky (Mr. ROGERS), all of those folks who have tried to protect USAirways' ability to be financially solvent.

I have to say, though, that I am convinced that the language in this supplemental appropriations bill does just the opposite. I do know that the Chair of the Committee on Appropriations and the Chair of the subcommittee want to make it right. But I think we need some assurance that it will be made right. I see the gentleman from Pennsylvania (Mr. MURTHA), who will be affected.

There are 204 cities whose economy is going to be severely damaged if USAirways is not able to continue operations.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. TOM DAVIS) has expired.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I was saying, there are 204 cities who are dependent upon the air service that USAirways provides. There are 40,000 employees who are dependent upon the income that they earn from employment with USAirways. This is a very, very serious issue. I know we have discussed previously that it looks an awful lot like a budget gimmick, $1.3 billion by terminating the ability to apply for a loan. But it is serious business when you are talking about one of our premiere airlines. And I know that we have substantial support on the other side of the aisle, and certainly those who voted against the rule, this is one of the reasons that virtually all Democrats voted against the rule. And I know there is substantial support on the majority side. But we have got to find a way to make USAir whole, at least to the extent we are capable of doing so.

And that is why we passed the airline guarantee program. We did it right after November. We know that USAirways is the most adversely affected. National Airport was closed down for an entire month and for 8 months it has been in partial operation. How can an airline survive under those conditions? I do not know.

So this is the airway that was most likely to benefit from the legislation we passed, and now we turn around and say we are going to terminate the loan program knowing that they are ready to apply so we can save $1.3 billion to get under their nonofficial ceiling?

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, it is my understanding that USAirways has indicated that it needs this loan guarantee so it can get loan proceeds by August 1. But under the bill as presented to us, nothing will be payable until October 1, the first day of the next fiscal year and this is sooner than it could possibly be paid. It would be soon after that, that is the soonest possible date, and that is too late according to their indication, is it not?

Mr. MORAN of Virginia. Mr. Chairman, I thank the ranking member on the House Committee on the Budget. What he says is absolutely the case. USAirways indicates that it will run out of money by August and it will need the infusion of loan money by then. What this language does is to not make any of that money available until October 1. And unless we can work out some language, it has no assurance that it can give to the creditors that money, in fact, will be authorized.

□ 2045

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I think one of the purposes of colloquy is to assure we have full leadership working to make sure one way or the other, the right thing happens should they qualify for this loan. In fact, the money will be available on a timely basis. We have received assurances that this, it still has to go through conference. There is Senate language that still needs to be worked through, and I just want to say I am comfortable with the fact that we are going to work this out, but I appreciate the gentleman's being very aggressive on this issue because I think it is very important, not just for the airline, as the gentleman has mentioned before.

Mr. MORAN of Virginia. Mr. Chairman, I will reclaim my time to tell my good friend from Virginia that I know he has been aggressive as well in supporting U.S. Air, but I think the gentleman also knows that on the Senate side they have capped this loan program in such a way that U.S. Air will not have access to the money. So if the money is not available on the House side, if it is not available on the Senate side, we are not going to be able to get it in conference.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, they have only capped it in committee. It still has to go to the floor. It has a long way. I know Senator BYRD is concerned about this as well.

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

Mr. MORAN of Virginia. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, it is my understanding that CBO has scored this particular provision as saving temporarily for this fiscal year $343 million, that is all, under the Credit Reform Act. It is not the full amount of the loan. It is the likely loss on the loan that is scored as an expenditure on the loan this year. However, this is nothing but an obligational delay, so it does not really save anything.

What it means is that what would be obligated in the remaining few months of this fiscal year will instead be obligated after October 1. Why go through shenanigans like that and send a message to the lenders that U.S. Air will not be able to take down the cash it needs to survive until after October 1? Sure, it can complete its loan application, but it cannot get the cash it needs, and that message will go out again tonight. It will chill the atmosphere for lending. My colleagues know the Transportation Stabilization Board will not want to process anything for fear that Congress is about to undercut it. Why are we doing this? What sense does it make? It does not save a dime.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. MORAN) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. MORAN of Virginia was allowed to proceed for 5 additional minutes.)

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY), ranking member of the full committee.

Mrs. MYRICK. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentlewoman from North Carolina.

Mrs. MYRICK. Mr. Chairman, I appreciate the gentleman's dedication to this issue, as well as the other Members on his side of the aisle and on our

side of the aisle, and I would tell my colleague that we are very committed to doing everything we can to make sure this problem is taken care of.

Yes, there is a problem here on the House side, we understand that, but by the same token, it does have to work its way through the whole process, and that is what we are looking at and working on, to get the assurances that we need that the money will be there, that they will be able to get these loans, and that they are not going to go bankrupt. We have no intentions of allowing that to happen.

It is very unfortunate these provisions were put in this bill the way they are, but we want to do everything we can through our leadership and through the Senate to make sure that this is taken care of, and I appreciate the gentleman yielding.

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

Mr. MORAN of Virginia. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

There are 2 distinct issues on this point. First is what will happen to U.S. Air, and, frankly, I cannot tell, and that is the problem.

The second problem is that the original committee provision was scored as saving $400 million. That was the proposition that said that the Transportation Department could not issue any loans from this point on for the remainder of the fiscal year. That was estimated by CBO to save $400 million, but now we are being told that even though it is being suggested that this loan may go ahead, we are still being told by OMB, and I understand the House Committee on the Budget, that we are going to save $1.3 billion by this provision, even though the loan that is being foregone is allegedly going ahead.

I find that hard to follow.

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

Mr. MORAN of Virginia. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, CBO scored it, I have a letter and I put it in the RECORD, at $343 million. That is the accurate scoring for this, and that is the question I am raising. For that sum of money, why put U.S. Airways flying into jeopardy?

Mr. OBEY. My point is, I understand that is a legitimate concern, but my point is another concern. I am concerned about putting the integrity of the Federal budget process in jeopardy, and my problem is that when we are told that the loan that was not going to go through is now going to go through and yet we are going to save more money than we were to spend originally, that is sleight of hand to me, and it looks a little bit like Arthur Andersen accounting to me.

So I do not understand how we can say this loan is going to go through and yet we are going to save three times as much money as CBO originally estimated. It does not compute and it also does not make clear what is going to happen to the airline, which is an overriding and justifiable question in the minds of many Members tonight.

Mr. SPRATT. Mr. Chairman, if I could simply ask, am I wrong? I believe the $343 million is exactly what CBO scored it as, and number 2, does this really save anything? If this is just an obligational delay that says that the money cannot be obligated during the summer, but come October 1 it can be obligated, it does not save anything, why do this? Why go through shenanigans like this just to claim a credit that is not really a credit? It is not a savings. If I am wrong, I will stand corrected.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, I would say to the gentleman, I have seen the CBO analysis dated today, that it is only $343 million. It is not $1.3 billion.

Mr. SPRATT. But that is for 4 months.

Mr. MORAN of Virginia. Mr. Chairman, the gentleman is absolutely correct.

My other concern is I know how sincere the chairman of the Committee on Appropriations, the chair of the Subcommittee on Transportation, the chair of the Subcommittee on Commerce, Justice, State and Judiciary, and the gentleman from Virginia (Mr. TOM DAVIS) has been working very hard on this.

I believe we had the votes in full committee to strike the language. We were assured that we would not have to do that because it would be taken care of, and my concern is that I do not know at this point how it is going to be taken care of, and if the House bill leaves the floor, I am very much concerned it is going to be too late.

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

Mr. MORAN of Virginia. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to suggest the answer to the gentleman is that the only reason at this point that this is in here with this outlandish estimate is to make the bill look like it is paid for when it is not. This $1.3 billion savings, in my view, is a fictional savings of OMB and the Committee on the Budget.

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

Mr. Chairman, I was listening with interest to the discussion about U.S. Airways. I represent Baltimore, which has an interest in the direct health of U.S. Airways, and I think it is very clear that we are using accounting gimmicks again in order to satisfy budget rules because we do not have a straightforward budget, and I mention that, Mr. Chairman, because there is a lot of good things in this supplemental appropriations bill, and many of us are going to be voting for a lot of the issues that are underlining the bill itself, but we are compelled to speak about the unfair procedure and the undemocratic principles that are being used in the legislation that we are considering on the floor this evening.

We are talking about provisions that were added after the bill came out of the Committee on Appropriations. I want to compliment the chairman and ranking member of the Committee on Appropriations. Many of these issues were worked out in committee that are good provisions, and we want to move them forward, but, unfortunately, what was added by the Committee on Rules and by our last vote, we are, for example, deeming the Republican budget as being enacted for the purposes of the Committee on Appropriations work.

Well, that gives approval to a budget that is just not realistic. It does not protect the priorities that many of us believe in, that the majority of this House believes in. We are not going to be able to deal with education or Medicare, prescription drug or transportation or homeland security or the airline industry in a straightforward way on the budget that was deemed by the rule that we approved a little bit earlier this evening.

So now what are we going to do? We are going to go back to gimmicks. We are going to go back to waiving all these rules. No budget discipline at all. That is the concern that many of us have about the procedure that is being used tonight.

We clearly are going to move to large deficits again. We are going to protect large tax cuts, but we are going to move to large deficits, and we are going to use Social Security funds. We are going to borrow those funds to cover the other obligations of the United States Government.

How often have I heard the Members of this body talk about a lockbox? We are going to make sure that money is not used, and, oh, yes, we have had some unexpected expenses, but that is not the reason we have the large deficits. The large deficits are a direct result of the budget and the tax bills that were passed. My colleagues know that; I know that.

We should be able to debate that issue here on this floor, but, instead, what are we doing, we are using a magic wand to do certain things rather than having a full and open debate on the budget issues and on the debt ceiling. So it will be extremely difficult for us to deal with Social Security.

Mr. Chairman, let me point out that the moneys that were in the surplus were used in just about every proposal that has been brought forward to deal with Social Security, including the bill that was filed in the last Congress by the gentleman from Texas (Mr. Archer) and the gentleman from Florida (Mr. SHAW), and now those funds are to be borrowed and used for the general obligations. That is wrong, and we all know that we are using a stealth process so we do not have to deal with the direct debate on this floor on the debt ceiling.

We should have a direct vote on that issue. We should talk about it. We

should talk about how we are going to deal with the future debt. As I understand it, Republicans are going to be asked to raise the debt by $750 billion. $750 billion. Look at how much of the tax bill is going to have to be paid for by additional borrowing. I am not sure that is exactly what the American public wants us to do.

We are going to go back to the red ink again. What we should be doing, we should take a little pause in the action, we should sit together and work out a bipartisan agreement on a budget, and if we had a bipartisan agreement on a budget, with the other body, with the administration, then we would have a supplemental appropriation bill here that could be considered in a relatively short period of time.

We could have a prescription drug bill for Medicare that we could all agree upon and really get something done for our seniors at last. We could have a budget that would speak to the priorities on education and on homeland security, on the other issues, and we could really deliver for our constituents.

So, Mr. Chairman, many of us are going to express the frustration tonight that the process that the majority is using is unfair; not unfair to the Democratic Members, it is unfair to the American people. We deserve better. The American public deserve better, and I would urge my colleagues to use the time to get together so that we can produce a bipartisan budget so we can produce results for the people of this Nation.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I listened attentively to all of these speeches. What I have to say is this is an emergency, wartime supplemental. Political speeches about whatever my colleagues want to make political speeches about, that is all well and good. Why do my colleagues not do that on some other bills? This is a wartime, emergency supplemental.

The military is running out of money, especially those who are directly involved in the war in Afghanistan. We have got to protect those soldiers that are deployed. We have got to make sure that they have whatever it is that they need to fight this war. We have got to provide for the FBI and the intelligence agencies. Let us focus on what this bill is all about, and it is about protecting America. It is about seeking out those who would terrorize America. It is about securing our places and our people, our seaports, our airports, our airplanes, public gathering places. That is what this bill is about. This should not be a vehicle for political speeches.

□ 2100

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word. And, Mr. Chairman, I do so to applaud the gentleman from Virginia (Mr. MORAN) for raising appropriately the issue of USAirways. I think it is, to put it mildly, bad faith on the part of Congress to terminate the loan guarantee program, and it is an act at the worst possible time for this carrier, and for other carriers along with it, who have indicated their likely need to apply for the loan guarantee program.

Virtually everybody in this House voted for both the compensation program and the loan guarantee program last fall when it was crucially necessary to save America's airlines from financial liquidation. That legislation passed overwhelmingly to the great credit of the administration. They came forward and said, yes, we need to do this, when we in the House were already talking about the need to save America's airlines, who were bleeding at the rate of $360 million a day because they could not operate.

And the reason we enacted that legislation was that it was an act of government that shut down the Nation's airlines in the national interest, out of security concerns. It was an appropriate action. But we caused the airlines, we, the government, caused the airlines to lose billions of dollars in the national interest. We recognized that it was a necessity for the government then to come back and not make the airlines whole, but at least put them in the position they were in at the moment of the order for all airline operations to cease on September 11.

Mr. Chairman, 2,460 commercial airliners were brought on the ground within 2½ hours and did not operate for 3 days. And then, for a month after other airports were opened, National Airport remained closed. This is the hub, the base of USAirways' operations. The order of government not to operate out of National Airport hit this carrier disproportionately greater than any other carrier in the United States. I find it short-sighted, bad faith, poor judgment, poor calculation to say, oh, we have taken back what we offered you last fall. It is just simply not right. It is not fair.

And I do not want to get into all these other discussions about what else is in this supplemental appropriations bill. This particular provision is really harmful and hurtful and goes back on our word that we gave in this body to the airlines of the United States: we will make you whole to the point that you were at when you could not fly, and we will provide loan assistance, payback with all sorts of guarantees that I participated in crafting into the loan guarantee program in the Speaker's office, the night of the President's address to the Nation. And now the program is there; and all of a sudden you are pulling the rug out from under this carrier that has suffered a disproportionate burden compared to other carriers in the country because of the shutdown of National Airport for over a month.

Now, I heard the gentleman from Virginia (Mr. TOM DAVIS) say that we will fix this somehow over the course of the next few days. ''Somehow'' is no help to the financial institutions. It does not give them a whole lot of confidence at all. It gives them zero confidence, in fact. This needs to be fixed now, before this bill leaves the House, whether it is a statement by the chairman of the Committee on Appropriations or a statement by the Office of Management and Budget.

I think our ranking member on the Committee on the Budget has already spelled out how little, how ephemeral, how chimerical the savings will be. Surely we can do something in the course of this evening, which apparently is going to be a very long evening; and I appeal to the chairman. I do not fly USAirways. They do not serve Minnesota.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Mr. Chairman, I have an interest only because of my many, many years of action in the aviation sector as the former Chair of the Subcommittee on Aviation and a desire to do the right thing.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. YOUNG of Florida. Mr. Chairman, we want to do the right thing as well, but I want to remind the gentleman that this loan program was enacted into law on September 22 last year.

Mr. OBERSTAR. I said that just a moment ago.

Mr. YOUNG of Florida. I just want to remind everybody. And as of tonight, as we stand in this Chamber, certain airlines have not even made their application, knowing full well that under the law that we passed last September the application process terminates on June 28. That is rapidly approaching. So the airlines are not totally free of guilt in not getting the job done.

All that aside, we are prepared to try to help keep our airline industry viable. And the only airline that I can fly direct to my district is USAir. I do not want USAir to go out of business or to go bankrupt. I want to help them. But I have to tell my colleague that they could have applied for this loan guarantee a lot earlier and they did not.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has again expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Mr. Chairman, I just want to point out to the chairman that the regulations for the loan guarantee program were not available until early this year, along about January-February. And the person administering the program was not put in place until just about that time. It has been very difficult for the carriers to understand how this program would be

administered. Further, they wanted to wait and see whether they could be whole on their own.

So I do not exonerate the airlines, but there were mitigating factors. And this carrier is particularly vulnerable. If we lose USAirways, then on the east coast the cascading effect will be that there will be a diminution of competition in the airline sector.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has again expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. YOUNG of Florida. Mr. Chairman, our heart is in the same place, I would tell the gentleman. But the gentleman's facts are not exactly correct, because the first application under this program was America West and it was filed on November 28 of last year. So the regulations were in order much earlier than the gentleman suggested.

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, America West filed before the regulation process had been fully implemented. They were in much more desperate shape than USAirways, no question about it. The full set of regulations was not in place at that time.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. MORAN of Virginia. Mr. Chairman, let me just share some information regarding USAirways. In the first place, USAirways attempted to sustain its operations as long as possible without having to draw on a Federal loan guarantee.

In the second place, as I think the gentleman knows, USAir has been working very diligently in working out labor agreements and showing a long-term plan so that this loan guarantee will be able to be paid off and they can show a viable financial plan into the future.

This is a very difficult process for such a large airline.

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

Mr. Chairman, before my colleagues jump again to react to the airline industry, I would caution that we think about the way the airline industry responded to our last legislative action. Within hours, Mr. Chairman, within hours of the passage of that airline bailout, USAirways fired hundreds and hundreds of its employees. Not only did they do that, they fired and closed reservation centers of their most senior, most experienced reservationists because they could save more money that way. And then they did not give them the opportunity to be rehired at other locations. They went out and the reservation centers that needed additional employees, they hired people ''off the street,'' because they could hire them at a lower wage.

This is the airline that charges customers seven times what other airlines serving the same two cities charge. This is the same airline that has average employee costs of $87,000. This is the same airline that provides service in 37-seat prop jets when they could go out and purchase new regional jets that would provide dramatically better service, and they are asking people to fly in those 30- and 40-year-old planes because their contract with their pilots will not allow them to buy new regional jets. This is the same airline that came back to us and said we need your help on this bill, and they still have not got their loans filed.

It is no surprise that an airline this poorly managed would not have their paperwork done. So before we proceed to give them more help, let us remember what they did the last time we provided them with help. Lord knows what they will do to their employees and their customers this time.

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, many of us wait not just minutes but hours to come to the floor to speak, and this evening, after listening to this debate about only a slice of what is in this supplemental, I cannot help but observe that this distinguished body, this great House of Representatives, has somehow created a mess. And I think the mess, and I do not like using the word, it is not out of disrespect to any individual, but haste can make a mess.

I listened to my colleagues who serve on the committee who said we had something drawn up and then something happened at the Committee on Rules. There is a frustration on my side of the aisle that we cannot offer anything to amend this. That is wrong. For people that served in the minority for 40 years, my Republican colleagues know that is wrong.

My colleagues know, and we all know, what a credit card is. If someone took any one of our credit cards and put $750 billion on that credit card without our knowing about it, we would be the first ones to dial up and say, something has gone wrong. I have taken votes when I was new here and my leadership said it is important for the country to raise the debt limit. But, no, no one is brave enough on the other side to take that straight vote up or down.

We are accountable to our people. And so now the Nation's debt goes higher. I should not, and none of my colleagues on the minority side should be lectured to say that what we say is political. We ran for this office because we love this country. We all do. But we are not doing right by her by hiding in a poorly drafted, jammed-through-a-committee supplemental.

This is not right. It is not becoming of this House and this body. All joking aside, my colleagues know when they go home how their constituents respect them. How can anyone answer for raising this, incurring more debt, and not explaining it to the American people without even taking a vote.

I have heard over and over and over again the lectures. I do not need to be lectured, and no one here does about how much we love our country and want to defend her. That is not the issue. That is not the issue. So it is with deep regret that I stand up this evening with a great deal of frustration and an enormous amount of sadness.

We can debate our issues and hold our ground and still respect one another. But to do this, this is wrong. This is wrong. America, tonight, $750 billion was placed on America's credit card and we could not stand up and debate and offer a better idea.

□ 2115

If you have more votes, you can outvote us. But ideas are at the heart of this democracy. I believe my constituents would object to this, Republicans, independents, and Democrats, because it is not becoming of those we represent, it is not becoming of the process that we should follow in a democratic institution, and I want you to know that I object. I object. I object. I object.

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

Mr. Chairman, if I might for a moment revisit the issue of USAir. The Eighth District of North Carolina has a number of USAir employees. I want to reassure them in spite of some of the things that they may have heard, that I and others here are vitally interested, whether they are machinists, pilots, caterers or other people who work at USAir. We worked very, very closely with every aspect of USAir to make certain they had every possible chance to work with us.

My colleagues here on the floor heard earlier today a very specific colloquy between the gentleman from Virginia (Mr. MORAN), the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Virginia (Mr. WOLF), and the gentlewoman from North Carolina (Mrs. MYRICK), very specific, about our ability, desire and capability of working with USAir to make sure that there is a proper outcome for those very valuable employees.

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

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

Mr. MENENDEZ. Mr. Chairman, with all due respect to the distinguished chairman of the Committee on Appropriations, when Republicans put the debt ceiling in this legislation, they politicized the process. When they put deeming the budget, the Republican budget, in this process, they politicized the process. So to be lectured to that we are politicizing the process, we are responding to what you have created on the floor which you control as the majority.

For those who might not understand the sometimes arcane rules of this institution, let me put what is going on here in very plain language. Republicans have already spent all of the surpluses we had well into the future and now they are trying to get a further credit line increase without even giving us a chance, those of us who represent 49 percent of all of the American people on this side of the aisle, to approve it in an up-or-down vote.

There are some of us here, and many Americans out there, who think that raising America's debt limit is irresponsible. Why are you hiding your efforts to increase America's debt? You are hiding behind it because you clearly must be ashamed of the mess that you have made of America's budget. They are hiding behind it because they do not want the American people to know that you are raising the ceiling on how much they will owe, and their children and their grandchildren. And why do they need this debt limit increase in the first place? Not because of the recession. After all, the Congressional Budget Office is projecting deficits long after the recession is supposed to be over. Not because of the war on terrorism, which we support. Because even if you add up every last additional dollar we are spending on the war abroad and here, it does not even come close to accounting for the debt increase Republicans are proposing. So why the huge increase in debt? The answer is obvious. Republican fiscal mismanagement.

Democrats support fiscally responsible tax cuts that are paid for. But this bill saddles our children and grandchildren with huge debts that will take generations to pay off, by taking funds from Social Security and Medicare that our seniors are, and baby boomers soon will be, relying on, by increasing the amount of interest Americans pay on this debt, which is nearly $1 billion a day.

Huge debts, deficits as far as the eye can see. Social Security raided; higher interest rate payments; the Republican fiscal plan is a disaster. Republicans passed this budget. They cannot blame anyone but themselves for the fiscal mess we are now faced with. But today they want to pass the buck to working Americans to clean up their mess and they think they can pull the wool over the eyes of the American people while doing it. At least you should have the courage to stand up and vote for what you have done. At least they should have the courage to do this out in the open instead of by illusion.

We Democrats demand the chance to vote on and oppose your irresponsible debt limit increase, this reckless credit card spending binge that you are on. But if you will not give us the chance to vote against a debt limit increase, this reckless credit card spending, if you are determined to hide it from the American people in this bill, if you are determined to raise the debt of all Americans even without so much as a single vote, then the shame is theirs, as are the consequences.

This is exactly what we Democrats said would happen if you passed your irresponsible budget. So I would say to my Republican colleagues, you who want to blame this fiscal mess on the recession, tell that to the laid-off workers whose unemployment benefits you held hostage for weeks. And do not try to blame it on the war on terrorism. You dare not use our fighting men and women as an excuse for the deficits you have created. If you want to know who is to blame for our return to deficits, merely look in the mirror. This is an abomination on the greatest democratic institution in the world that in the marketplace of ideas that we promote throughout the world we cannot have a vote up or down on the debt ceiling so that the American people will know how you are hocking their future generations for generations to come.

It is a shame. It is an abomination. That is why you will hear the anger throughout this evening as I think you will hear it from the American people in the days ahead.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today with great admiration for my colleagues across the aisle. That is because I admire what my family calls chutzpah, or nerve, some might say gall, but not me. An ordinary person watching tonight might think that the Republican leadership would be just a little bit sheepish about coming here today and proposing a supplemental budget that we really do not have the money to pay for without dipping into the Social Security trust fund, a trust fund that just a few short months ago was safely ensconced in a lockbox, a lockbox that, if I remember correctly, one after another of those same Republican leaders declared loudly and eloquently would never, ever be unlocked. Oh, no, we would never dip into the Social Security lockbox. And why? Because we had such a huge surplus, a surplus, if I can be rude enough to mention, was inherited from the Clinton administration, a surplus of $5.6 trillion, a surplus so large that these leaders scoffed at those of us who warned that the future is too uncertain to throw trillions of dollars of tax giveaways to the richest of the rich.

I admire my Republican colleagues that despite the fact that $5.6 trillion of surplus is gone, gone, that we are now facing a $300 billion deficit this year, rather than being even the slightest bit embarrassed or apologetic, they are pressing aggressively ahead with a supplemental budget that, among some very worthwhile things, also takes money out of rural hospitals, expands the war in Colombia, ignores our housing and health care needs and is all paid for by raiding the Social Security trust fund. And I admire their arguments. It is war. How dare we be so unpatriotic as to bring up trivialities such as Social Security or debt or even fiscal responsibility? We are just being political. Although it does occur to me that there just might be such a concept as economic patriotism, that at a time of new demands caused by war, caused by our efforts to end terrorism, that it might be just the perfect moment to reconsider such things as tax cuts for the richest. Their forcefulness, some might call it sanctimony, but I do not, is laudable.

And perhaps the cleverest of all, some would say too clever by half, but not me, is the way that the Republican leaders are disguising the way they want to come up with the money that we simply do not have. They want to borrow $750 billion more money than the law currently allows, borrow even more money from Social Security and also the Medicare trust fund. But just asking for it would not look good. After all, so many of their Members sponsored a resolution to amend the Constitution making it especially hard to borrow more money, a resolution that proves how fiscally responsible they are.

Some of my Republican colleagues from Illinois, including the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Illinois (Mr. CRANE) are proud cosponsors of this resolution. Perhaps they can explain the embarrassing truth that this supplemental appropriations bill is nothing more than a stealth maneuver to orchestrate a backdoor increase in the debt limit, the same as raising the credit card limit on a credit card, but I do not expect that they are embarrassed by this fiscal sleight of hand. I congratulate them for it. As I said, I admire chutzpah. But maybe, just maybe, their constituents, who not only talk about fiscal responsibility but who practice it every day balancing their checkbook, paying their credit card bills, saving for college and saving for a rainy day, might not be as admiring as I am of this squandering of the surplus, this raiding of the Social Security, this cynical effort to borrow more money without even taking a vote on it, without any apology. They might not appreciate, as I do, the chutzpah it takes to play with such finesse at this dangerous budget game.

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

Mr. Chairman, when this bill was presented to the Committee on Appropriations, a committee on which I sit, the distinguished chairman of the committee sent a report to each member saying that one of the pluses of this legislation was that it was a clean bill designed to provide emergency funding to fund our war against terrorism and homeland defense. I applauded that approach. Unfortunately, because of the late-night, closed-door, secret plan effort of the Committee on Rules, this bill is no longer a clean bill. It has been sullied by partisan amendments that have absolutely nothing to do with funding our war on terrorism. I find it

somewhat ironic that some of the same people who say we should support this process tonight out of patriotism for our war against terrorism just happen to be exactly the same people who orchestrated the process of the Committee on Rules so that these controversial extraneous amendments would be forced on this legislation, thus slowing down the funding for our war on terrorism.

What is wrong with all of this? Let me count the ways. First, adding $750 billion in deficit spending could certainly undermine the future of Social Security and Medicare. When you add that extra debt onto our already enormous $6 trillion national debt and consider the enormous interest payment that taxpayers have to pay each year on that, we could in effect be putting at risk benefits for Medicare and Social Security recipients.

Second, $750 billion in deficit spending will increase the cost for homeowners to buy a new home, for family businesses to build or expand their businesses, or for families to buy a car by increasing interest rates, a direct result of massive deficit spending. In fact, if we increase the mortgage rate, interest rate on a $100,000 home in America, that family will have in effect their taxes increased by $1,000 a year. That is what is wrong with this secret, late-night plan to raise our deficit spending by $750 billion.

Let me count the additional ways that this is wrong. Third. This kind of deficit spending will lead to higher taxes for hard-working Americans. In fact, interest on the national debt today is one of the 5 largest expenditures of the Federal Government out of the thousands and thousands of programs we fund. In fact, last year on average every man, woman, child and infant in America was responsible for $1,200 in taxes just to pay the interest on our present national debt, not to speak about the extra $750 billion we are going to add to that debt.

□ 2130

In fact, if one assumes a 5 percent interest rate on this $750 billion increase in deficit spending, that amounts to about $37.5 billion a year in increased taxes on the American people, simply to pay the interest on that debt. That is what is wrong with this bill and this process.

Fourth, in increasing deficit spending by $750 billion through this measure, we are going to make it harder to fund priority national programs such as national defense, veterans' health care and education.

Fifth, I think it is wrong to burden our children and grandchildren with a $6.7 trillion national debt. We in this generation of Congress have no right to drown our grandchildren in a sea of national debt.

Sixth, by slowing down this bill with controversial, unrelated amendments, partisan amendments that have nothing to do with funding the war on terrorism or homeland defense, we basically end up harming national defense, because we will force military training at bases such as mine, Fort Hood in my district, to be delayed or canceled in order to fund our war on terrorism, because we will not pass this bill as quickly as we could pass it had we not had these extraneous, late-night, secret amendments added to this bill.

Now, perhaps the handful of Republican district hospitals given special treatment at the cost of every other rural hospital in America stuck in this bill, maybe those hospitals have some unknown direct relation to fighting our war on terrorism and homeland defense. I certainly have not heard that explanation in this debate tonight.

Mr. Chairman, if increasing the national debt by $750 billion, if adding that burden on our children and grandchildren, cannot pass the test of open debate and an honest vote, it does not deserve to be hidden in a bill purported to fund our war on terrorism. Shame on our House if we do that.

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

Mr. Chairman, the chairman of the Committee on Appropriations, a man for whom I have great respect, a colleague I enjoy working with, has described this bill as the emergency wartime supplemental. Indeed, much of the content of this bill does exactly as the chairman describes. Unfortunately, and I believe it is extraordinarily unfortunate, the chairman was unable to keep his bill relative to the emergency wartime supplemental purposes he speaks so convincingly about.

Once again we see critical legislation hijacked somewhere in the legislative process, in the bowels of the majority leadership somewhere, and turned into something quite different than what it initially purported to be.

There is a feature of this bill that I feel is extraordinarily unfortunate, and that is what I rise to point out tonight. Language in this bill sets the stage for a significant increase in the national debt. One year ago, 1 year ago tonight, we were not talking at all about raising the national debt, we were not talking about deficits; we were looking at a 10-year surplus of $5.6 trillion. What we now know is the 10-year outlook has deteriorated $4 trillion.

Mr. Chairman, we have presided over the worst reversal of financial fortune of the United States Treasury in the history of the country. We all ought to be alarmed. Those who voted for legislation contributing to this reversal ought to be ashamed.

But we all ought to realize, one to another, that something has got to be done. We wanted to have, at the time you were going to seek to raise the debt, because we know now the budget is in the red this year, running in the red to the tune potentially of $140 billion, that is almost half a billion dollars more out the door in spending a day than we are bringing in, and you were going to ask us in participating in raising the debt limit, we had a request for you, a very simple, very straightforward request: Show us your plan. Show us your plan to get us out of this debt. Show us your plan to get us back to the black. Reverse this run of red ink, this shame you have brought upon the fiscal policy of this country.

We deserve that, and the American people deserve that, a discussion about what was required by way of raising the debt limit, a discussion about a plan and a process to get us back to black, as simple as one, two, three: The majority passes their budget, we go into the red, debt limit increase required. But show us a plan to get out.

It is important, it is very important, that we work together to get back to the black as soon as possible. There is nothing Republican, there is nothing Democrat, about the demographics facing this country. Those demographics have a very harsh fact that we ought to think about every single day. Seventy-eight million Americans in the year 2010 will be within 10 years of turning 65. Within that next decade they will be on Medicare. Within that next decade they will be on Social Security. Should I be alive, I will be one of them, because we are the great baby-boom bulge, about to place a strain on entitlement spending like never before.

Obviously we know this is coming. We can see it in the age trends. We have got to prepare. There is no great mystery of fiscal policy to prepare for the hit we are about to take. We have got to pay down the debt. We have got to make sure the Social Security dollars coming in are held for the benefit of Social Security. We have got to prepare.

Instead, we are doing the worst thing we can do. If paying down the debt and making our country fiscally stronger is the best thing, we are doing the worst thing. We are taking Social Security revenue and we are spending it on other programs; we are taking dollars coming in from payroll taxes from the guys working hard every day, counting on that Social Security, and we are spending it on other programs. Rather than strengthening our fiscal position, we are back into borrowing and adding debt onto our country.

We have to stop this practice. Chickens have a way of coming home to roost, and unchecked debt means reduction in Social Security benefits.

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

Mr. Chairman, I support providing whatever funds the President needs to fight the war on terrorism. I do not think there is a Republican or a Democrat in this body that does not support the President in fighting this war on terrorism; all the more reason Congress should not be playing politics with this bill, a bill that supplies important funds for our fighting men and our fighting women.

Hiding a huge increase in the national debt limit and an assortment of other budget gimmicks to this bill

under the cover of darkness, literally in this case, is a political game. A $750 billion increase in the national debt requires, for heaven's sake, an open and thoughtful debate. A $750 billion increase in the national debt requires, surely, an up-or-down vote, not in secret. But we are not going to get either one of those offers this evening. And to this I say shame on the majority.

I know all of my constituents expect certain things, regardless of their party affiliation: Straight answers and a willingness to be held accountable for our actions. They know if they charged their credit cards to the limit, they have to pay down their balance or work out an arrangement with the credit card companies to get an increase in their credit limits. They most certainly cannot write a small note on the memo line of their checks to the credit card companies asking those same companies to ''please raise our credit limits'' and expect it to happen.

Why should Congress be any different? Why should Congress get to operate under a different set of rules? The short answer is that Congress is no different and should not be able to operate under a different set of rules.

Congress should be held accountable for this $750 billion increase in the debt limit and the actions that have made this increase necessary. The days of surpluses are gone, and in a very short time the Social Security lockbox has been emptied and the days of deficits and borrowing money from the public to pay the government's bills are back. Yet the majority has no stomach for taking a step back, looking at the whole budget picture, figuring out how we got into this mess and how we are going to work to try to get out of this mess.

My colleague, the gentleman from Kansas (Mr. MOORE), and I each offered amendments that would have helped restore fiscal discipline to the Federal budget process. In fact, the Moore-Spratt amendment would have provided limited increases in the debt limit and required Congress and the President to develop a plan to balance the budget without counting Social Security.

My amendment would have imposed discipline and accountability in the budget process by extending and strengthening the spending limits and pay-go rules in the Budget Enforcement Act, something that we have been living under for the last several years, something that you all think is necessary, that you voted for. And yet you will not allow that amendment to be put in this spending measure. My amendment would have imposed discipline.

But both amendments were ruled out of order. Instead of an open debate on these amendments and what should be done with the government's maxed-out credit card, the majority hid a $750 billion increase in the national debt in this important bill. That, I am afraid, is an action my constituents would find to be a little less than honest.

I have been told by my colleagues on this side of the aisle that if the Democrats would be in the majority this evening and would have been offering this bill here this evening, that you on the other side of the aisle would be yelling to the heavens against it, that we should not be increasing this debt limit. And I have no doubt, I have only been here for 2 years, I have no doubt that we have been guilty of what you are doing tonight.

So it is time to put away the foolishness of the past. It is time to admit the Democrats in the past have done the wrong thing, and it is time for you all to admit, I would hope, in the sense of doing the right thing, that we have the opportunity to vote up and down on this vote; that we are not doing it in the dead of night; that we do it in a way that is honest; that we not resort to the politics as usual; that we be bipartisan and straightforward with the American public; and that I think the American public would appreciate that.

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

Mr. Chairman, I rise to point out that under the protocols established by the majority leader, the Committee on Rules of this House, when it brought rules forward, was to allow committees that are authorizing committees if they notified the Committee on Rules of concerns they had that represented appropriation that was unauthorized on a bill of this sort, that they would be subject to a point of order. Unfortunately, that has not been done in a number of cases where things that are amounts of money that are not authorized are in fact being appropriated out of the Highway Trust Fund.

We have worked very hard in this body over the last several Congresses to reestablish the concept of a Highway Trust Fund; to reestablish trust, put trust back in the Highway Trust Fund. And yet the legislation, unfortunately, would provide for funding some $19.3 million for border enforcement activities; a very good program, but one that is not authorized from the trust fund. That will mean less money available for important transportation needs in our country. It is something that should be done out of our general revenue, not out of the Highway Trust Fund without an authorization.

The second thing I would like to point out is that the legislation does provide for some $5 million for the Safety Permitting Program to come from the Highway Trust Fund. Again, the Safety Permitting Program is under the Hazardous Material Program. The HAZMAT Program is funded from general funds and is funded out of registration fees.

□ 2145

This is something that again will result in less money available for transportation needs in this country and will free up funds for other programs. I understand the problems that we have, but this is not a proper use of the highway trust fund.

In addition, there are over $4 million being provided for background security checks, again out of the highway trust fund. This is not something that was contemplated, it has not been authorized, and it should not have been done; and I regret it. I want to call it to the attention of the Members as this legislation moves forward through the process, which I am confident it will do, so that we can, as we refine this legislation in conference and it comes back to the floor, maintain the principle of integrity of the transportation trust fund that we have all worked so hard, really all of us have worked so hard to establish.

Ms. SOLIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am looking at the clock now and wondering what my constituents are doing on the west coast in Los Angeles, California; and I know that they are probably just finishing up their dinner, and maybe not dwelling on what we are doing here in the Congress. But I can tell my colleagues that the people in my district would be shocked. They would be alarmed to know that language has been inserted in this bill that is going to be voted on tonight to allow for a huge increase in the national debt limit, and I think it is irresponsible; and I know that many of them would feel that same way. Worst yet, it forces us to play Russian roulette with the livelihood of our Nation's seniors and the future of America's children. Social Security should provide just that: security. But by raising the debt limit today, we endanger our Nation's safety net which allows our senior citizens to live out their golden years with dignity and respect.

We are playing with the lives of our senior citizens, men and women who have worked hard for our Nation and deserve the full benefits of Social Security to help pay for their rent, their food, and their prescription drugs. We are playing with the lives of our baby boomers, who must not only help care for their senior citizen parents, but also have to plan for their impending retirements. What about those people?

We are playing with the lives of our young people who every day pay into Social Security, but which may not be there to provide for them when they need it.

Just last year, our Nation enjoyed one of the largest surpluses in American history, but then the Bush administration and the Republican leadership ran through what I call a reckless series of tax cuts designed to provide the most benefit to the richest 1 percent of Americans, many of whom are not seen on this floor tonight. By raising the debt limit, this administration continues to rob the working poor and middle class by stifling them with the additional debt. Raising the debt ceiling weakens Social Security for our current senior citizens and baby boomers like myself.

Look in the mirror. Look at the American future. Last August the

Treasury Secretary, Paul O'Neill, predicted that the United States would not reach into its debt ceiling until late 2003, but now that the Republican leadership has passed its huge tax breaks for the very wealthy, we are quickly being forced to juggle our Nation's accounting books. Raising the ceiling steals, literally steals hundreds of billions of dollars from the Social Security trust fund, from that fund which my parents rely on right now. It is a backwards Robin Hood policy, stealing from the poor and our Nation's seniors to give to the rich.

Mr. Chairman, every day Americans pay $1 billion in interest on our national debt. That is about 16 cents for every dollar we pay into taxes. Raising the debt ceiling will do nothing to alleviate the problem; it just gets worse.

I am staunchly opposed to this plan. I support a responsible budget that makes needed investments in our national security, protects our Social Security, Medicare, and does not saddle our children and our grandchildren with enormous national debt.

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

Mr. Chairman, there are a lot of good things in this bill. It will provide appropriations to help us fight the war on terrorism. It will provide some good things for our veterans. All of these are things that we all support. But I have to tell my colleagues, Mr. Chairman, the way that the attempt is being made to deceive the American people in the dark of night to make it possible to add to the debt of our children and grandchildren, to steal the Social Security trust fund, to endanger the well-being of our senior citizens makes me want a dip of snuff, and I do not even use tobacco.

I grew up in a community where there were a lot of bootleggers. They look like paragons of virtue compared to this crowd. The great country music singer Merle Haggard wrote a song called ''Rainbow Stew.'' I just want to paraphrase this. He said, ''When a Member of Congress goes through the Capitol door and does what he says he will do, we will all be drinking that free Bubble-up and eating that rainbow stew.''

Well, I am here to tell my colleagues we are getting fed a big pot of rainbow stew tonight.

If this is an emergency wartime appropriations bill, why does it have a stealth effort to raise the debt ceiling to put more debt on our children and grandchildren? Why does it do that? If that is what this is about, why do we not just have an appropriations bill? We do not need one of these chicken-hearted rules that allows for some kind of stealth effort to put more debt on our children and grandchildren, to threaten our senior citizens with losing their Social Security. Why would we want to do something like this? Why not have a vote up or down on whether or not to raise the debt ceiling?

Let us face reality. All the money is gone. It has all been spent. This time last year we had money in the bank. We were paying off debt. I remember so well the Director of the Office of Management and Budget coming to the Blue Dogs and saying, our greatest fear is that we are going to have so much money that we are going to pay off all the debt and there will not be any U.S. Treasury bonds. Well, dear heart, you can rest easy tonight. There is going to be a U.S. Treasury bond available for as far as anybody can imagine, and our children and grandchildren are going to have to pay it off. That is not right.

I can tell my colleagues that they may do it just because they have more votes; but my colleagues are not going to do it without me coming to this well and raising the issue, and I am not going to go back home and face my children and grandchildren. I am not going to look at my three grandchildren, and they are to me just as dear as anything can possibly be, just like everybody's grandchildren are, and let them look at me 20 years from now, if I am still around, and say, Granddaddy, why did you not do something about that? Why did you let that happen? Why did you put this debt on us? Why did you destroy this country over the only reason you had that was to stay in power and reduce taxes on the wealthiest people in this country? Why did you do that?

When I have to face that question, I at least will be able to stand before them and say, I did everything I could do; but we were not in the majority. We did not have any control over that.

I ask my colleagues to think about what they are doing. Think about what they are doing. All we ask is for my Republican colleagues to sit down with us in this bipartisan spirit I have heard so much about, and if this is bipartisanship, I am a space scientist, and everybody who knows me knows that is not true.

We hear about bipartisanship, but yet we have this single-handed attempt to cram this down our throats. Let us sit down in a bipartisan way. Let us do an honest budget. Let us recognize what we are doing and not steal from our children, our grandchildren, and our senior citizens to do it.

Mr. Chairman, I urge my colleagues not to pass this bill.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the last word.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I really had not intended to speak tonight on the supplemental appropriation, but I have been locked out of my office due to my own inability to remember my keys, so I have had no recourse but to sit on the floor and actually listen to the debate, which is a very enlightening experience.

Now, I got elected in 1984. From 1985 in January when I got sworn in, to 1995 in January, when the first Republican majority took this House in over 40 years, there was one balanced budget presented to the House of Representatives to vote on. One, in the first 10 years that I was a Member of this body serving in the minority, and that was the budget that President Reagan supported. I think it got 13 votes, and I voted for it. There was a reception down at the White House and President Reagan asked all of the folks that were willing to vote for a balanced budget to come down, and I believe there were 13 of us. I think all 13 were Republicans, but it is possible that there were one or two Democrats, the gentleman from Texas (Mr. HALL) and perhaps the gentleman from Texas (Mr. STENHOLM). I would have to go back and look at that.

So the first point I want to make about that is that when my good friends who are in the minority tonight were in the majority, they did not present any balanced budgets for the American people; they did not present any balanced budgets on the House floor. Now, when the Republicans got into the majority, we did. In fact, I remember when President Clinton was in office, we had a partial government shutdown because the Republicans were insisting that there be a balanced budget; and at least in that first year, President Clinton said, balanced budgets do not count. We do not need a balanced budget. He later changed his position, and we got balanced budgets; and I will say for the record that both Republicans and Democrats voted for those balanced budgets.

Now we are at a point in our Nation's history where we have had a recession, we have to fight the war on terrorism, we have had to present some budgets that are unbalanced. But let us think about that. There are actually two parts to a Federal budget. There is the discretionary spending budget, and this year that budget is about $769 billion, $759 billion, somewhere in that range; and then there is an entitlement portion of the budget, and that entitlement portion of the budget is over $1 trillion. Then there is interest on the national debt, and that portion of the budget is over $200 billion.

Now, I have brought to the floor, in the time that I have been a Member of this House, budget process reform bills to change the way we do budgeting, and I had good support from the Democrats in those efforts, trying to change the budget process itself. But under the system that we are operating under today, we cannot do anything about the entitlement part of the budget; we can only do something about the discretionary part of the budget.

The chairman of the Committee on Appropriations has moved heaven and Earth to hold the line on discretionary spending. I am told that the increase from last year to this year in the budget resolution, in the budget the appropriators are working on, is 1 percent, 1 percent.

□ 2200

The chairman of the Committee on the Budget that is sitting at the back

of the room, the gentleman from Iowa (Mr. NUSSLE), presented a budget on the floor that has held the line on discretionary spending. So we are going through the budget process under rules that I think need to be fixed. I want to fix them. I talked to the Speaker of the House yesterday about fixing them.

But under this budget resolution, the budget resolution that we are operating under, we cannot do anything about entitlements. We can only do something about discretionary spending. This supplemental spending bill that is before us this evening is somewhere between $27.1 billion and a little over $29 billion in supplemental discretionary spending. That is a good number, and we should vote for that and then work together on a bipartisan basis to reform the budget process later on so that we can do something about the larger issue.

Mr. Chairman, let us keep in mind that there is politics and there is policy. The policy embedded in this supplemental appropriation bill is a good policy. We should vote for it.

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

Mr. Chairman, I have taken this time in order to discuss the schedule for the rest of the evening and, indeed, the rest of the week with the Members of this body.

Mr. Chairman, let me begin by apologizing to all the Members of this body. It had been my hope and my expectation that we would be able to complete our work for the week and our work on this bill this evening.

Given that expectation, which seemed reasonable at the time, it was me who advised so many of you to go ahead and make your travel plans so that you could return to your district work periods in your respective districts across the country as early as possible tomorrow. We are all anxious to get home to be with our families, to be with our constituents, and to take up that important work we have scheduled in our districts.

However, it seems that there are a large number of Members of the body that do not have that desire to get home, and have decided they would like to prolong this debate and discuss any number of matters. We could go on through the evening. We could work all night. But, Mr. Chairman, there would be nothing productive, worthwhile, or contributing to the well-being of this Nation if we spent our time in that way.

Far better, I would think, for us to go ahead and complete our work for the evening, rise from the committee, and then resume our work tomorrow. It being a Thursday, we will not be able to resume our work before 10 a.m. I can only make my commitment to the Members of the body that I and the other Members of the leadership, I am sure, on both sides of the aisle will do everything we can to work out whatever agreements might be possible so that we might be able to complete our work at a reasonable time tomorrow, so that people might be able to reschedule their planes and their travel arrangements, and perhaps make it home by even possibly Friday for their district work period.

The distinguished chairman of the committee, the gentleman from Florida (Mr. YOUNG), is a man of an extraordinary high ability and good heart, as is the distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY). I have every confidence that given the encouragement we might give these two gentlemen, we might find them capable of coming in tomorrow and working out an agreement between themselves and others who have amendments that might pend so that we can accommodate to the desire of the Members to complete this work.

I must say, however, that failure to arrive at these kinds of agreements would result in our staying through Friday, through Saturday, if necessary. I would hope that is not necessary. I know we all have family and constituents that we long to see. But this is about funding the war on terrorism and the security of this Nation. I am sure there is nobody in this body that wants to go home without completing this bill.

Mr. Chairman, while I will ask the Chairman of the Committee to rise from our work this evening and resume it in the morning, it is, again, as I said before, with my most sincere apology to all of the Members on both sides of the aisle who made travel plans based on my assurances that they will have to reschedule them, and it is my sincere hope and belief that we will be able to tell Members a timetable in the morning that will make it possible for them to reschedule in a manner that will be, let's say, accommodating to Members and their families and their travel plans.

I hope Members have a special evening. Let me just say as a final note, the Colorado Avalanche is winning tonight, so all is not lost.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. THORNBERRY, 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. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM HONORABLE RICHARD K. ARMEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD K. ARMEY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2002.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have determined that the subpoena for documents and testimony issued to me by the United States District Court for the District of Columbia is not material and relevant, and may be inconsistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to object to and to move to quash the subpoena.

Sincerely,

RICHARD K. ARMEY,
Member of Congress.

COMMUNICATION FROM HONORABLE TOM DeLAY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TOM DELAY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2002.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have determined that the subpoena for documents and testimony issued to me by the United States District Court for the District of Columbia is not material and relevant, and may be inconsistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to object to and to move to quash the subpoena.

Sincerely,

TOM DELAY,
Member of Congress.

INDEPENDENT COMMISSION NEEDED TO DETERMINE FACTS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GEORGE MILLER of California. Mr. Speaker, evidence continues to mount that we suffered a major, major failure of intelligence prior to September 11.

Our colleague, Senator JOHN MCCAIN, writes in this morning's Washington Post that asking and urging and demanding answers by various agencies, the Federal Government failing to understand the enormity of the danger facing the United States is an obligation shared by all elected officials.

We were told in Newsweek earlier this week that even after the President asked, What is going on here, his intelligence advisors were unable to tease out the facts or decipher the information.

Mr. Speaker, that is why we need an independent commission. We need an independent commission to determine the facts.

Senator MCCAIN goes on to say, ''It is hardly a surprise that in a lively democracy, the partisan and institutional loyalties will influence both sides of an honest debate challenging and confronting Federal Government.'' That is all the more reason to consider impounding an independent commission of trustworthy and experienced statesmen who are not entirely devoid of partisan loyalties.

George Will, the columnist, then goes on to suggest such Americans as George Schultz, Sam Nunn, BOB GRAHAM, DICK LUGAR, Senator Danforth and others who can make up that commission. We owe it to this Nation. We owe it to the families of the victims of September 11.

[From the Washington Post]

THE WAY OUT

(By George F. Will)

''The best way out is always through.''—Robert Frost.

The Bush administration is in a quandary which is, as Washington quandaries so often are, partly self-inflicted. There is only one way out of the growing—tardily growing; by no means grown too large—controversy about investigating intelligence inadequacies prior to Sept. 11. The way out for the administration is to go through an investigation, and not one conducted by itself.

Eleven days. That is how long it took President Roosevelt after Pearl Harbor to appoint a blue-ribbon commission, headed by Supreme Court Justice Owen Roberts, to examine what was known, and what should have been, prior to Dec. 7, 1941.

More than 250 days have passed since Sept. 11. Last week, one of the most dispirting in recent Washington history, the administration seemed surly and defensive regarding the inevitably rising tide of questions about governmental intelligence operations before the terrorist attacks.

Understandably, the administration was provoked by some Democrats' crassness in casting their questions in Watergate-era cadences—what did the president know and when did he know it? Actually, a blue-ribbon commission, concerning itself with all three branches of government, almost certainly would vindicate President Bush, who, after all, initiated the Aug. 6, 2001, briefing on the threat of al Qaeda operations in the United States.

The commission also would find that Congress has already begun correcting some problems—for example, belatedly funding modernization of FBI computers, more than 13,000 of which were too old to be compatible with crucial software last year. Given the rapid multiplication of new means of communication, from cell phones to the Internet, the commission should recommend revisions of the Foreign Intelligence Surveillance Act, passed in 1978. The commission should evaluate judicial standards of probable cause when law enforcement agencies seek wiretaps, access to computer hard drives and bank records, and other forms of surveillance covered by Fourth Amendment privacy protections.

The commission should be balanced between Republicans and Democrats but should have an even number of members to underscore the assumption that its proceedings are not expected to be internally adversarial, producing party-line votes and requiring a tie-breaker. A commission of sufficient prestige can perhaps impart to its recommendations momentum that will overwhelm the institutional rivalries that can make national security a hostage to jurisdictional jealousies. So the co-chairman of the commission should be former secretary of state George Shultz and former senator Sam Nunn, the Georgia Democrat.

Shultz, who also was secretary of labor and of Treasury and was the first head of the Office of Management and Budget, has had more highlevel government experience than perhaps any American in history. And his memoir of his 6½ years running President Reagan's State Department, ''Turmoil and Triumph,'' contains this laconic sentence: ''Our knowledge of the Kremlin was thin, and the CIA, I found, was usually wrong about it.'' Nunn has a long-standing interest in a matter of increasing urgency: Russia's surplus nuclear weapons.

Sens. Bob Graham, the Florida Democrat, and Richard Lugar, the Indiana Republican, with considerable experience on the Intelligence and Foreign Relations Committees respectively, can represent the legislative branch. Former senator Jack Danforth, the Missouri Republican, having conducted the investigation of the 1993 Waco disaster, understands investigating government misadventures. Former representative Lee Hamilton, the Indiana Democrat, served on the International Relations Committee for 34 years. Prof. Donald Kagan of Yale, author of ''On the Origins of War,'' would bring a historian's understanding to the challenge of making retrospective judgments about events viewed through the lens of present knowledge. The eight and final member of the commission could be former senator Pat Moynihan. He was vice chairman of the Intelligence Committee—and in 1984 he resigned from it until CIA Director William Casey apologized for not informing the committee of CIA involvement in mining Nicaraguan harbors.

In his book ''Secrecy: The American Experience,'' Moynihan says it is an iron law of institutions that the ration of unnecessary to necessary secrecy increases—including secrecy maintained by one part of the government against other parts. President Truman could have used the proof contained in intercepted messages between the Soviet Union and its agents in America, of espionage by Alger Hiss and the Rosenbergs—but the chairman of the Joint Chiefs of Staff kept it from him.

Secrecy renders societies susceptible to epidemics of suspicion. A blue-ribbon commission would be immunization against such an epidemic and preventive medicine against future failures. The administration and the nation need to go through it.

[From the Washington Post]

(By John McCain)

PROBE DEEP, AND FAIRLY

President Bush is a patriot. He responded forcefully to the terrorist attacks of Sept. 11. And had he known that enemies of the United States were planning to seize four passenger aircraft and crash them into American buildings, I'm sure he would have done everything in his power to stop them. We can also safely assume that Vice President Cheney is a patriot, and a watchful guardian of our national security. That said, the government of the United States, which they now have the privilege of leading, failed the American people in the weeks, months and years leading up to Sept. 11.

The Sept. 11 attacks were incredibly depraved but not, as it turns out, unimaginable. As early as 1995, an accomplice of Ramiz Yousef revealed that the mastermind behind the 1993 World Trade Center attack intended to plant bombs on 12 U.S.-bound airliners and crash a light plane packed with explosives into CIA headquarters. The accomplice had trained as a pilot at three separate U.S. flight schools. In 1999 the Library of Congress prepared a report for the National Intelligence Council warning that al Qaeda suicide bombers ''could crash-land an aircraft packed with high explosives'' into the Pentagon, CIA or the White House.

Last July Kenneth Williams, an FBI field agent in Phoenix, suspected that terrorists had enrolled in an Arizona pilot training school. He urged the bureau to begin investigating whether other U.S. flight schools might be training terrorists to fly. A month later, FBI agents in Minnesota arrested flight school student Zacarias Moussaoui, whose lack of interest in learning how to land an aircraft had aroused the suspicions of his instructors, who dutifully alerted the FBI. It is uncertain how far up the chain of command suspicious about Moussaoui's intentions traveled. A week before Sept. 11, the FBI did notify the FAA of Moussaoui's arrest, his terrorist connections, and his interest in flying large commercial aircraft. The FAA chose not to share this rather pertinent information with the airlines.

Throughout last summer, CIA analysts were increasingly anxious that Osama bin Laden's operatives were planning imminent terrorist attacks against the United States and possibly planning to hijack planes in this country. The agency shared its concern with the president in August. Apparently no one from either the CIA or the FBI shared with the president information that terrorists might intend to use hijacked planes to destroy civilian and government targets.

Nor did the FBI and CIA make much of a habit of sharing information with each other. Had they done so, one presumes the President's Daily Briefing on Aug. 6 would have included a suspicion that the hijackers might have something much more atrocious than ransom demands on their agenda.

As administration officials have observed, the president is not expected to work as an intelligence case officer. It is not his job to drag from different agencies various bits of information, murky clues and suspicions that, considered together, begin to reveal the dimensions of a clear and present danger. But it is the responsibility of officials who serve at his pleasure.

Asking for, urging and demanding answers for why various agencies of the federal government failed to understand the enormity of the danger facing the United States is an obligation shared by all elected federal officials. As is the responsibility for understanding why and how the previous administration failed to combat the growing menace of international terrorism more effectively. As is responsibility for questioning Congress's inability or unwillingness to exercise more diligently its oversight responsibilities for these agencies. As is the expectation that officials who did not competently discharge their responsibilities be held accountable.

It's hardly a surprise in a lively democracy that partisan and institutional loyalties will influence both sides of an honest debate on the most critical challenge confronting the federal government. The administration's critics and its defenders suspect each other of motives less civic-minded than an honest search for answers, impairing our own and the public's ability to arrive at fair conclusions about what went wrong and how to repair it.

This is all the more reason to consider empaneling an independent commission of trust-worthy, experienced statesmen who, if not entirely devoid of partisan loyalties, are sufficiently removed by time and wisdom from the appeal of such loyalties to know when they conflict with the national interest.

Give them complete access to all intelligence reports and internal documents with arguable relevance to their inquiry, and charge them with rendering a judgment about who failed and why in this administration and its predecessors, as well as in Congress, and with recommending appropriate remedies to guard against a recurrence.

An independent inquiry will not impose a serious burden on the administration as it prosecutes our just war against terrorism, any more than a similar inquiry after Pearl Harbor impeded Franklin D. Roosevelt's prosecution of World War II. Nor should it prevent members of Congress, the press or any American citizen from questioning or criticizing the government's apparent failures before and after President Bush's inauguration. All wars and national security failures have occasioned contemporaneous criticism, and the Republic has managed to thrive.

It is irresponsible in a time of war, or any time for that matter, to attack or defend unthinkingly or because partisan identification is one's supreme interest. But it is not responsible or right to shrink from offering thoughtful criticism when and to whom it is due, and when the consequences of incompletely understanding failures of governance are potentially catastrophic. On the contrary, such timidity is indefensibly irresponsible especially in times of war, so irresponsible that it verges on the unpatriotic.

[From Newsweek, May 27, 2002]

WHAT WENT WRONG

(By Michael Hirsh and Michael Isikoff)

Forget James Bond. Intelligence gathering is more like taking a metal detector to the city dump. So much comes in, rumor, hearsay, disinformation, so little of it more than trash: once in a blue moon an agent-prospector may get lucky. But even then an agent's warning is likely to be dismissed as what Condoleezza Rice last week called ''chatter.'' ''There's always TMI—too much information,'' says former CIA agent Milt Bearden. Often agents poke fun at the sometimes obsessive quirks of their colleagues. ''If a confidential memorandum comes from a guy out in, say, Phoenix, the first thing that goes up the line is, 'That's Harry again. He's like a broken clock twice a day','' one ex-agent says. Even today, long after 9–11, streams of new threats pass unnoticed through Washington. In recent weeks, for instance, the FBI has gotten specific threats about a car- or truck-bomb attack on an ''all-glass'' building near the U.S. Capitol, and another threat against a Celebrity cruise ship off Florida. Neither was corroborated, or publicized.

Yet every now and then, amid the piles of dross, a nugget of pure gold turns up in intel files. The key for American national security—now and into the future—is to know it when we see it. Back in July 2001, Bill Kurtz and his team hit pay dirt, and no one seemed to care. A hard-driven supervisor in the FBI's Phoenix office, Kurtz was overseeing an investigation of suspected Islamic terrorists last July when a member of his team, a sharp, 41-year-old counterterrorism agent named Kenneth Williams, noticed something odd: a large number of suspects were signing up to take courses in how to fly airplanes. The agent's suspicions were further fueled when he heard that some of the men at the local Embry-Riddle Aeronautical University were asking a lot of questions about airport security.

Kurtz, who had previously worked on the Osama bin Laden unit of the FBI's international terrorism section, was convinced he and his colleagues might have stumbled on to something bigger. Kurtz's team fired off a lengthy memo raising the possibility that bin Laden might be using U.S. flight schools to infiltrate the country's civil-aviation system. ''He thinks of everything in terms of bin Laden,'' one colleague recalled. The memo outlined a proposal for the FBI to monitor ''civil aviation colleges/universities around the country.''

Williams, the agent who sniffed out the link, was described by one former colleague as a ''superstar,'' a former SWAT sniper and family man who coaches Little League and, in 1995, helped track down Michael Fortier, Timothy McVeigh's former Army buddy. ''Anything he says you can take to the bank,'' says former agent Ron Myers.

But little of that seemed to make a difference back in Washington, where the Kurtz team suffered a fate even worse than Cassandra's: not only were they not believed, they were ignored altogether. The FBI was concerned about racial profiling. Moreover, it wasn't used to gather intelligence, especially domestically, given American sensitivities about intrusive government and civil liberties. Its intelligence-assessment system was almost laughably antiquated. And under Attorney General John Ashcroft, the department was being prodded back into its old law-and-order mind-set: violent crime, drugs, child porn. Counterterrorism, which had become a priority of the Clintonites (not that they did a better job of nailing bin Laden), seemed to be getting less attention. When FBI officials sought to add hundreds more counterintelligence agents, they got shot down even as Ashcroft began, quietly, to take a privately chartered jet for his own security reasons.

The attorney general was hardly alone in seeming to de-emphasize terror in the young Bush administration. Over at the Pentagon, new Defense Secretary Donald Rumsfeld elected not to relaunch a Predator drone that had been tracking bin Laden, among other actions. In self-absorbed Washington, the Phoenix memo, which never resulted in arrests, landed in two units at FBI headquarters but didn't make it to senior levels. Nor did the memo get transmitted to the CIA, which has long had a difficult relationship with the FBI—and whose director, George Tenet, one of the few Clinton holdovers, was issuing so many warnings that bin Laden was ''the most immediate'' threat to Americans he was hardly heeded any longer.

Last week the tale of the missed signal from Phoenix became, for thousands of families of 9–11 victims, yet another tendril of pain stemming from that day. Indeed, it was part of a whole summer of missed clues that, taken together, seemed to presage the terrible September of 2001. The same week in early July that Kurtz and his team were dispatching their memo, the White House acknowledge for the first time, Bush was privately beginning to worry about the stream of terror warnings he was hearing that summer, most of them aimed at U.S. targets abroad. On July 5, five days before the Phoenix memo, Bush directed Rice to figure out what was going on domestically. A month later, America learned for the first time last week—nine months after the attacks—Bush received a ''presidential daily brief'' in Crawford, Texas, that mentioned the possibility of an airline hijacking as a domestic threat. The Aug. 6 briefing was only ''an analytic report that talked about [bin Laden's] methods of operation, talked about what he had done historically,'' rice said in a hastily called conference to contain the damage from the news.

Because Bush has long insisted he had no inkling of the attacks, the disclosures touched off a media stampede in a capital long deprived of scandal. The fact that the nation's popular war president might have been warned a little over a month before September 11—and that the supposedly straight-talking Bushies hadn't told anyone about it—opened up a serious credibility gap for the first time in the war on terror.

There were, in fact, failures at every level that summer: from the shortcomings in the law-enforcement trenches—the FBI's poor record at domestic surveillance, the CIA's poor record at infiltrating Islamic groups and the lack of cooperation between the two agencies—to the fixed strategic mind-set of the Bush administration. Between the claims by the FBI and CIA that they did't get enough information and the White House's insistence that it didn't receive any reports—''He doesn't recall seeing anything,'' Rice said when asked if Bush had read the Phoenix memo—the buck seems to be stopping nowhere. ''If I were an average citizen, I'd be pissed at the whole American government,'' says a senior official who has worked on counterterrorism.

The question is not so much what the president knew and when he knew it. The question is whether the administration was really paying much attention. Terrorism is by nature stealthy and hard to crack, even in the face of the most zealous efforts to thwart it. What Americans should be asking is why the Bush administration in its first eight months, like the Clinton admiration for much of its eight years, did not demand the intelligence cooperation that was needed. At issue is not whom to blame for the past, but how to learn from it to safeguard our future.

The fact is, in a nation that prices itself on its mastery of the Information Age, almost no one in the U.S. government seemed to know what anyone else was doing. Even as what Rice called ''major threat spikes'' began to appear on Washington's . . .

In any case, few Americans seem to be in the mood any longer for more-of-the-same from Washington. September 11 has often been compared to Pearl Harbor as a fault line between a complacent and war-ready America. And, like Pearl Harbor, questions about whether it could have been prevented will forever haunt us. To give the Bush administration some credit, no government in modern history has every predicted a major surprise attack. Britain and France missed the Blitzkrieg in 1940. The Germans missed D-Day in June 1944. And everyone missed Iraq's invasion of Kuwait in August 1990.

Even so, it's too simple to say that postmortems now are somehow unfair or unpatriotic in ''wartime America.'' The latest revelations could open up a Pandora's box of questions about the administration's pre-9–11 performance on terror—questions with complicated and interesting roots.

By the end of the Clinton administration, the then national-security adviser Sandy Berger had become ''totally preoccupied'' with fears of a domestic terror attack, a colleague recalls. True, the Clintonites had failed to act decisively against Al Qaeda, but by the end they were certain of the danger it posed. When, in January 2001, Berger gave Rice her handover briefing, he covered the bin Laden threat in detail, and, sources say, warned her: ''You will be spending more time on this issue then on any other.'' Rice was alarmed by what she heard, and asked for a strategy review. But the effort was marginalized and scarcely mentioned in ensuing months as the administration committed itself to other priorities, like national missile defense (NMD) and Iraq.

John Ashcroft seemed particularly eager to set a new agenda. In the spring of 2001, the attorney general had an extraordinary confrontation with the then FBI Director Louis Freeh at an annual meeting of special agents in charge in Quantico, Va. The two talked before appearing, and Ashcroft laid out his priorities for Freeh, another Clinton holdover (though no friend of the ex-president's),

''basically violent crime and drugs,'' recalls one participant. Freeh replied bluntly that those were not his priorities, and began to talk about terror and counterterrorism. ''Ashcroft didn't want to hear about it,'' says a former senior law-enforcement official. (A Justice Department spokeswoman hotly disputed this, saying that in May Ashcroft told a Senate committee terrorism was his ''highest priority.'')

That was unfortunate, because Freeh, despite his late-tenure interest in global terrorism, had left behind an FBI that badly needed fixing, especially its antiquated evidence-gathering methods. So fouled up is the FBI's communications system that it is almost impossible for agents to send classified e-mails to another agency like the CIA; the effect is that little is shared.

It wasn't that Ashcroft and others were unconcerned about these problems, or about terrorism. But the Bushies had an ideological agenda of their own. At the Treasury Department, Secretary Paul O'Neill's team wanted to roll back almost all forms of government intervention, including laws against money laundering and tax havens of the kind used by terror groups. At the Pentagon, Donald Rumsfeld wanted to revamp the military and push his pet project, NMD. Rumsfeld vetoed a request to divert $800 million from missile defense into counterterrorism. The Pentagon chief also seemed uninterested in a tactic for observing bin Laden left over from the Clinton administration: the CIA's Predator surveillance plane. Upon leaving office, the Clintonites left open the possibility of sending the Predator back up armed with Hellfire missiles, which were tested in February 2001. But through the spring and summer of 2001, when valuable intelligence could have been gathered, the Bush administration never launched even an unarmed Predator. Hill sources say DOD didn't want the CIA treading on its turf.

And while most of the current controversy is about what America didn't do defensively, Rumsfeld and Bush didn't take the offensive, either. Upon entering office, both suggested publicly that the Clinton administration left America with a weak image abroad. The day after the Oct. 12, * * *

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. WILSON) is recognized for 5 minutes.

(Mr. WILSON of South Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

(Mr. GEKAS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations and budgetary aggregates established by H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002. My authority to make these adjustments is derived from Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83.

As reported to the House, H.R. 4775, a bill making supplemental appropriations for fiscal year 2002, includes emergency-designated appropriations. The total amount of emergency-designated appropriations included in the reported bill is $29,432,000,000. Outlays flowing from those appropriations total $8,466,000,000 in fiscal year 2002. Under the provisions of both the Budget Act and the budget resolution, I must adjust the 302(a) allocations and budgetary aggregates upon the reporting of a bill containing emergency appropriations.

Accordingly, I hereby increase the 302(a) allocation for fiscal year 2002 to the House Committee on Appropriations to $735,432,000,000 in new budget authority and $736,420,000,000 in outlays. I also increase the budgetary aggregates for fiscal year 2002 to $1,708,604,000,000 in new budget authority and $1,653,073,000,000 in outlays.

Section 2 of House Resolution 428 provided that House Concurrent Resolution 353, as adopted by the House, shall have force and effect in the House as though Congress has adopted a concurrent resolution on the budget. That section also directed me to submit for printing in the Congressional Record: (1) allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 under a concurrent resolution on the budget; (2) accounts identified for advance appropriations, referred to in section 301(b) of House Concurrent Resolution 353; and (3) an estimated unified surplus, referred to in section 211 of such concurrent resolution.

The attached tables, which I submit for printing in the CONGRESSIONAL RECORD as directed, provide the required information.

Allocations of Spending Authority to House Committees: Appropriations Committee, 2003

[In millions of dollars]

General Purpose:[1]	
BA	746,174
OT	738,992
Highways:[1]	
BA	.....
OT	27,581
Mass Transit:[1]	
BA	.....
OT	6,030
Conservation:[1]	
BA	1,922
OT	1,872
Total Discretionary Action:	
BA	748,096
OT	774,475
Current Law Mandatory:	
BA	350,116
OT	353,319

[1] Shown for display purposes only.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES: COMMITTEES OTHER THAN APPROPRIATIONS

[By fiscal year in millions of dollars]

	2003	2004	2005	2006	2007	Total 2003–2007	Total 2003–2012
Agriculture Committee:							
Current Law Base:							
BA	36,573	35,545	34,841	34,241	34,889	176,089	n.a.
OT	33,247	33,726	32,788	32,283	32,885	164,929	n.a.
Discretionary Action:							
BA	7,825	7,604	7,198	7,249	7,141	37,017	n.a.
OT	7,271	7,019	6,688	6,727	6,774	34,479	n.a.
Total:							
BA	44,398	43,149	42,039	41,490	42,030	213,106	n.a.
OT	40,518	40,745	39,476	39,010	39,659	199,408	n.a.
Armed Services Committee:							
Current Law Base:							
BA	76,090	78,358	80,609	83,134	85,779	403,970	n.a.
OT	75,258	77,722	80,228	82,780	85,466	401,454	n.a.
Discretionary Action:							
BA	516	652	1,025	1,605	2,006	5,804	n.a.
OT	516	652	1,025	1,605	2,006	5,804	n.a.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES: COMMITTEES OTHER THAN APPROPRIATIONS—Continued

[By fiscal year in millions of dollars]

	2003	2004	2005	2006	2007	Total 2003–2007	Total 2003–2012
Total:							
BA	76,606	79,010	81,634	84,739	87,785	409,774	n.a.
OT	75,774	78,374	81,253	84,385	87,472	407,258	n.a.
Committee on Education and the Workforce—Current Law Base:							
BA	4,633	4,325	4,709	4,885	5,066	23,618	n.a.
OT	3,264	3,172	3,475	3,604	3,744	17,259	n.a.
Energy and Commerce Committee:							
Current Law Base:							
BA	10,248	10,017	11,164	11,498	12,503	55,430	n.a.
OT	11,401	11,496	11,562	11,871	11,881	58,211	n.a.
Discretionary Action:							
BA	95	285	606	801	922	2,709	n.a.
OT	59	272	598	798	922	2,649	n.a.
Total:							
BA	10,343	10,302	11,770	12,299	13,425	58,139	n.a.
OT	11,460	11,768	12,160	12,669	12,803	60,860	n.a.
Financial Services Committee—Current Law Base:							
BA	7,985	8,428	8,249	8,053	8,574	41,289	n.a.
OT	2,696	1,578	541	−165	−344	4,306	n.a.
Government Reform Committee—Current Law Base:							
BA	66,536	69,943	73,568	76,706	79,236	365,989	n.a.
OT	66,527	68,971	72,573	75,714	78,253	361,038	n.a.
Committee on House Administration—Current Law Base:							
BA	82	85	85	82	81	415	n.a.
OT	37	161	18	14	14	244	n.a.
International Relations Committee—Current Law Base:							
BA	10,069	10,390	10,705	10,952	11,287	53,403	n.a.
OT	10,075	10,127	10,364	10,591	10,864	52,021	n.a.
Judiciary Committee—Current Law Base:							
BA	6,404	5,133	5,116	5,092	5,112	26,857	n.a.
OT	5,763	5,613	5,281	5,148	5,180	26,985	n.a.
Resources Committee:							
Current Law Base:							
BA	2,537	2,430	2,371	2,394	2,392	12,124	n.a.
OT	2,471	2,313	2,052	2,297	2,154	11,287	n.a.
Discretionary Action:							
BA	0	113	498	89	0	700	n.a.
OT	0	113	498	89	0	700	n.a.
Total							
BA	2,537	2,543	2,869	2,483	2,392	12,824	n.a.
OT	2,471	2,426	2,550	2,386	2,154	11,987	n.a.
Science Committee—Current Law Base:							
BA	143	20	17	17	18	215	n.a.
OT	147	102	56	29	24	358	n.a.
Small Business Committee—Current Law Base:							
BA	3	2	1	1	1	8	n.a.
OT	−238	−88	−32	−30	−28	−416	n.a.
Transportation and Infrastructure Committee:							
Current Law Base:							
BA	54,029	51,640	50,234	50,657	50,932	257,492	n.a.
OT	14,910	12,014	10,429	10,651	10,774	58,778	n.a.
Discretionary Action:							
BA	0	4,369	4,369	4,369	4,369	17,476	n.a.
OT	0	0	0	0	0	0	n.a.
Total:							
BA	54,029	56,009	54,603	55,026	55,301	274,968	n.a.
OT	14,910	12,014	10,429	10,651	10,774	58,778	n.a.
Veterans' Affairs Committee—Current Law Base:							
BA	1,629	2,055	2,543	3,082	3,633	12,942	n.a.
OT	1,570	1,999	2,590	3,065	3,431	12,655	n.a.
Ways and Means Committee:							
Current Law Base:							
BA	643,804	661,849	684,591	701,838	727,703	3,419,785	n.a.
OT	645,017	661,964	684,461	701,118	727,005	3,419,565	n.a.
Discretionary Action:							
BA	2,203	858	1,280	1,639	1,875	7,855	n.a.
OT	174	853	1,231	1,660	1,943	5,861	n.a.
Total:							
BA	646,007	662,707	685,871	703,477	729,578	3,427,640	n.a.
OT	645,191	662,817	685,692	702,778	728,948	3,425,426	n.a.
Current Law Base, Medicare:							
BA	174,977	180,768	193,068	197,062	211,086	2,224,058	n.a.
OT	174,843	181,045	192,994	196,851	211,379	2,223,844	n.a.
Discretionary Action:							
BA	0	na.a	n.a.	n.a.	n.a.	n.a.	0
OT	0	n.a.	n.a.	n.a.	n.a.	na.a	0
Total:							
BA	174,977	180,768	193,068	197,062	211,086	n.a.	2,224,058
OT	174,843	181,045	192,994	196,851	211,379	n.a.	2,223,844
MEMORANDUM: Estimated Unified Surplus Under Section 211	51,414	n.a.	n.a.	n.a.	n.a.	764,402	n.a.

n.a.=not applicable.

STATEMENT OF FY2004 ADVANCE APPROPRIATIONS UNDER SECTION 301 OF H. CON. RES. 353

Interior Subcommittee: Elk Hills (89 5428 02 271).

Labor, Health and Human Services, Education Subcommittee: Employment and Training Administration (16 0900 01 501); Education for the Disadvantaged (91 0900 01 501); School Improvement (91 1000 01 501); Children and Family Services [head start] (75 1536 01 506); Special Education (91 0300 01 501); and Vocational and Adult Education (91 0400 01 501).

Transportation Subcommittee: Transportation (highways; transit; Farley Bldg.).

Treasury, General Government Subcommittee: Payment to Postal Service (18 1001 01 372).

Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals (86 0319 01 604).

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

82ND AIRBORNE BIRTHDAY AND MEMORIAL DAY

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.

Mr. HAYES. Mr. Speaker, this week, an incredibly brave fighting force will mark its 86th birthday. This fighting unit is the 82nd Airborne Division, which is based at Fort Bragg, North Carolina. As the U.S. Congressman for the Eighth District of North Carolina, I am honored to represent these troops and the many others that serve in the Eighth District in North Carolina.

In 1917, the 82nd was designated as an infantry division, but became airborne in World War II. As the United States first airborne unit, they have been serving with this distinction ever since.

One of the most impressive aspects of the 82nd is their rapid response ability. They can be packed and en route and ready for battle within 18 hours of being called up to duty. I have met with members of the 82nd and seen them in action during their training exercises. If you have any doubt, let me assure you, you want these guys on your side.

We live in an uncertain world, a world made even more uncertain by the tragic events of September 11. But in this world of uncertainty, there are a couple of things we can count on. One is when the Commander in Chief calls, the men and women of the 82nd Airborne Division are ready to answer that call.

Throughout the storied history of the 82nd Airborne Division, brave young patriots have stood in the breach and sacrificed anything necessary to defend freedom throughout the world. They were among the first units put on the alert after the terrorist attacks of September 11. 3,000 Members of the 82nd have recently been activated to head to Afghanistan. A commander of the 82nd Airborne, General Dan McNeill, will head the new joint task force and will consolidate operations in Afghanistan under one umbrella. I have full faith that those members of the 82nd that will accompany him will serve honorably and effectively.

North Carolina, particularly the Eighth District, has long played a key role in our Nation's military forces. Fort Bragg is one of the premier military installations in the world. Some of our finest military personnel are stationed there. As a matter of fact, when President Bush wanted to say thank you to our troops, Fort Bragg is where he went to say thanks.

Pope Air Force Base, which I visited a few weeks ago, is another important installation. The odds are pretty good that if the U.S. is involved in a military action, then troops from Fort Bragg and Pope are probably going to be there on the front lines.

In addition to celebrating the 82nd birthday, this week is All American Week in Fayetteville, and Memorial Day is just around the corner. These occasions give us reason to celebrate the tremendous job that all our armed forces are doing in waging the war on terrorism.

I would like to take a moment to commend some other units from North Carolina that have played an important role in Operation Enduring Freedom. National Guardsmen from across the Eighth District have helped to secure our airports and participated in other homeland defense activities here in North Carolina.

The 145th Air Wing of the North Carolina National Guard, based out of Charlotte, has been flying over the skies of Afghanistan. The 211th Military Police Unit has been helping to guard prisoners in Afghanistan awaiting transfer to Guantanamo. The 263rd Combat Communications Squadron has recently returned to Stanley County after serving in Qatar.

While we are on the subject of the Eighth District military personnel who are serving with distinction, I should also note that Andrea Quillen was recently named as Airman of the Year. While Airman Quillen is currently serving in South Carolina, she is a native of Fayetteville, and another reason we recognize our North Carolina military pride.

Since 1868, when Memorial Day was first established, more than half a million soldiers have died in the course of serving in major wars to defend our freedom. This Memorial Day, May 27, at 3 p.m., the President is encouraging all Americans to take a moment to remember the men and women of our armed forces who have made the ultimate sacrifice for the liberty that we cherish.

I encourage you all to remember these troops and their families in your daily prayers. I think we can all agree that this is more important than ever before as Memorial Day 2002 approaches. Next time you see a soldier, sailor, airman, or Marine, tell him or her thank you for their service. If the individual is a member of the 82nd, you might want to add ''G.I. gravy, G.I. corn, sure am glad that I'm airborne.''

□ 2215

WORLD BANK PLANS MORE LOANS TO IRAN

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, yesterday evening I came to the floor to bring up a subject that has gotten far less attention than it deserves. And that is the plan of the World Bank, an organization funded substantially with your tax dollars in mind, to lend up to $755 million to the Islamic Republic of Iran.

Last night I put into the RECORD of this House an article that was published by the Dow Jones International News that reviewed the facts, and I would like to review that article with you tonight along with some additional commentary.

The article begins: ''The World Bank undeterred by President George W. Bush's condemnation of Iran as part of the axis of evil, undeterred by the fact that it is arming itself to threaten a peaceful world, the World Bank is pressing ahead with a plan that would provide as much as $755 million in loans to that government over the next 2 years.''

Mr. Speaker, there are a few apologists for the government in Iran who note that there are reformers who play front roles, a president of Iran who exercises no power, it is almost an honorary position, who claims to have different views than those actually carried out by the government. But the reports of the American State Department say that reformers have been silenced, that there are public executions, public floggings which increased last year. And just on Monday the State Department announced that Iran is the number one governmental sponsor of terrorism.

Now, in January President Bush identified Iran as a key threat to American security. But as he was doing that, a team of bank directors from the World Bank returned from a visit to Tehran, and they made a clear recommendation to the bank, ''deeper and faster involvement in Iran.'' That is the quotation attributed to Jean-Louis Sarbib, the bank's vice president for Middle Eastern and North African affairs.

Now, the bank staff is reported by the Dow Jones International News to be planning first a loan of $150 million by the end of this year, and then as an element of a tentative plan, endorsed already by the bank's board of directors, the bank would proceed with up to $755 million to Iran in fiscal years 2002 and 2003.

Now, keep in mind the United States contributes 29 percent of the World Bank's capital. We are given only 16 percent of the World's votes. But do not believe that our 16 percent of votes will be sufficient to block this loan, because 2 years ago the World Bank over America's strenuous objections loaned $232 million to Iran. And let us not believe that this is just for humanitarian purposes. Because as the article continues, and I am quoted in the article as saying, and I think I said it right, ''The government of Iran will engage in the minimum domestic expenditures necessary to cling to power. Whatever is left over they are going to spend on terrorism and nuclear weapons.'' When the World Bank finances those minimum amounts of expenditure that the Iranian Government needs to hold on to power, it is freeing up oil revenues for terrorism and for a nuclear weapons program. It will certainly not be sufficient for us to do business as usual and to simply vote against these loans.

That is why, Mr. Speaker, I hope that others will join me in crafting legislation that I am working on now and will present to this House just as soon as we return from Memorial Day. And under that legislation we would draw a line in the sand and tell the World Bank

that if they approve any additional loans to Iran that no additional American money would be given to that bank.

We are planning to give them $877 million. We should not give them a penny after any day when they approve a loan to Iran.

TRANSFER OF CHINESE MISSILE TECHNOLOGY TO PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would like to take the opportunity on the House floor this evening to express my concerns regarding the continued transfer of missile technology from China to Pakistan. The Bush administration has reported that the transfer of this highly sensitive information persists even today.

Mr. Speaker, in May 1996, China pledged to not provide technological assistance to nuclear facilities in countries such as Pakistan, where such facilities are not safeguarded. However, Chinese authorities did not effectively ban technology transfers which continued to take place after May of 1996.

In November 2000, China entered into an agreement with the Clinton administration that prohibited China from transferring missiles or missile technology to specifically Pakistan. Apparently, missile technology transfers continued even after this specific prohibition.

Mr. Speaker, what concerns me is that John Bolton, Undersecretary of State for Arms Control and Security has said that the Bush administration's policy on the illegal export of missile technology from China to Pakistan has not changed since the Clinton administration, which on November 21, 2000 imposed sanctions on Pakistan for engaging in missile technology proliferation activities with China. But from my understanding, the Bush administration has already waived substantially all of the missile technology control regime sanctions previously imposed against Pakistan citing the authority of S. 1465, which provided the President with increased flexibility in the exercise of his waiver authority with respect to Pakistan.

I am extremely disappointed that the Bush administration would publicize that its policy has not changed since the Clinton administration, even though the opposite is true and that the Clinton prohibition was recently waived under President Bush's authority.

In addition, I cannot emphasize strongly enough how important it is that missile technology transfers from China to Pakistan be terminated. The current political situation in Pakistan is extremely unstable given their military dictator Musharraf's standing as president and the escalating conflict in Kashmir. Further, there are reports that Osama bin Laden, members of al Qaeda and the Taliban may have shifted into Pakistan. Bin Laden has been known to confer with nuclear scientists in the past. And it is imperative that no further missile or nuclear technology information be filtered into Pakistan for fear of the information getting into deadly hands.

Mr. Speaker, the administration has the authority to reauthorize the prohibition of November 2000 that mandates China not transfer missiles or missile technology to Pakistan. I sent a letter to President Bush today, which I would like to include in the RECORD, Mr. Speaker, requesting that the prohibition be put back in place. The letter is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 22, 2002.

Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: I would like to take this opportunity to express to you my concerns regarding the continued transfer of missile technology from China to Pakistan as reported by your administration.

In May 1996, China pledged to not provide technological assistance to nuclear facilities in countries such as Pakistan, where such facilities are not safeguarded. However, Chinese authorities did not effectively ban technology information transfers, which continued to take place after May 1996.

In November 2000, China entered into an agreement with the Clinton Administration that prohibited China from transferring missiles or missile technology to specifically Pakistan. Apparently, missile technology transfers continued even after this specific prohibition.

What concerns me is that John R. Bolton, Undersecretary of State for Arms Control and Security, has stated that your administration's policy of the illegal export of missile technology from China to Pakistan has not changed since the Clinton administration, which on November 21, 2000, imposed sanctions on Pakistan for engaging in missile proliferation activities with China. From my understanding, however, your administration has already waived substantially all of the MTCR sanctions previously imposed against Pakistan, citing the authority of S. 1465, which provided the President with increased flexibility in the exercise of his MTCR waiver authority with respect to Pakistan.

I am disappointed that your administration would publicize that its policy has not changed since the Clinton administration even though the opposite is true and that the Clinton prohibition was waived under your authority. In addition, I cannot emphasize strongly enough how important it is that missile technology transfers from China to Pakistan be terminated. The current political situation in Pakistan is extremely unstable given their military dictator Pervez Musharraf standing as President and the escalating conflict in Kashmir. Further, there are reports that Osama bin Laden, members of Al-Qaeda and the Taliban may have shifted into Pakistan. Bin Laden has been known to have conferred with nuclear scientists in the past and it is imperative that no further missile or nuclear technology information be filtered into Pakistan for fear of the information getting into deadly hands.

Your administration has the authority to reauthorize the prohibition of November 2000 that mandates China not to transfer missile or missile technology to Pakistan. This is a matter of not only security in the South Asia region, but is a national security concern as well. Reinstating this prohibition is the only means to ensuring that the transfer of information will be terminated and that China will in fact put in place punitive measures towards companies that continue to attempt to provide information illegally to China. Therefore, I respectfully request that you use your authority to reauthorize the prohibition on missile technology transfers from China to Pakistan.

Thank you for your consideration.

Sincerely,

FRANK PALLONE, Jr.

Mr. Speaker, this is a matter of not only security in the South Asia region but is a national security concern as well.

Reinstating this prohibition is the only means to ensure that the transfer of information will be terminated and that China will, in fact, put in place punitive measures towards companies that continue to attempt to provide information illegally to Pakistan.

SUPPLEMENTAL APPROPRIATIONS 2002 IS NOT FISCALLY RESPONSIBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, even though the hour is late, I appreciate your courtesy.

Mr. Speaker, we have heard on the floor this evening why the supplemental appropriations bill before us is not fiscally responsible. We have heard how we are not having an honest vote or even vigorous debate on key issues like raising the debt ceiling and what we are going to do with Social Security.

People who have listened to the debate so far this evening have heard how this bill is setting the stage to surreptitiously increase the debt limit. Remember a year ago, the administration predicted we would not need a debt limit increase until the year 2008. Now after $4 trillion has disappeared from the expected surpluses, now we are going to continue to increase the Nation's debt instead of honestly assessing proposals dealing with the ongoing tax cuts and domestic spending program.

We have heard how all the funds that are available for the debt limit increase must come directly from Social Security and Medicare trust funds. And we have heard that the interest payments on this mounting debt are estimated to increase over $1 trillion over the next decade above what was projected just a year ago.

But, Mr. Speaker, I am most concerned and it is something that is going to be buried in terms of legislative consideration, about the signal that the Congress is sending by its efforts to legislate in the supplemental appropriations found in areas dealing with the environmental policies of this

country. There will be a proposal that we will have buried in this provision that would exempt the Department of Defense from environmental regulations having to do with water consumption off the immediate adjacency of the properties under control of the Secretary of the Defense, but nonetheless directly affected by it.

I find it sad, because I have long argued on this floor and in communities around the country, that the most effective way to enhance the environment is not passing new rules and regulation, taxes and fees. The most powerful tooling to protect the environment is for the Federal Government to simply lead by example, to model the behavior that we expect from the rest of America.

Here we have a provision that would exempt the largest manager of infrastructure in the world and one, sadly, with a decidedly mixed environmental record, from compliance with its environmental responsibilities. The latest count shows that there are about 150 Department of Defense facilities on the Superfund national priority list and another five proposed for listing. Indeed, I think we can safely assume that the Department of Defense is the largest Superfund polluter in the United States. The last thing we want to do is to grant this important Federal agency with vast environmental impact, sweeping exemption from environmental laws, at least without going through the appropriate legislative process involving the stakeholders having an honest debate with the American public. Yet that is exactly what we are given under this supplemental.

The exemption provision in this bill would not only do irreparable damage to an important eco-system in Arizona, and that is the purpose of this amendment, to deal with the San Pedro River which is slowly being dewatered because of the impacts of the Department of Defense, but this sets a terrible precedent for the effects of the Department of Defense actions on the environment around the country.

Now, I would be the first to admit on occasion there must be accelerated decisions, shortcuts that are necessary for the sake of military necessity. We do not do an environmental impact statement for every bomb we drop, nor should we. However, it is embarrassing that what we are doing today with this provision is to relieve a Department of responsibility for its foreseeable environmental impacts which are under the control of the Department.

The amendment is unwarranted and at the very least premature. Even the Government Accounting Office says the Department of Defense has not done the research and investigation necessary to determine whether such an exemption is justified.

Mr. Speaker, it is yet another example why this House should reject the supplemental appropriation that is coming before us.

□ 2230

RAISING THE DEBT CEILING

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from Texas (Mr. TURNER) is recognized for 5 minutes.

Mr. TURNER. Mr. Speaker, tonight the House began the debate on the supplemental appropriations bill, a bill that funds the war on terrorism and makes sure that our troops in the field have the necessary equipment and tools they need to win this war. Every Member of this House supports funding the war on terrorism. That is not what the debate was about tonight nor will it be what the debate is about tomorrow, as we continue to debate this supplemental.

The debate tonight was about a provision of the bill that the Republican leadership put in there that would allow an unlimited increase in the statutory debt ceiling. The statutory debt ceiling is a law that provides the maximum amount that our Federal Government can go into debt. It is one of the few tools that we have to promote fiscal responsibility and require fiscal discipline in this House.

The Democrats tonight stood up to tell the American people that we deserve to have an honest and open debate regarding this very critical issue. If we increase the national debt limit by $750 billion, as Secretary O'Neill has requested, we will be giving this Congress a blank check for uncontrolled spending for ever-increasing debt and for deficits.

It is wrong for us to ask the young men and women in uniform who are sacrificing tonight to fight this war against terrorism to be the very generation that comes home and pays the bills for this war.

The fundamental question before the House tonight was who is going to pay the bill for this war on terrorism. Are we going to pay it as the generation that is able to do so? Are we going to say to the young men and women in uniform, we will let them fight the war and then when they come home and when they are in their good income-earning years they can pay the debt for the war that they fought?

Democrats believe that is wrong. We believe it is wrong to hide an increase in the debt ceiling in this very important supplemental appropriation bill.

We must not use the Social Security trust fund, the American people's retirement fund, to pay for this war. We must not ask that we borrow money from the public to pay for this war. We believe that it is our responsibility today to pay for this war.

The patriotic thing to do as Americans is to be willing to sacrifice along with the men and women in uniform, and the sacrifice that we must pay is we must be willing to pay the bill.

At your house and mine and your business and mine, we understand what it means to balance the budget. We understand that when changed economic circumstances lower our income, that we have to make adjustments in our budget. We have to cut our spending, and if we need to borrow money, we establish a plan to pay it back. It should be no different in Washington. In Washington we also should pay the American people's bills.

Every Member of this Congress recognizes that the debt ceiling must be raised. In fact, as we speak tonight, Secretary O'Neill is using unusual emergency measures to keep the Federal Government from defaulting on its obligations, by using the retirement funds of Federal employees to prevent a default in Federal obligations.

Even after using every trick in the bag, the tricks will run out by the end of June and the debt ceiling must be raised, but Democrats believe that when we raise the debt ceiling we need at the same time to establish a plan to put us back into a balanced budget. Democrats have offered before the Committee on Rules amendments that would do that in a bipartisan way and those have been rejected.

In the first 7 months of this fiscal year, the Federal deficit is $66.5 billion. To give my colleagues a picture of how things have changed in Washington, if we go back just 1 year and look at what the budget looked like in the first 7 months of the last fiscal year, we had a surplus of $165 billion. After having 4 straight years of surpluses in the Federal budget, we are back into deficit spending, and we need a plan to get us back on the road to fiscal responsibility.

Our failure to balance the budget means that we are going to be using the Social Security trust fund to finance this war. That is wrong, and Democrats want a plan to get us back on the right track.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

(Ms. BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CELEBRATING TWO GREAT EVENTS OF HUMAN ACHIEVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, I come to the House today to celebrate 2 great events of human achievement that are both adjoined that we recently experienced, and those achievements are surrounding a fellow named Eric Lindberg

who is a constituent of mine from Indianola, Washington.

Eric's grandfather was Charles Lindberg, and on May 1 this year, Eric took off from New York in his plane called the New Spirit of St. Louis, a Lancair Columbia 300, and flying alone, 19 hours later, landed, as his grandfather did, at Le Bourget Airport in Paris. A significant event of human achievement, as was his grandfather, Charles Lindberg's, when he took off in his Ryan N-X–211 and landed in Le Bourget after 33 hours.

This is something our Nation appropriately honors Eric for, his achievement in honoring his grandfather, in making a solo crossing of the North Atlantic in a single engine plane, and for that we honor Eric. We honor his spirit. We honor his achievement, but that is really only part of his story of human achievement, and it is only part of the reason that he flew across the North Atlantic.

Because at age 21, and Eric is now 37, Eric started to develop rheumatoid arthritis that pretty well stove him in. It got so bad that a few years ago he really could not work or fly consistently. He had two artificial knee replacements, and he was having real significant problems, but he had some neighbors in the Puget Sound area working for a company called Immunex and those neighbors at the Immunex Corporation, who are now working with the Amgen Group, were working on a product they wanted to develop to help people with rheumatoid arthritis.

After about $350 million of investment and thousands and thousands of man-hours of a lot of my constituents, some who live on Bainbridge Island where I live, they developed a product called Enbrel. It is a self-injected product. It is what is called a TNF inhibitor. It is a man-made protein, and it works with the immune system to reduce the onset of the symptoms associated with rheumatoid arthritis.

About 2 years ago, Eric started to take Embro, and within 2 weeks he noticed a very significant change in his ability to walk around, get up and do the daily functions of life, and it allowed him, and he will tell my colleagues this because I talked to him today, it allowed him to train and work towards his goal of duplicating Charles Lindbergh's, his grandfather, flight across the Atlantic, which he successfully achieved on May 1.

It really is a story of 2 great spirits of human achievement, one his individual, one flying across the Atlantic in a single engine plane, and two, a group, one of people harnessing the creative genius of this country to develop a product like Enbrel to help Eric train for this particular endeavor.

So I would like to honor his achievement that he did; one, to recreate and celebrate the 75th anniversary of his grandfather's great achievement; two, to honor the future of medicine and to give a message of inspiration to the others tonight and today who may be having medical problems, who may be just an invention away of really getting a life change as Eric experienced.

I know that he wants America to be inspired by the achievements of Immunex and his personal achievement so that we can go forward to harness this creative genius, not only in aeronautics but in biotechnology. As we go forward in a way to try to make drugs available to people at an affordable price, we hope that we can find a way also to inspire people to continue this creative effort that my other constituents who live in the Puget Sound area of Seattle, Bothell, where some of the labs are located, they can be honored as well.

I may also note, too, Eric is associated with a group called the X Project which is a challenge project that has a $10 million reward for creative geniuses who can put 3 people in space with a privately funded vehicle and do it 2 weeks in a row, and we really appreciate his efforts to create an incentive to have a prize. As he told me, we have had great aeronautic advances either when we have a war or a prize and he is working to have this prize to give people some incentive to get privately into space.

So, again, I want to really commend Eric for his tremendous personal achievement, my friends in Immunex for helping him to make that achievement, and I hope this inspiration will help others go forward.

EDUCATION TAX CREDITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. SCHAFFER) is recognized as the designee of the majority leader for half the time remaining until midnight, 40 minutes.

Mr. SCHAFFER. Mr. Speaker, it is late here in Washington, but it is not too late to talk about children, and school children, to be even more specific about it. This is an important issue and an important topic. Education is one of the subject matters that I have focused on in my 6 years here in Congress. It is a topic that I devoted quite a lot of time to as a State legislator in Colorado in the 9 years before I came to Congress, something I take quite personally.

I have got 5 children of my own back home, and those that are of school age are in public school right now, and trying to find a way to improve America's education system has been pretty much a perpetual pursuit of mine and something I believe in very firmly and passionately, and I will be talking tonight about education tax credits, which is a central education issue that will be debated this year before the House of Representatives and the Senate also, and something that is very important to our President and, even more importantly, to people around the country.

I would like to invite any of our colleagues who may be monitoring this proceeding, if they are interested in the topic of education tax credits, I would be happy to yield a little time to them if they are inclined to participate.

Last August, President Bush came to Colorado. He came to my district, as a matter of fact. We went up to the mountains and visited Rocky Mountain National Park, and I had an opportunity to spend a little time with him in the motorcade talking about the issue of education. It is very important to our President, as we all know. It is a topic which he featured prominently in the course of his many campaign issues. It is a topic upon which he built a great record in the State of Texas, and that success, I think, captured the attention of Americans around the country and I believe figured prominently in the successful conclusion of his campaign for election of the presidency of the United States.

In that motorcade, the President and I discussed the topic of education tax credits. We did so because at the time the President's education proposal, the Leave No Child Behind proposal, which became known as H.R. 1, was still pending in the Congress, and to our chagrin, the both of us, the core element of that bill had been taken out by this House and, in fact, it was ripped out of the bill before the bill even had its first hearing. That core element was all about education choice, school choice, leaving at that point really 2 other elements, flexibility to States, and the second element, national testing, intact.

That school choice provision was something that was very important to the President, very important to me. So we talked about tax credits as the next strategy to try to compensate for the failure of the Congress to deliver that core element of the President's proposal for the Nation.

Education tax credits involve reducing the cost associated with paying taxes to those who will make a contribution to education, to those who are willing to invest in America's education system.

□ 2245

And our vision entails a contribution to America's education system in a way that does not discriminate between schools based on who happens to own them.

The vast majority of schools in America are owned by the government and owned in a monopoly structure when it comes to American schooling. That monopoly structure is something that is very heavily guarded, certainly by those who are employed and who are a part of the public education monopoly, but in too many cases that monopoly structure of service delivery abandons children, especially children who need education services the most.

Education tax credits are blind to the ownership of schools and, instead, focus on the children who want and deserve a quality education in America.

It, in effect, increases our likelihood as a Federal Government of leaving no child behind, a theme that is emblematic of the President's vision for education and is further amplified by this proposal of education tax credits.

So at the end of that conversation, we renewed our vows together to promote education choice, and this is what the President said. He said, ''We have to do this.'' That was August 14, 2001. And so these words have really inspired me to push hard in this Congress for education tax credits, and I am proud to say that as a result of the President's commitment that day, August 14, 2001, to support our efforts here in the House to move an education tax credit bill, our leadership here, our Speaker, our majority leader, our majority whip, and others, the chairman of our Committee on Education and the Workforce, and the chairman of our Committee on Ways and Means which deals with tax policy, have rallied around these words: ''We have to do this.''

That is not a statement of intentions with respect to just manipulating the Tax Code or doing something that we believe is important for improving schools. We have to do this because we really have changed the debate here in Washington and have led this country to a dramatic departure over where the education debate has led us over the previous 8 years, those years prior to President Bush taking office. And what I mean by that is that for 8 years, and really many, many years before that, the debates in this House with respect to education centered on the relationship between schools or school buildings, which ultimately came down to a debate and an argument over who owns these schools. So anything that was proposed in Washington or even in the 50 States that would help children who do not attend the government-owned monopoly schools was summarily dismissed by the education establishment here in Washington. And it is a large establishment, let me assure you.

But we are moving beyond all that by beginning to focus on children. And when we do that, if we focus on children first, one can only really come to this conclusion that when it comes to school choice and education tax credits, just as our President said, we have to do this. It is important to understand how education funding in America works today because it is a mammoth bureaucracy that funnels cash to children, and it does so in a very inefficient way.

This chart is really a description of the American education system managed by our government. This little guy at the top here is a carpenter and is representative of hardworking taxpayers around the country. They work hard to earn a living, and the government confiscates a certain portion of their wages in every paycheck as taxation. And these wages, or a portion of the wages, if you live in Colorado, are sent to Utah, from Utah they are sent to Washington, D.C., and they are collected by our Treasury Department. The Treasury Department, we find here, are the first to get their hands on the taxpayers' cash. They distribute these funds based on rules that are established by those of here in Congress, the politicians, and they are distributed through a variety of programs in the U.S. Department of Education.

There are some 760 different Federal education programs, and that number grows every year. Because regardless of whether Republicans or Democrats are in charge of our government, the size of this Department of Education grows at exponential proportions. So we just keep enacting program after program after program with the expectation and the lofty hope that these programs will help children.

Well, these funds then are distributed through these 760 Federal programs down to the States, typically. Sometimes directly to school districts, but primarily to States. At the State level more politicians, State legislators, redistribute those dollars and mingle them with State funds, and those are distributed through 50 State Departments of Education. Once those funds are distributed through the State Departments of Education, through their several programs, those dollars are given to school districts. Once those dollars go to school districts, there are more politicians who are in charge of redistributing those funds, elected school board members. Those elected school board members distribute those dollars way down here to schools in the district. Those schools are managed, of course, by principals and other administrators, finance people, and business managers. Those dollars get to classrooms and teachers distribute those funds on supplies and books and computers, depending on the perceived needs and priorities set by teachers. And eventually, way down here at the bottom, is the child, who we all say we care about.

The tragedy is, in order for this taxpayer to get his money to that child through the government-owned education system, it is necessary to funnel the dollars all the way through this process. It is a long, cumbersome process, and it is established on a centrally designed basis. I mean, we make these decisions here in Washington, D.C., and we attach strings and red tape to these education funds, and more strings and red tape are attached at the State level, and more restrictions are placed on these dollars at the local level.

So by the time the taxpayer's money gets to the child, what little is left of those dollars is really bound up in all these rules and regulations. And often, the further away we get from Washington, D.C., the less likely these dollars are spent in a way that helps the child. So what we are trying to accomplish here in Washington is to find a mechanism to bypass all of this.

Now, we cannot replace it. We have tried that. We have tried to shrink the size of this bureaucracy, to reduce the red tape, to reduce the rules, to reduce the regulations, to reduce the number of programs. But I concede that it is such a big task. The politics of education are some of the most vicious in America. The special interest groups that have organized around these different agencies are so dramatic and so powerful, they hire lobbyists and so on, and their goal really is to protect the system. The child down at the bottom and the taxpayer here up at the top soon become irrelevant.

So we are going to concede that this system, regardless of who is in charge of the government, is going to grow; and so we are not going to touch this. In fact, we are just resigned to the reality that this is going to continue to get more funding because people are comfortable with this in Washington, and we want to find a way to get around that.

Mr. Speaker, I would like to now yield to my colleague from Michigan, because he has the description of our answer to this.

Mr. HOEKSTRA. Well, Mr. Speaker, I think the other thing I want to reinforce with the chart my colleague was holding up is that that system not only exists for education, but we had a remarkable display of how powerful the system is last week when we tried to put more flexibility into the welfare system.

We were going to just move some control within that pyramid, moving control from Health and Human Services in Washington and actually moving some of the decision-making for how the money would be spent down to the State level, to help those people who need help by having decisions made as close to them as possible. And some folks just about shut down the House on the welfare reform debate because they said no way are we going to move decisions from Washington to somewhere else in this pyramid. Heaven forbid we move it closer to the people that actually would understand the kinds of concerns and the issues that people on welfare would have in their local State.

But we do have a proposal, a solution. The first thing that it does is it allows for more money to go into education. So we are not talking about taking some of the money that goes through that system and taking it out of it and redistributing it. As my colleague indicated, that is a sacred cow.

Mr. SCHAFFER. It sure is.

Mr. HOEKSTRA. That money is going to stay there. Matter of fact, it has been growing rapidly. It will probably continue to grow at a pace that is higher than the rate of inflation. And as my colleague well knows, as we have worked together on the subcommittee dealing with oversight on the Committee on Education and the Workforce, up until the last year or so the folks at the Department of Education here in Washington, who get $40 billion per year, could not even get a clean

audit. Tells you how much they think about the money.

But we have a better system, or an ancillary or companion system to that bureaucratic model, that bureaucratic model that funnels about $40 billion from Washington, trying to get it down to our children but losing about 30, 35 cents of every dollar, and that is what we call an education scholarship plan, or an education investment plan. This is where the taxpayer, the person making the living and contributing to growing the American economy, the person that really makes America special, the person who goes to work each and every day, that person having the capability of saying our public education system in our community is a great public education system, they have some special needs, and I want to give them some money.

So this person can write that public school, his local public school, where his kids go to school, where he knows the teachers' names, he knows the superintendent, knows the principal, and he says, these guys are really doing a good job, they want some more technology, or they have some special programs, they have some kids where English is a second language and they really need to help those kids, so I am going to give them $1,000. I am going to put it directly into that school, directly to my kids, or my neighbors kids; and I am going to help them out.

So this taxpayer gives them $1,000. And none of it gets siphoned off by bureaucracy. The taxpayer gets a tax credit for $500. So that system, that inverted pyramid the gentleman is holding up, where we start with the dollar from the taxpayer in Washington and it finally gets to the classroom where it has shrunk down to 65 cents, what we are doing here with this model is we are taking the dollar and actually growing it because we are giving a dollar tax credit for $2 of investment in education.

Or this individual can say, you know, I want to put this into an investment scholarship fund, an education scholarship fund where there are kids who, for whatever reason, are going to a different school, maybe another public school, where some States have it if a child goes to a public school that is outside of the geographic boundary where they live, they have to pay tuition to go to that school, so this taxpayer is going to give money to that scholarship fund for public school students who want to go to a school outside their district and they can get a scholarship to help pay their tuition.

This, by the way, is not a revolutionary idea. This has been implemented in a number of different States and it is putting new money into public education. It is putting money into these education investment funds so that kids, some kids will have the opportunity, who choose to do so, can go to private or parochial schools. We are also trying to find a way to make this system work for home schoolers. It is really kind of tough.

Today, it was kind of exciting. You know we talk about some of the kids that we have the opportunity to meet in our jobs. Today, we had a young man from Jenison, Michigan, Calvin McCarter, 4-foot-6, 10-year-old Calvin McCarter, who won the geographic bee today, being able to, I guess, take a look at that globe and identify places that some of us did not even know existed.

□ 2300

He is 10 years old. He is in the fifth grade. He was competing against eighth graders, up to eighth graders. He won the national geographic bee. His parents have chosen to home school him. So here is a home schooler. It is not costing the government any money to educate him. And his parents cannot receive any kind of a financial break to provide the resources and the materials that they would like to use to educate Calvin. Obviously they are doing a great job. Congratulations to Calvin, to his parents, to his older brother who I guess was his first geography teacher, but just an absolute testimony to the diversity of education models that we have in America today. We have got great public schools. We have great private and parochial schools. We also have a growing number of parents and adults who are choosing home schooling. What this system does is provide some kind of an education investment fund, it allows taxpayers to significantly increase the money that is going to education, but when they do that, these education dollars can flow to our public schools, they can flow to our private and parochial schools and can help our home schoolers out.

Mr. SCHAFFER. Here is the proposal right here, the draft resolution. We expect to introduce this in the first, maybe the second week of June when we return from our Memorial Day district work period. There is quite a lot of interest in this legislation already. Again, the way it works is every American who pays taxes will be able to get a tax credit up to $250, a 50 percent credit for every dollar they contribute to a public or private school, a public school directly under the way we have designed it or a scholarship fund that would be used by children to apply for a scholarship so they can attend private schools if they would want. There is also a corporate component that is really very essential in this legislation and that allows corporations to invest in America's education system as well, again with the incentive of a 50 percent tax credit.

The beauty of this from the government's perspective is how we stretch the dollars. When we spend a dollar through the bureaucratic model of education funding, again this is a $40-billion-a-year exercise in Washington. When we spend those $40 billion, only about two-thirds of those dollars ever make it to a child. The rest are lost in here somewhere. So we lose money investing through this system. The children are important, so we invest a lot because we know we are going to lose money, we want to make sure that of the $40 billion that we invest, that some fraction of that makes it down to the child.

But the education tax credit does just the opposite, because it is only a 50 percent tax credit. Let us be frank, it would be nice if it were a bigger tax credit, but 50 percent is what we built into our budget this year, which means for every dollar the government invests in education, every dollar we spend through this tax credit, two dollars end up going to a child somewhere in America.

Mr. HOEKSTRA. Really, we get three times the bang for our buck. Because when it goes through the system, it ends up with 60 cents. When you go with the tax credit model, you end up with $2 in your local classroom. Three times the 60, 65 cents, gets you to the two bucks. This is a much more effective way to invest in education.

The other thing is the model of the pyramid that you are outlining; there is a tremendous amount of accountability in there. Because when we in Washington give people some of their money back, we do not trust them to do exactly what they are supposed to do so we put together a whole set of rules and regulations telling these folks exactly how the money should be spent. And then once they spend the money at the local level, they have got to go back up the reporting chain to tell everybody that the thing we got the money for, that is what we actually spent it for. Of course then again the Federal Government will not believe them, so then we will send an auditor back to make sure the reports they sent back to us are exactly right. That is an inefficient model; but as we have said, that model is going to stay.

We want to come up with a companion piece where the accountability becomes the accountability directly between a local school, a scholarship fund and the taxpayer.

So for this individual who is very pleased or has been convinced that his local public school needs some help, writes them the check and finds out 6 months later or 9 months later that they have taken his money and that this fund they have put it in, they have squandered it, he does not write a check the next year.

Mr. SCHAFFER. In the current education model, the bureaucratic model here that is represented in this poster, accountability is really achieved on a sampling basis. The Treasury Department tries to make sure the Department of Education is spending its money the way it is supposed to, so it does audits and it samples certain programs and follows certain dollars. It cannot follow every single one of the $40 billion that are spent here. The U.S. Department of Education has to try to make sure the States are spending money right. They do not really audit

every single State. They choose a sample of them, and they sample a certain handful of programs. The States sample programs through the State departments and the schools.

So what happens is only a portion of the funds spent are really held accountable, that we really make sure those dollars reach a student. And even though it is a sample, it is still a nightmare for people involved in a system, especially the lower down this food chain you go. The principals at these schools, my goodness, they have got auditors and people coming in all the time from all these different levels of government to try to make sure the money is spent right, but even that is just a sample.

But with tax credits, the auditing is not a sample, it is not a fraction, it is not just a portion of the dollar spent. It is 100 percent when it comes to the dollars spent. The reason is because rather than one agency spending cash, one body of politicians, the Congress, spending the money, 50 State Governors and legislators, we magnify the accountability by tens of thousands.

Mr. HOEKSTRA. The beauty of this system, and the example that I used is probably wrong because I said if a local public school squanders that money and does not use it wisely, they will not get the check the next time. I think what would happen, I think what we would expect to happen, is because of the close connection that our public schools have to their communities, that when they get these dollars for a specific cause, such as in my hometown they want to rebuild or renovate the performing arts center, I think they could raise the money for it through this process, both through corporate and private gifts. I think they would do a whale of a job working with our local contractors to have that thing come in on budget, we would end up with a beautiful facility, it would be great for the kids and maybe the next year if they do not have something or maybe in 2 years they have got another need, they will go back to our community and when the community sees the investment that they are making in our kids, that they are spending the money wisely, these people will ante up again and they will give them a check the second time.

Mr. SCHAFFER. What you see here in the United States now through the bureaucratic model is the schools that are the worst failures, they get more cash. In fact the worse they do the more money they get, it seems like. This is a terrible model. The reinforcement ought to be just the opposite in my mind. We ought to be rewarding success. Because teachers and principals, administrators, even in the most challenged inner city schools, they can do a good job and they do from time to time. But what happens is when you find a collection of legitimate leaders in a community that are helping the most needy children, they are treated just as all of the others that are not doing a good job. This tax credit model really serves to reinforce those schools that are doing a good job. In fact, the way we have written it, it targets the children who need the help the most, the poorest in America.

Mr. HOEKSTRA. It is exactly what we are finding at the State level. The important thing here at the State level, it shows the tremendous commitment that the American people have to education. Because there is significant money flowing, new money flowing into education through this model. Again, all of our kids are benefiting, kids in public schools are benefiting because people are writing that extra check to their local public school saying, absolutely, this is a worthwhile expenditure, you are doing a great job with our kids. You got some special needs, you got some special promise, we are going to write you a check.

Mr. SCHAFFER. It underscores the contention we have that we bring to this debate and, that is, that Americans will contribute more and they are willing to invest more in America's education system if they are convinced and assured that there will be meaningful results for real children. Today they do not get that assurance. Under the tax credit model, that is an assurance that is delivered to their door, something that they can see in their neighborhood, they can make a difference with their own contributions and it is such a positive idea that the government is willing to reduce the tax burden, the Federal Government, for any individual who will make contributions to the neighborhood schools. That is really what the tax credit bill is all about.

□ 2310

Mr. HOEKSTRA. Again, one of the criticisms that may come up, this will be a great program for your middle class suburban areas, for your wealthy school districts and those types of things. But when you take a look at what is happening at the State level, again, it is pretty amazing, and it shows the true character of America, because a tremendous amount of this money that is being driven by tax credits at the State level is not going to the local public school.

There is a significant amount going there, but there are significant numbers of individuals and corporations who are willing to say, ''I am going to put that money into a scholarship fund, and I do not know who the beneficiary is going to be.'' And those scholarships are maybe going to go to, and a lot of them have the funds, have them limited to kids who come from families who are 200 percent of poverty or whatever. So they are willing to put that money into a scholarship fund which may go to a child who lives on the other side of the State, who lives in one of our large urban areas, and they are fully willing to write that check, knowing that that money is going to leave their community, but they are going to help some child out somewhere else in the State, and they may or may not ever know the name of that child. But they know it is an investment to make sure that we do not leave a single child behind in education.

I think that is kind of a common goal that we have in America. When you take a look at the tax credit model, this money is flowing to all of our kids. It is not just going into certain pockets within the State. There is a tremendous amount of opportunity. There is a tremendous amount of interest in making sure that every child has the opportunity to get a good education. And for those kids that are locked into schools where there is a high level of violence or where there is drugs or where there is crime, these kids are the ones that may be applying for a scholarship.

One of the things we like to say is the only thing that a child should be afraid of when they go to school is the test in the afternoon, the exam they are going to have. No child should be forced to go to any school where they feel threatened or where there are drugs in the school or where they believe that they are in an unsafe environment, because we know that kids cannot learn in an unsafe or insecure environment.

Again, what is happening in the States that have these plans in place, dollars are flowing into scholarships that are intended to help those kinds of kids.

Mr. SCHAFFER. The proof is right here in Arizona. There are 6 States that have enacted tax credit plans that are similar to what we have proposed for the whole country, and they are tax credits on State taxes that taxpayers pay in those States. This is one study that was done by two researchers, Carrie Lips and Jennifer Jacoby, of the Arizona plan. It is the first plan and one we talk about a lot that has the greatest track record.

Between 1998, its first year, and the year 2000, this tax credit in Arizona generated $32 million, Mr. Speaker, in new money for Arizona school children. Not only did it generate new money, these are dollars that did not come from the Arizona public schools.

Mr. HOEKSTRA. This is people voluntarily writing a check to their local school district and saying, here, I will take the tax credit. Arizona is 100 percent tax credit. But, again, it is new money, and people are willing to let the schools decide where that money is going to be spent, rather than them spending it on their own discretionary items.

Mr. SCHAFFER. Thirty-two million new dollars in the State of Arizona as this program got up and running between 1998 and 2000. There are more than 30 scholarship organizations that sprung up as a result of this tax credit bill, and those scholarship organizations made it possible for 19,000 students to receive scholarships and go to the schools that they chose, not the

schools that the government told them they have to go to or schools not meeting their needs. Instead, these 19,000 students went to schools that they picked, that their parents selected, based on what was most suitable for their children.

Here is the most interesting statistic, because it addresses the criticism that some have of a tax credit proposal. This answers the question of whether these dollars are headed to children who have the greatest need.

In Arizona, according to the study, more than 80 percent of the scholarship recipients were selected on the basis of financial need. That is certainly true in Arizona. It has been studied over and again. It is also true in Pennsylvania, Florida, Illinois, in a handful of other States that have enacted similar legislation, Minnesota, Iowa. Those are the 6.

These tax credit proposals have been attempted in over 30 States throughout the country, and they generate bipartisan support. When we start talking about children, for a change, rather than who wins or loses in the battle over the support for the mighty teachers' union, or the administrators' association and so on, when we ignore all that nonsense and the political benefits of appeasing those groups, and instead focus on trying to help children, as Arizona has done, this is something both parties and both sides of the aisle can rally around. We have seen that in all the States.

Mr. HOEKSTRA. My colleague brings out a critical point. When we are dealing with the funnel, starting with the Federal bureaucracy and running through the Department of Education, running through the States, running through the State Department of Education, what happens is we end up focusing more on the process, the bureaucratic process, than we do on the child at the end of the process and making sure that that child gets the results.

My colleague knows the debates that we go through here. We come up and say, what is the funding formula? What State is going to get what? If you identify a higher number of kids as having disabilities with learning, you get more money. So you actually create sometimes an incentive to label kids in certain ways. And if you label them in certain ways, you get more money, and if you label them in different ways, you get less money. You have got to keep score of what kids fall in what box.

You go through that whole process, and at the end of the day you spend so much time and energy on the process, the forms, the rules and the regulations, you lose sight of the child at the end of the process, and the tax credit model is very, very simple.

Mr. SCHAFFER. The scenario you just described, for those who do not get to see the inside of the political process like we do on the Committee on Education and the Workforce, it is really disgusting sometimes when we start talking about school funding through the bureaucratic model.

What happens is somebody will offer an amendment in the committee to change some aspect of the finance mechanism, and the staff hands out computer runs of all 50 States and how this change will affect the different States and the different programs in each of these States, and every Member of Congress that serves on these committees, as the person who offers the amendment is speaking, we are all shuffling through the graph trying to follow the line. In the State of Colorado does this amendment give my State more money or take money away? That is the basis for the vote. But the kid does not matter. There are no names of children associated with that. There are no faces associated with that. It is just accounting.

Mr. HOEKSTRA. We try to figure out why the student in Colorado gets maybe $650, or the State gets $650 per child, and Michigan gets $635, and some other State maybe gets $675. It is how did this all happen and why does one State get more? We go through this debate.

Then you get the large States coming together to pass an amendment to make sure that the large States with large urban areas, well, we deserve more. Then the rural States try to come together, but they do not have as many votes, because all of Montana has one Representative, so it is pretty hard for them to come out and say even though the cost of education may be more there, it is kind of like, you know, you collect this money and this bureaucratic process tries to reallocate it in somewhat of a fair model. But it is based on political clout, seniority within the system, and the whole debate takes place, focused on the process, forgetting about where the money came from, from the taxpayer, and forgetting about who we are trying to help, the child.

Mr. SCHAFFER. The very first hearing we had on this proposal in Congress was not like that at all. We sat across the committee table looking at real live children and their parents, their grandparents, and real live community and neighborhood activists, who work on school issues. All of a sudden this became a debate about humans, about people, about kids. It was a remarkable exercise.

Let me conclude and summarize by thanking the gentleman from Michigan for joining in this special order, and to thank the President also for making this debate possible.

Again, it was the President of the United States in Colorado on August 14 when we talked about education tax credits, and here is what he said: ''We have to do this.'' And it is as a result of this commitment and promise that he made not only to me in Colorado, but elsewhere throughout the country, that we are here today.

□ 2320

Si it is a debate about which we are quite serious.

The SPEAKER pro tempore (Mr. ISSA). The Chair would advise the gentleman from Colorado (Mr. SCHAFFER) that he may have up to 20 minutes longer because of the absence of a minority representative at this time. Does the gentleman move for that?

Mr. SCHAFFER. Mr. Speaker, if there is no objection, we would claim the remaining time.

Mr. HOEKSTRA. Mr. Speaker, if my colleague will yield, I just want to go to a different subject for a couple of minutes, and I thank the gentleman for yielding.

I just want to focus on something that I think the gentleman from Colorado and I are both very concerned about as being members of the Committee on Education and the Workforce, but it is also the Committee on Education and the Workforce, so we do a lot of work on oversight and business practices and those types of things.

A few months ago we were all exposed to the fiasco at Enron, and then I could not help but to take a look, just with amazement, taking a look at the front page of the business section of The Washington Post on Tuesday. Here is what is happening in our business community today. We have a large energy company in Michigan that was doing round-tripping. What is round-tripping? You sell energy to somebody and you buy it back immediately for the same price that you sold it to them for, and all it basically does is it allows you to escalate your trading activity. The comment was, no harm, no foul. It is kind of like no harm, no foul; no harm no foul, but no benefit, so if there is no benefit and it did not hurt anyone, why would you even do it? But they did it, and for one of their trading units, it was almost 80 percent of their business. I think that is very questionable.

But then we get to the front page of this business section on Tuesday. Headline: ''Ernst & Young ties decline improper,'' and I think this has to do with the accounting firms doing both accounting and consulting. Then we go down to the follow-on story, the Enron saga, ''Anderson tape shows order to clean files.'' And then here is another one, ''Former software executives charged.''

Mr. Speaker, so much of our business system and the free market system is based on trust, that the numbers that we get that represent, that have been audited, that tell us about the performance of a company, we trust that the auditors in the company have given us accurate information by which we can make decisions. The buying and selling of bonds and companies going public, there has to be a certain integrity in the process. The reason I bring this up is that I think that these are very disturbing trends.

Mr. SCHAFFER. They sure are.

Mr. HOEKSTRA. The other reason that I bring it up is I was with a group of business people on Monday, and we both know how business people complain about rules and regulations. They

said, Are you guys doing anything to lift the burden of rules and regulations? I basically said to them, as long as we continue seeing headlines like this, and I do not know how many of the energy companies were involved in this round-tripping, but I think a number of them; but as long as we keep seeing headlines and stories like this, the role of Congress is probably disappointingly going to have to be to put more rules and regulations in place, rather than fewer, because there are some businesses and some business leaders who have decided that they are going to push the envelope as to what is ''technically'' legal, although it is clear that the end result is that they are presenting information that does not clearly represent the condition of their business and the volume and the activity or the health of their company at a given time, and I can only deduce that it is being done to deceive investors, customers and shareholders; and it is outrageous.

Mr. SCHAFFER. Mr. Speaker, the gentleman is exactly right, and I appreciate the gentleman for raising the issue and bringing that example before us. Because these people who are in the business of deception where their only intent and purpose in some of these business transactions is to deceive and falsify the true picture of business activity, they are not business leaders; they are, in fact, scoundrels. And what they are doing is selling short the capitalist system in America, which is the bedrock of our foundation and liberty and freedom. When they behave in that sort of way, they betray the legitimate entrepreneurs that have made America great.

Those legitimate entrepreneurs are the rule, not the exception. These scoundrels are the exception. It is truly unfortunate, because this is not just about whether certain entrepreneurs and CEOs make cash; it is about making unethical, immoral decisions that threaten the jobs and livelihoods of millions of Americans; and beyond that, they imperil our capitalist system here in our country, something for which many, many Americans have dedicated their lives; and in fact, some have died in the course of preserving and protecting our way of life.

It is a sacred system. It is the hope for the world, really. It has been the American system of capitalism, has been the model of freedom and prosperity that every single other country in the world looks to for leadership and guidance. And when our own entrepreneurs in America, and when the Congress and when the country in general allows these kinds of scoundrels to begin to define capitalism in America, they threaten our liberty, they threaten our republic.

I do not think we can spend enough money, I do not think we can hold enough hearings, I do not think we can throw enough people in jail until everyone who is engaged in these kinds of activities are essentially cleaned off the streets and placed in some place where they are incapacitated and cannot harm our Nation any more.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, what I think it points out also is how fragile the system is, and the fragility of the system is based on the very fact that it is based on trust. As soon as people start abusing that component, it threatens the entire system, and then we become a bureaucratic system, because we cannot trust, we cannot trust the system any more. It becomes trust and verify, and verify means bureaucracy, more cost, more cost in doing business.

I think this Congress and I think we as Republicans need to stand up and really go after it the way the gentleman said, that these individuals, they are the minority, they are grabbing the headlines, but they threaten and imperil the very future of the capitalistic system by these kinds of abuses.

Mr. SCHAFFER. Mr. Speaker, it ultimately comes down to the American citizens themselves and the importance of having an American electorate that is economically literate is absolutely essential and it has been for all of the years of our Nation's history. Because the reality is we here in Congress can hold all the hearings, we can make all the tough speeches like I am doing right now, and it will not make one bit of difference if Americans continue to invest in companies that are, in fact, scams. It will make not one bit of difference unless there is a moral outrage among the American electorate based on their understanding of the need to preserve a capitalist society.

That maybe gets us back to this education issue again, because this country cannot afford to see more children graduating from schools who are indifferent to the functioning of the American economy and do not see any cause for moral outrage when they see, when they see a Nation that is composed of generally honest, hard-working, conscientious business leaders against the absolute scoundrels of American commerce who are really spoiling it for everyone else.

□ 2330

We need to start making consumer choices, investment choices, so companies like the ones you just cited that are in the business of deception in order to pad the profits of CEOs are out of business and are shut down, and cease to exist in America.

We cannot do it alone in Congress. We will certainly try if it comes to that, but it is essential for the American people to play a personal role in the solution to the effort to preserve and maintain our capitalist society.

Mr. HOEKSTRA. I think what will happen in the business world is that individuals drive the business community by the decisions they make as to where they work, where they buy their products from, what they invest in, who they loan their money to. Those same kinds of dynamics are what we are trying to introduce into the education system with this tax credit.

We are going to leave the bureaucratic model in place, allowing a significant portion of money to flow through the bureaucratic process, but what we want to do is open up some level of entrepreneurship in a strengthening of the relationship between educators at the local level and the communities that they serve so they can raise money at the local level for the special needs that communities, those schools, and those kids have.

I am very excited about that. I am also excited about the placard that the gentleman holds up where the President says that we need to do this, because it is very much the complement to H.R. 1 that we passed last year.

The gentleman and I were not all that pleased with H.R. 1. We embraced the concept at the first part, but as the bill went through the process, we found out how powerful that bureaucratic process was. That is where much of the emphasis of H.R. 1 ended up being.

H.R. 1 ends up cleaning up that process, putting more accountability into it, but not empowering parents or local communities in the way that the President articulated in his ''leave no child behind'' vision, saying that we are going to improve that system, but at the same time, we are going to empower parents and we are going to put more money into the system.

What the tax credits really do is they fill out the President's total agenda on education that he outlined in the year 2000.

Mr. SCHAFFER. The national testing and the new accountability measures in and of themselves, and standing alone, cannot reform schools. They were never proposed or it was never promised that that would be the case. These are diagnostic tools that are important and can be useful, but they are only useful if there is some consequence associated with it.

As that bill passed, it was simply a national testing mechanism. If it has some mandates in it that are going to force States to get into conformity with this new national mandate, then there is some expansion of some Federal programs, but government, government cannot ever be trusted to fix America's schools. Government can be a useful tool if parents are empowered in a marketplace of academic ideas to reform an education system, so with these diagnostic tools the participation of government is important and can be useful, but the necessary element is choice.

Why on earth our country over the years has evolved, or I should say devolved, to the system that it is now of a government-owned, unionized, bureaucratized monopoly is beyond me.

We just talked about the great advantages for hope and liberty that are emblematic of our capitalist economy. If that is true, and I believe it is, then we should be looking for free market

solutions where education is concerned.

This testing provision is helpful, it is a useful tool to begin to compare government-owned schools versus a different government-owned school, or maybe a government-owned system versus a private system and so on, but none of that matters until we get choice. This tax credit provision that we proposed, it provides choice in two areas: One, it gives greater liberty to the student as a consumer; and it gives greater liberty to the taxpayer as an investor.

It runs, in principle, with the government system. It is just an alternative model, a different model, and something that I believe can have revolutionary, positive consequences for America's schoolchildren.

Mr. HOEKSTRA. It also gives a great liberty to our public school system, because what it does in our State of Michigan, basically, our public school superintendents who care passionately about the kids in their districts have become beggars to Lansing, our State capital, to get the money to flow into their districts. They are always going to Lansing to get the money.

What this now really does, it empowers them, because so many of the schools in my district have such a loyalty from their constituents and their parents and the kids, but there is no effective way for these people in these communities to put more money into their public schools.

Tax credits will enable them to do that so that, again, there will be some more balance in the system so that these public school superintendents will be able to get some of their money from Lansing, but when they are doing a great job and their test scores come in and say, man, look at how we are doing, in our district some of the public school students have gone to the military academies, and they go there and they are in the top 10 percent of their class at the military academies.

When people see that kind of performance, they are going to say, I am willing to give more money to that superintendent because he or she is doing a great job for our kids, and I think they are going to spend that money wisely.

So it gives a tremendous degree of flexibility, like the gentleman said, to the parents, to the kids, to the taxpayers, but also to the traditional public school system. This should not threaten them because it really will enable them to enhance their relationship with their community and enhance their education programs to take those schools to the next level, as well.

Mr. SCHAFFER. Money follows freedom. That is true almost no matter what we are talking about, whether we are talking about the leadership of countries. If we look around the world, those countries that have a heavy, autocratic, bureaucratic system of rules and no property rights, they have a very difficult time keeping their economies afloat. Those countries that have made the reforms toward property ownership, toward real liberty and freedom for their citizens begin to see capital being created within those countries.

Here in the United States, our capitalist system of competition and freedom has resulted in wealth creation beyond anyone's wildest dreams, and in the history of human civilization. The same is true in education. If we can begin to cut the strings and the red tape and the restrictions that are associated with school money, we will see more of it generated, and that is our goal.

The current system, for all the things that people see in that as beneficial, the fact remains that at the end of the day, for every dollar spent, approximately 60 cents makes it to a child. What we are talking about is a freedom-based model of education tax credits wherein, under our proposal, for every dollar that it costs the government, $2 makes it to a child.

We do not have to be rocket scientists to figure out this is a great bargain for the government, a great bargain for the taxpayer, and it is a better bargain for the student.

For the teacher in the middle of all of this, today they are not treated like professionals; I hate to say it. We expect a lot of them, we call them professionals, but the reality is, the worst teacher in a district in a public school model gets paid the same and on the same terms as the best teacher in a district.

What kind of incentive is that for good teachers, when they see the lazy teacher that is not that committed or maybe burned out? And they are the exception, not the rule, but they exist. But when you see these kinds of teachers that I am describing leaving the school when the bell rings, and yet getting the same pay raise on the same pay scale, it does not take more than 4 or 5 years for a good, hard-working teacher to get burned out on that. It is not a motivating factor.

Education freedom through education tax credits begins to allow teachers to be teaching like the professionals they are, too. If they are attracting students, if they are attracting customers, cash will begin to follow that, and these teachers will begin to be paid according to the professional scale I think they deserve.

Mr. HOEKSTRA. I think it holds great opportunity. It is not a perfect system, and it is not going to fix it by itself. Tax credits are not going to reform the system. But when you can combine the tax credits with H.R. 1, more parental choice, cutting some of the rules and regulations out of the bureaucratic model so that, again, more than a dollar or more than 60 cents can make it into a local school, when we start combining all of those things and we can really get some dynamic or exciting form in all of our schools for all of our kids to make sure our kids are the best-educated kids in the world, that is the goal that we should have.

Until we reach that goal and that objective, we should not stop working.

Mr. SCHAFFER. I spoke to a group of different organizations just this morning about this issue of education tax credits. There were taxpayer organizations there, family organizations, church groups, synagogues represented. It was just a number of organizations that care about education, and they are here in Washington. There must have been about 100 people in the room. They were all very enthusiastic about the proposal. They want to help. They are writing letters to congressmen and making phone calls to the people that they know here.

I think it is important for our colleagues and anyone else who may be monitoring tonight's proceedings to know that this is a very real proposal. It is in play. We do need the voices of Americans to raise up and rally around this education tax credit bill. It is not introduced yet; it will be introduced in a couple of weeks.

I think it is really important for all of us to contact our colleagues here in the Congress, particularly those who serve on the Committee on Ways and Means and in our leadership, and voice in the strongest terms possible support for this freedom-based tax credit proposal to help children and to get it passed.

We need that kind of support and that kind of a campaign around this proposal now, and this special order is just one part of trying to accomplish that. For that, Mr. Speaker, I am grateful for your indulgence in recognizing us tonight. We will be back in 2 weeks to talk about the same topic again.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LIPINSKI (at the request of Mr. GEPHARDT) for today after 6:00 p.m. on account of a family matter.

Mr. BURTON of Indiana (at the request of Mr. ARMEY) for the week of May 20 on account of personal reasons.

Mrs. EMERSON (at the request of Mr. ARMEY) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TURNER) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. TURNER, for 5 minutes, today.

(The following Members (at the request of Mr. GRUCCI) to revise and extend their remarks and include extraneous material:)

Mr. WILSON of South Carolina, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. HAYES, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. INSLEE, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 115. Concurrent resolution expressing the sense of the Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children women, and farm worker families; to the Committee on Education and the Workforce.

ADJOURNMENT

Mr. SCHAFFER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), the House adjourned until Thursday, May 23, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6981. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2002 Tariff-Rate Quota Year—received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6982. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department's final rule—National Forest System Land and Resource Management Planning; Extension of Compliance Deadline (RIN: 0596–AB87) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6983. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Portugal Because of African Swine Fever [Docket No. 01–026–2] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6984. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Restrictions on the Use of Grain Originating in a Regulated Area [Docket No. 01–118–1] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6985. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2002 Tariff-Rate Quota Year—received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6986. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2001–2002 Crop Year for Tart Cherries [Docket No. FV02–930–1 FR] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6987. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Cotton Research and Promotion Program: Procedures for Conduct of Sign-up Period [Docket No. CN–01–007] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6988. A communication from the President of the United States, transmitting a request for an FY 2002 supplemental appropriation for the Department of Veterans Affairs; (H. Doc. No. 107—218); to the Committee on Appropriations and ordered to be printed.

6989. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the Department's annual report on the Defense Environmental Quality Program Annual Report for Fiscal Year 2000, pursuant to 10 U.S.C. 2706(b)(1); to the Committee on Armed Services.

6990. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Overseas Use of the Purchase Card in Contingency, Humanitarian, or Peacekeeping Operations [DFARS Case 2000–D019] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6991. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Technical Corrections to Certain HUD Regulations [Docket No. FR–4747–C–01] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6992. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Loan Guarantees for Indian Housing; Direct Guarantee Processing [Docket No. FR–4241–F–02] (RIN: 2577–AB78) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6993. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Standards: Claims on Securities Firms (RIN: 3064–AC17) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6994. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Pilot Project-Public Entity Insurers (RIN: 3067–AD17) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6995. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6996. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7779] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6997. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 011218304–1304–01; I.D. 012202D] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6998. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption for the Acquisition of Securities During the Existence of an Underwriting or Selling Syndicate [Release No. IC–25560; File No. S7–20–00] (RIN: 3235–AH57) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6999. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department of Defense Education Activity (DoDEA) 1999–2000 Accountability Report and the 1999–2000 School Profiles for the Department of Defense Dependents Schools (DoDDS), pursuant to 20 U.S.C. 924; to the Committee on Education and the Workforce.

7000. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule—Capacity Building for Traditionally Underserved Populations—received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7001. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report on the National Institutes of Health (NIH) AIDS Research Loan Repayment Program (LRP) for FY 2001; to the Committee on Energy and Commerce.

7002. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Public Information; Cross Reference to Other Regulations; Technical Amendment [Docket No. 02N–0086] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7003. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 01F–0233] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7004. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on international terrorism entitled, ''Patterns of Global Terrorism: 2001,'' pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

7005. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—International Services Surveys: BE–48, Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies with Foreign Persons [Docket No. 010607148–1277–02] (RIN: 0691–AA42) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7006. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—International Services Surveys: BE–20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons [Docket No. 010724189–1276–02] (RIN: 0691–AA41) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized transfer of U.S.-origin defense articles pursuant to Section 3 of the Arms Export Control Act (AECA); to the Committee on International Relations.

7008. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—received May 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7009. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7010. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting the Bank's Annual Performance Report for FY 2001; to the Committee on Government Reform.

7011. A letter from the Board Members, Merit Systems Protection Board, transmitting the Board's annual report for FY 2001; to the Committee on Government Reform.

7012. A letter from the Director, Office of White House Liaison, National Oceanic and Atmospheric Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7013. A letter from the Director, Employment Service, Office of Employment Policy, Office of Personnel Management, transmitting the Office's final rule— Recruitment and Selection through Competitive Examination (RIN: 3206–AJ52) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7014. A letter from the Inspector General Liaison, Selective Service System, transmitting a report in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7015. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Arkansas Abandoned Mine Land Reclamation Plan and Regulatory Program [AR–036–FOR] received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7016. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Illinois Regulatory Program [IL–101–FOR] received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7017. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–229–FOR] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7018. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; 2002 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs [Docket No. 011004242–2005–02; I.D. 092401F] (RIN: 0648–AP09) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7019. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Essential Fish Habitat (EFH) [Docket No. 961030300–1007–05; I.D. 120996A] (RIN: 0648–AJ30) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7020. A letter from the Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule— Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Delay of the Implementation Date of the Year-4 Default Management Measures for Small-Mesh Multispecies [Docket No. 010823216–2020–02; I.D. 071601A] (RIN: 0648–AP32) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7021. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processer Sector [Docket No. 001226367–01; I.D. 110901A] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7022. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Dolphin-Safe Tuna Labeling; Official Mark [Docket No. 991210333–0089–02; I.D. 111099C] (RIN: 0648–AN37) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7023. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean (ETP) [Docket No. 990324081–9336–02, ID072098G] (RIN: 0648–AI85) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7024. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District [Docket No. 011218304–1304–01; I.D. 021102A] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7025. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Atlantic Highly Migratory Species; Fisheries of the Northeastern United States; Implementation of the Shark Finning Prohibition Act [Docket No. 010612153–2015–02; I.D. 041901A] (RIN: 0648–AP21) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7026. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No. 01022004343–1132–1132; I.D. 103101A] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7027. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule—Reporting Prohibited Communications [Docket No. OST–02–12200] (RIN: 2110–AD10) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7028. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—NOAA Climate and Global Change Program, Announcement; Global Carbon Cycle Element, FY 2002 [Docket No. 000616180–2002–04] (RIN: 0648–ZA91) received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7029. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans' Affairs, transmitting the Department's final rule— Copayments for Inpatient Hospital Care and Outpatient Medical Care (RIN: 2900–AK50) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7030. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—New User Fee Airport [T.D. 02–27] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7031. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Amended Procedure for Refunds of Harbor Maintenance Fees Paid on Exports of Merchandise [T.D. 02–24] (RIN: 1515–AC82) received May 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7032. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax for Use of the United States; Recodification of Regulations [T.D. ATF–489] (RIN: 1512–AC42) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7033. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule—Training and Employment Guidance Letter No. 18–01—received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7034. A letter from the Under Secretary, Department of Defense, transmitting a report on the Defense Environmental Restoration Program for Fiscal Year 2001, pursuant to 10 U.S.C. 2706(a)(1); jointly to the Committees on Armed Services and Energy and Commerce.

7035. A letter from the Director, Office of Management and Budget, transmitting the Office's report on terrorism response funding that fulfills the requirement in division C, section 103 of Pub. L. 107–117, the Department of Defense and Emergency Supplemental Appropriations Act of 2002; jointly to the Committees on the Budget and Appropriations.

7036. A letter from the Acting General Counsel, Department of Defense, transmitting the Department's proposed legislation relating to the management and operations of the Department; jointly to the Committees on Armed Services, Education and the Workforce, the Judiciary, Government Reform, and Financial Services.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PAUL:

H.R. 4789. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 4790. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mr. EHLERS (for himself and Mr. ETHERIDGE):

H.R. 4791. A bill to authorize appropriations for the United States Weather Research Program, and for other purposes; to the Committee on Science.

By Mr. HORN (for himself, Mr. CALVERT, Mr. REYES, Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, Mr. UNDERWOOD, Mr. HUNTER, Mr. MCGOVERN, Mr. FILNER, Mr. ROHRABACHER, Mrs. NAPOLITANO, Mrs. THURMAN, Ms. SOLIS, and Ms. MILLENDER-MCDONALD):

H.R. 4792. A bill to reauthorize funding for the Water Desalination Act of 1996, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHN (for himself and Mr. TAUZIN):

H.R. 4793. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself, Mr. BACA, Mr. BERMAN, Mrs. BONO, Mr. CALVERT, Mrs. CAPPS, Mr. CONDIT, Mr. COX, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DREIER, Ms. ESHOO, Mr. FARR of California, Mr. FILNER, Mr. GALLEGLY, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HORN, Mr. HUNTER, Mr. LANTOS, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. MATSUI, Mr. MCKEON, Ms. MILLENDER-MCDONALD, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. OSE, Ms. PELOSI, Mr. POMBO, Mr. RADANOVICH, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. SANCHEZ, Mr. SCHIFF, Mr. SHERMAN, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. BECERRA, Ms. SOLIS, Mr. STARK, and Mr. THOMAS):

H.R. 4794. A bill to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the ''Ronald C. Packard Post Office Building''; to the Committee on Government Reform.

By Mr. MCINNIS (for himself, Mr. GREEN of Wisconsin, and Mr. RYAN of Wisconsin):

H.R. 4795. A bill to provide for a multiagency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas (for himself, Mr. BENTSEN, Ms. JACKSON-LEE of Texas, Mr. PAUL, Mr. BECERRA, Mr. SANDERS, Mr. FROST, Mr. SHIMKUS, Mr. LATOURETTE, Mr. BRADY of Texas, Mr. BONIOR, Mr. DOGGETT, Mr. EDWARDS, Mr. GONZALEZ, Mr. TURNER, Mr. BACA, Mr. HALL of Texas, Mr. SANDLIN, Mr. CONDIT, Mr. WELDON of Pennsylvania, and Mr. ORTIZ):

H.R. 4796. A bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees; to the Committee on Ways and Means.

By Mr. BECERRA (for himself, Mr. HASTINGS of Florida, Ms. WATSON, Mr. DAVIS of Illinois, Mr. FROST, Mr. OWENS, Mrs. DAVIS of California, Mr. BERMAN, Mr. MCNULTY, Mr. MATSUI, Mr. HONDA, Ms. SOLIS, Mr. STARK, Ms. SANCHEZ, Ms. LOFGREN, Ms. MILLENDER-MCDONALD, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. HINOJOSA, Mrs. NAPOLITANO, Mrs. CAPPS, Ms. LEE, Mr. SPRATT, Mr. WATT of North Carolina, Ms. PELOSI, Mr. PASTOR, Ms. CARSON of Indiana, Mr. HORN, Mr. HERGER, Mr. OSE, Mr. POMBO, Mr. GALLEGLY, Mr. ROYCE, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. CUNNINGHAM, Ms. WOOLSEY, Mr. FARR of California, Mr. SHERMAN, Mr. SCHIFF, Mr. WAXMAN, Ms. WATERS, Ms. HARMAN, Mrs. MEEK of Florida, Mr. CONYERS, Mr. CONDIT, Mrs. BONO, Mr. ROHRABACHER, Mr. THOMPSON of California, Ms. ESHOO, Mr. DOOLITTLE, Mr. DREIER, Mr. MCKEON, Mr. LANTOS, Mr. CALVERT, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Mr. THOMAS, Mr. COX, Mr. ISSA, Mr. HUNTER, Mr. DOOLEY of California, Mrs. MINK of Hawaii, Mr. INSLEE, Mr. RADANOVICH, and Mr. FILNER):

H.R. 4797. A bill to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the ''Nat King Cole Post Office''; to the Committee on Government Reform.

By Mr. BERRY (for himself, Mr. BACA, Mr. CARSON of Oklahoma, Mr. SANDLIN, Mr. SCHIFF, Mrs. TAUSCHER, and Mr. TAYLOR of Mississippi):

H.R. 4798. A bill to amend title 38, United States Code, to provide an increase in the maximum annual rates of pension payable to surviving spouses of veterans of a period of war, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONIOR (for himself, Mr. GEPHARDT, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. FROST, Ms. DELAURO, Mr. MENENDEZ, Mr. DINGELL, Mrs. CLAYTON, Mr. FRANK, Mr. GREEN of Texas, Mr. LANGEVIN, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Ms. RIVERS, and Ms. SANCHEZ):

H.R. 4799. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. CAMP:

H.R. 4800. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 4801. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 4802. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to increase the incentives for States and Indian tribes to achieve reclamation priorities under that Act with respect to coal mining, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself, Mr. ALLEN, Ms. BALDWIN, Mr. FORD, Mr. PRICE of North Carolina, and Mr. SAWYER):

H.R. 4803. A bill to amend the National and Community Service Act of 1990 to create the Right of Passage Community Service Program; to the Committee on Education and the Workforce.

By Mr. DEMINT (for himself and Mr. PHELPS):

H.R. 4804. A bill to amend the Internal Revenue Code of 1986 to provide additional choice regarding unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Ways and Means.

By Mr. DOOLEY of California (for himself and Mr. RADANOVICH):

H.R. 4805. A bill to allow certain interagency task forces established by the President to designate certain areas as HUBZones for purposes of the Small Business Act; to the Committee on Small Business.

By Mr. FILNER (for himself, Mr. CUNNINGHAM, Mrs. DAVIS of California, and Mr. ISSA):

H.R. 4806. A bill to direct the Secretary of Veterans Affairs to establish two satellite national cemeteries for veterans in the San Diego, California, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. GILCHREST:

H.R. 4807. A bill to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Susquehanna National Wildlife Refuge; to the Committee on Resources.

By Mr. HERGER (for himself and Mr. DOOLITTLE):

H.R. 4808. A bill to amend the Wild and Scenic Rivers Act to ensure congressional involvement in the process by which rivers that are designated as wild, scenic, or recreational rivers by an act of the legislature of the State or States through which they flow may be included in the national wild and scenic rivers system, and for other purposes; to the Committee on Resources.

By Mr. HOYER (for himself and Mr. TOM DAVIS of Virginia):

H.R. 4809. A bill to repeal the limitation on locality-based comparability adjustments affecting the United States Secret Service Uniformed Division and the United States Park Police; to the Committee on Government Reform.

By Mr. SAM JOHNSON of Texas (for himself, Mr. MATSUI, Mr. RAMSTAD, Mrs. THURMAN, Mr. ENGLISH, and Mr. BECERRA):

H.R. 4810. A bill to amend the Internal Revenue Code of 1986 to apply the look-thru rules for purposes of the foreign tax credit limitation to dividends from foreign corporations not controlled by a domestic corporation; to the Committee on Ways and Means.

By Mr. KELLER (for himself, Mr. DAVIS of Florida, Mr. JONES of North

Carolina, Mr. SAXTON, Mr. DUNCAN, Mr. DAN MILLER of Florida, Mr. WELDON of Florida, Mr. PETRI, Mr. SHAW, Mr. FROST, Mr. FOLEY, and Mr. ANDREWS):

H.R. 4811. A bill to amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KUCINICH (for himself, Mr. SANDERS, Ms. MCKINNEY, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. NADLER, Mr. OLVER, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. WATSON, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. OWENS, Ms. SOLIS, Mr. HINCHEY, and Ms. LEE):

H.R. 4812. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, and for other purposes; to the Committee on Agriculture.

By Mr. KUCINICH (for himself, Mr. SANDERS, Ms. MCKINNEY, Ms. RIVERS, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. NADLER, Mr. OLVER, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. WATSON, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. OWENS, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. HINCHEY, and Ms. LEE):

H.R. 4813. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. SANDERS, Ms. MCKINNEY, Ms. RIVERS, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. NADLER, Mr. OLVER, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. WATSON, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. OWENS, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. HINCHEY, and Ms. LEE):

H.R. 4814. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. SANDERS, Ms. MCKINNEY, Ms. RIVERS, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. NADLER, Mr. OLVER, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. WATSON, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. OWENS, Ms. SOLIS, and Ms. LEE):

H.R. 4815. A bill to ensure that efforts to address world hunger through the use of genetically engineered animals and crops actually help developing countries and peoples while protecting human health and the environment, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. SANDERS, Ms. MCKINNEY, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. NADLER, Mr. OLVER, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. WATSON, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. OWENS, Ms. SOLIS, and Ms. LEE):

H.R. 4816. A bill to assign liability for injury caused by genetically engineered organisms; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE (for himself and Mr. FRANK):

H.R. 4817. A bill to improve the quality of, and provide, housing for elderly families; to the Committee on Financial Services.

By Mr. LAFALCE:

H.R. 4818. A bill to amend the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act to make the residential mortgage process more understandable, fair, and competitive; to the Committee on Financial Services.

By Mr. MCINNIS:

H.R. 4819. A bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes; to the Committee on Resources.

By Ms. NORTON:

H.R. 4820. A bill to amend the Internal Revenue Code of 1986 to increase the taxes on certain alcoholic beverages and to provide additional funds for alcohol abuse prevention programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. GEPHARDT, Mr. STARK, Mr. WYNN, Mr. SANDERS, Mr. LANGEVIN, Mr. BERRY, Mr. STRICKLAND, Mr. WEXLER, Ms. DELAURO, Mr. RODRIGUEZ, Mr. ALLEN, and Mr. BROWN of Ohio):

H.R. 4821. A bill to amend the Internal Revenue Code of 1986 to limit the deduction for advertising of FDA approved prescription drugs by the manufacturer of such drugs to the level of such manufacturer's research and development expenditures, and for other purposes; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 4822. A bill to clarify that the Upper Missouri River Breaks National Monument does not include within its boundaries any privately owned property, and for other purposes; to the Committee on Resources.

By Mr. SHAW:

H.R. 4823. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 4824. A bill to provide for various programs and activities to respond to the problem of asthma in urban areas; to the Committee on Energy and Commerce.

By Mr. UNDERWOOD (for himself, Mr. HONDA, Ms. LEE, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Ms. WATSON, Ms. WOOLSEY, Ms. PELOSI, Mr. HINCHEY, Mr. LARSON of Connecticut, Ms. ESHOO, Mr. SERRANO, Mr. WU, Ms. SOLIS, Mr. MCDERMOTT, Mr. SCHIFF, Ms. LOFGREN, and Ms. MILLENDER-MCDONALD):

H.R. 4825. A bill to amend the Higher Education Act of 1965 to authorize grants for institutions of higher education serving Asian Americans and Pacific Islanders; to the Committee on Education and the Workforce.

By Mr. WALDEN of Oregon (for himself, Mr. JOHN, Mr. DEFAZIO, and Mrs. BONO):

H.R. 4826. A bill to amend the Federal Power Act to prohibit round trip sales of electric power, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WALDEN of Oregon (for himself, Mr. JOHN, Mr. DEFAZIO, and Mrs. BONO):

H.R. 4827. A bill to amend the Securities Exchange Act of 1934 to prohibit the fraudulent recording of revenue from round trip sales of electric power; to the Committee on Financial Services.

By Mr. WATKINS:

H.R. 4828. A bill to amend the Internal Revenue Code of 1986 to provide for proration of the heavy vehicle use tax between purchasers of the same vehicle; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself, Mr. DELAHUNT, Mr. MARKEY, Mr. OLVER, Mr. MEEHAN, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. FRANK, and Mr. TIERNEY):

H.J. Res. 94. A joint resolution honoring the members of the Massachusetts Air National Guard's 102nd Fighter Wing for their extraordinary performance, leadership, and dedication to duty in support of Operation Noble Eagle and in providing combat air patrols during and immediately following the terrorist attacks on the Nation on September 11, 2001; to the Committee on Armed Services.

By Mr. GILCHREST:

H. Con. Res. 408. Concurrent resolution honoring the American Zoo and Aquarium Association and its accredited member institutions for their continued service to animal welfare, conservation education, conservation research, and wildlife conservation programs; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONILLA (for himself, Mr. STENHOLM, Mrs. CAPITO, Mr. CHAMBLISS, Mr. EDWARDS, Mr. GEKAS, Mr. HAYES, Mr. KENNEDY of Minnesota, Mr. MURTHA, Mr. ORTIZ, Mr. PICKERING, Mr. THUNE, Mr. WATTS of Oklahoma, and Mr. SMITH of Texas):

H. Res. 429. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued each year in honor of Veterans Day; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

263. The SPEAKER presented a memorial of the House of Representatives of the State

of New Hampshire, relative to House Resolution 21 memorializing the President of the United States and the United States Congress to take all actions necessary, within the limits of the considerable technologies prowess of this great union, to protect our nation, our allies, and our armed forces abroad from the threat of missile attack; to the Committee on Armed Services.

264. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 112 memorializing the United States Congress that the Legislature calls for United States congressional action in establishing a backstop to insure stability in the insurance marketplace and affordable availability of insurance covering terrorist activities; to the Committee on Financial Services.

265. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 114 memorializing the United States Congress that the state of Idaho calls for an immediate cessation of all violence occurring in and near the Basque homeland, and that a peace process be immediately undertaken between the governments of Spain and France, the Basque Autonomous Government, and other groups committed to peace; to the Committee on International Relations.

266. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 110 memorializing the United States Congress to authorize an additional United States District Court Judge and commensurate staff for the District of Idaho to assist in handling current and anticipated caseloads in the District of Idaho; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. COYNE introduced A bill (H.R. 4829) for the relief of Olivera Goronja; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. FORD, Mr. LARSEN of Washington, and Mr. MCINTYRE.
H.R. 21: Mr. GREEN of Texas.
H.R. 122: Mr. JOHNSON of Illinois, Mr. THUNE, and Mr. HAYES.
H.R. 270: Mr. OWENS.
H.R. 317: Ms. BERKLEY.
H.R. 488: Mr. UDALL of New Mexico.
H.R. 595: Mr. MCDERMOTT.
H.R. 600: Mr. STENHOLM and Mr. WEXLER.
H.R. 638: Mr. PASTOR.
H.R. 945: Mr. HASTINGS of Florida.
H.R. 984: Mr. HOEKSTRA and Mr. ROHRABACHER.
H.R. 985: Mr. HOEKSTRA.
H.R. 986: Mr. LAHOOD.
H.R. 1089: Mr. GRUCCI.
H.R. 1090: Mr. DEUTSCH, Mr. FORD, Mr. LEWIS of Kentucky, Mr. RODRIGUEZ, Mr. HALL of Texas, and Mr. BENTSEN.
H.R. 1116: Mr. SHERMAN.
H.R. 1168: Mr. PASCRELL.
H.R. 1193: Mr. CONYERS, Mr. HILLIARD, Ms. MILLENDER-MCDONALD, Mr. RUSH, Mr. TOWNS, and Mr. SCOTT.
H.R. 1200: Mr. DAVIS of Illinois.
H.R. 1212: Mr. SHOWS.
H.R. 1232: Mrs. MALONEY of New York.
H.R. 1310: Mr. BARCIA.
H.R. 1375: Mr. DEAL of Georgia.
H.R. 1433: Mr. KENNEDY of Rhode Island.
H.R. 1434: Mr. HOEKSTRA and Mr. POMEROY.
H.R. 1460: Mr. PLATTS.
H.R. 1490: Ms. MCCOLLUM.
H.R. 1494: Mr. MALONEY of Connecticut.
H.R. 1520: Mr. HORN.
H.R. 1604: Mr. KILDEE.
H.R. 1609: Mr. MCINNIS and Mr. WATT of North Carolina.
H.R. 1624: Mr. CLYBURN, Mr. SANDERS, Mr. SHAYS, Mr. MENENDEZ, Mr. PENCE, and Mr. GREEN of Wisconsin.
H.R. 1650: Ms. MILLENDER-MCDONALD.
H.R. 1701: Mr. DEAL of Georgia, Mr. GOODE, Mr. VITTER, and Mr. BARTON of Texas.
H.R. 1724: Mr. FRANK.
H.R. 1822: Mr. ROTHMAN.
H.R. 1862: Mr. DUNCAN, Mrs. CHRISTENSEN, Ms. NORTON, and Mr. UDALL of New Mexico.
H.R. 1863: Mr. HOEKSTRA.
H.R. 1864: Mr. HOEKSTRA.
H.R. 2014: Mr. LATOURETTE, Mr. DOOLITTLE, and Mr. RAMSTAD.
H.R. 2058: Mr. DAVIS of Illinois.
H.R. 2071: Mr. FROST and Ms. MCKINNEY.
H.R. 2125: Mr. BLUMENAUER, Mr. RODRIGUEZ, Mr. SCHIFF, Mr. ROGERS of Kentucky, Mr. MCDERMOTT, Mr. WALDEN of Oregon, Mr. WHITFIELD, Mr. MCHUGH, Mr. BARCIA, and Mr. LUCAS of Oklahoma.
H.R. 2145: Ms. CARSON of Indiana, Ms. SCHAKOWSKY, Mr. BALDACCI, Ms. NORTON, Mr. BOUCHER, Mr. OXLEY, and Mr. LAMPSON.
H.R. 2219: Mr. HOEKSTRA and Mr. BOEHLERT.
H.R. 2220: Mr. FILNER.
H.R. 2282: Mr. PAYNE, Ms. WOOLSEY, Mrs. MEEK of Florida, Mr. TIERNEY, and Mr. BERMAN.
H.R. 2335: Mr. KIND.
H.R. 2411: Mr. HINCHEY.
H.R. 2484: Mr. HOUGHTON, Mr. MCINTYRE, and Mr. KING.
H.R. 2486: Mr. EHLERS.
H.R. 2605: Mr. LANTOS.
H.R. 2618: Mr. FOLEY and Mr. CAMP.
H.R. 2621: Mr. SMITH of Michigan, Mr. PITTS, Mr. SCHAFFER, Mr. JONES of North Carolina, Mr. PENCE. Mr. HOSTETTLER, Mr. BARTLETT of Maryland, Mr. TANCREDO, Mr. SAM JOHNSON of Texas, Mr. WELDON of Florida, Mr. ADERHOLT, Mr. HILLEARY, Mr. DOOLITTLE, Mr. HERGER, Mr. SHADEGG, Mr. AKIN, Mr. SANDERS, Mr. KUCINICH, Mr. WU, Mr. DAVIS of Illinois, Ms. MCCARTHY of Missouri, and Mr. TOWNS.
H.R. 2637: Mr. PHELPS.
H.R. 2661: Mr. LIPINSKI.
H.R. 2683: Mrs. THURMAN.
H.R. 2735: Mr. BARTLETT of Maryland.
H.R. 2799: Mr. DAVIS of Illinois.
H.R. 2820: Mrs. CAPPS.
H.R. 2863: Mr. MCGOVERN.
H.R. 2868: Mr. ABERCROMBIE.
H.R. 2950: Mr. DINGELL.
H.R. 2953: Mr. WALDEN of Oregon.
H.R. 3053: Mrs. TAUSCHER, Ms. DEGETTE, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Ms. DELAURO, Ms. CARSON of Indiana, and Ms. LOFGREN.
H.R. 3130: Mr. EHLERS, Ms. WOOLSEY, Mr. BACA, Mr. ETHERIDGE, Mr. CALVERT, and Mr. SHAYS.
H.R. 3131: Mr. TOWNS.
H.R. 3238: Mr. HOLT.
H.R. 3278: Mr. COYNE.
H.R. 3296: Ms. WATSON.
H.R. 3320: Mr. JENKINS.
H.R. 3332: Mr. SANDERS.
H.R. 3333: Mr. WILSON of South Carolina.
H.R. 3335: Mr. HOLDEN.
H.R. 3337: Ms. HOOLEY of Oregon, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRADY of Texas, Mr. CLEMENT, Mr. ABERCROMBIE, Mr. WOLF, Mr. PETERSON of Minnesota, Mr. NETHERCUTT, Mr. OBERSTAR, Mr. SHOWS, Mr. BLUMENAUER, and Mr. HINCHEY.
H.R. 3360: Mr. SANDERS.
H.R. 3363: Mr. SHERMAN and Mr. PETERSON of Minnesota.
H.R. 3397: Mr. CHAMBLISS.
H.R. 3413: Mr. SERRANO and Mr. MENENDEZ.
H.R. 3414: Mr. MCDERMOTT, Mr. GEORGE MILLER of California, and Mr. MARKEY.
H.R. 3424: Mrs. DAVIS of California.
H.R. 3430: Mr. HINCHEY.
H.R. 3431: Mr. LOBIONDO, Mr. HASTINGS of Florida, Mr. LAMPSON, Mr. KIRK, and Mr. PUTNAM.
H.R. 3462: Mr. BONIOR, Mr. KILDEE, and Mr. KANJORSKI.
H.R. 3670: Mrs. MALONEY of New York, Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. MEEKS of New York, and Mr. CLEMENT.
H.R. 3695: Ms. MCCARTHY of Missouri and Mr. MATSUI.
H.R. 3719: Ms. MILLENDER-MCDONALD and Mr. THOMPSON of California.
H.R. 3770: Mr. SCHIFF.
H.R. 3794: Mr. BENTSEN and Mr. SHERMAN.
H.R. 3808: Mr. GIBBONS.
H.R. 3834: Mr. LUTHER.
H.R. 3842: Mr. ROHRABACHER and Mr. PASCRELL.
H.R. 3884: Mr. BLUMENAUER, Mr. BALDACCI, Ms. MCCARTHY of Missouri, Mr. KANJORSKI, Mr. HOLT, Mr. HINCHEY, Mr. OBERSTAR, Mr. PAYNE, Mr. RUSH, Mr. SCOTT, Mr. SHOWS, and Mr. STRICKLAND.
H.R. 3887: Mr. WYNN, Mr. PASCRELL, Mr. SANDERS, Ms. MCKINNEY, Mr. BERMAN, and Mr. SHAYS.
H.R. 3897: Mr. ISTOOK, Mr. HOLDEN, and Mr. BISHOP.
H.R. 3915: Mr. WAXMAN.
H.R. 3916: Ms. MCCARTHY of Missouri, Mr. UDALL of New Mexico, Mr. BERMAN, and Mr. EDWARDS.
H.R. 3961: Mr. KIND, Mr. DAVIS of Illinois, Mr. BERMAN, and Ms. LOFGREN.
H.R. 3962: Mrs. CUBIN, Mr. STUMP, and Mr. TAYLOR of North Carolina.
H.R. 3973: Mr. LEWIS of Georgia and Mr. GONZALEZ.
H.R. 3974: Mr. BONIOR.
H.R. 3976: Ms. WOOLSEY.
H.R. 3995: Mr. GILLMOR.
H.R. 4003: Mr. BLUMENAUER.
H.R. 4037: Ms. LOFGREN.
H.R. 4039: Mr. SMITH of Washington.
H.R. 4043: Mr. TANCREDO, Mrs. ROUKEMA, and Mr. KERNS.
H.R. 4066: Mr. RODRIGUEZ, Mrs. CHRISTENSEN, Ms. HOOLEY of Oregon, Mr. LOBIONDO, Mr. HILLIARD, Mr. LAFALCE, and Ms. SOLIS.
H.R. 4070: Mr. SCHAFFER and Mr. BARCIA.
H.R. 4254: Mr. WATT of North Carolina.
H.R. 4373: Ms. CARSON of Indiana.
H.R. 4481: Mr. MEEKS of New York.
H.R. 4483: Mr. ANDREWS and Mr. PALLONE.
H.R. 4555: Ms. ROS-LEHTINEN.
H.R. 4561: Ms. RIVERS, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, and Mr. HALL of Ohio.
H.R. 4582: Mr. LANTOS.
H.R. 4596: Mr. LANTOS.
H.R. 4598: Mr. GIBBONS and Mr. SCHIFF.
H.R. 4600: Mr. UPTON, Mr. ROGERS of Michigan, Mr. SHAW, Mr. SCHAFFER, Mr. STEARNS, Mr. CRANE, and Mr. LATOURETTE.
H.R. 4606: Mr. CARSON of Oklahoma and Mr. SCHIFF.
H.R. 4623: Mr. SULLIVAN, Mr. GORDON, Mr. KENNEDY of Minnesota, Mr. PHELPS, Mr. VITTER, Mr. COBLE, Mr. STENHOLM, Mr. RILEY, Mr. GEKAS, Mr. RYUN of Kansas, Mr. PICKERING, Mr. FROST, Mr. CUNNINGHAM, Ms. CARSON of Indiana, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. SESSIONS, Mr. ISTOOK, Mr. BARTLETT of Maryland, and Mr. MATHESON.
H.R. 4635: Mr. JEFF MILLER of Florida, Mr. CANTOR, Mr. BARTON of Texas, Mr. HILLEARY, and Mr. COOKSEY.
H.R. 4639: Mr. SANDERS and Mr. KANJORSKI.
H.R. 4645: Mr. CONDIT, Mr. JOHN, Mr. SANDLIN, Mr. PETERSON of Minnesota, Mr. HALL of Texas, Mr. MCDERMOTT, Mr. LARSEN

of Washington, Mr. MATHESON, Mr. CRAMER, and Mr. CLEMENT.

H.R. 4649: Mr. DIAZ-BALART.

H.R. 4653: Mr. TOM DAVIS of Virginia, Mr. HOBSON, and Mrs. JO ANN DAVIS of Virginia.

H.R. 4654: Mr. MCHUGH and Mr. BONIOR.

H.R. 4655: Ms. LEE, Mr. OWENS, Mr. WAXMAN, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Ms. CARSON of Indiana, Ms. MILLENDER-MCDONALD, Ms. WATSON, Ms. KILPATRICK, and Ms. WATERS.

H.R. 4660: Ms. ESHOO, Mr. SESSIONS, and Mr. REYES.

H.R. 4664: Mr. JOHNSON of Illinois and Ms. WOOLSEY.

H.R. 4665: Mr. ENGEL.

H.R. 4676: Ms. HOOLEY of Oregon, Mr. HEFLEY, Mr. ENGLISH, and Ms. ROS-LEHTINEN.

H.R. 4691: Mr. HUNTER, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. CHAMBLISS, Mr. ROGERS of Michigan, Ms. HART, Mr. SHIMKUS and Mr. BARR of Georgia.

H.R. 4709: Mr. FROST.

H.R. 4728: Ms. ROS-LEHTINEN and Mr. CANTOR.

H.R. 4740: Mr. KLECZKA, Ms. BALDWIN, and Mr. SENSENBRENNER.

H.R. 4742: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4754: Mr. MATHESON and Mr. STENHOLM.

H.R. 4757: Mr. GONZALEZ.

H.R. 4778: Mr. HASTINGS of Florida, Mr. BRADY of Pennsylvania, Mr. BONIOR, Mr. SERRANO, Mr. BENTSEN, and Mr. PAYNE.

H.J. Res. 90: Mr. FROST.

H. Con. Res. 180: Mr. ISRAEL.

H. Con. Res. 213: Mr. BONIOR.

H. Con. Res. 301: Mr. MURTHA.

H. Con. Res. 317: Mr. CRAMER.

H. Con. Res. 359: Mr. GEKAS.

H. Con. Res. 362: Mr. DOYLE, Mr. FOLEY, Mr. GIBBONS, Mr. MCGOVERN, Ms. ROS-LEHTINEN, Mrs. ROUKEMA, and Mr. SMITH of New Jersey.

H. Con. Res. 385: Mr. MALONEY of Connecticut, Mr. LANTOS, Ms. SOLIS, Ms. KILPATRICK, Mr. HONDA, Mr. BRADY of Pennsylvania, Ms. MCCOLLUM, Mr. WU, Mr. ROSS, Mr. WEXLER, Mr. CARSON of Oklahoma, and Mr. HOEFFEL.

H. Con. Res. 394: Mr. WU.

H. Con. Res. 401: Mr. CLEMENT, Mr. COOKSEY, Mr. LANTOS, Mrs. THURMAN, Mr. FRANK, Mr. WOLF, Mr. MCNULTY, Mr. GREEN of Texas, Mr. FILNER, Mr. GARY G. MILLER of California, and Mr. TOM DAVIS of Virginia.

H. Con. Res. 404: Mr. WEXLER.

H. Con. Res. 406: Mr. GREEN of Wisconsin.

H. Res. 105: Mr. STARK and Mr. GREEN of Texas.

H. Res. 259: Mrs. JO ANN DAVIS of Virginia.

H. Res. 361: Ms. SLAUGHTER.

H. Res. 393: Mr. MENENDEZ and Mr. PLATTS.

H. Res. 418: Mr. OXLEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Mr. WYNN.

H.R. 1577: Mr. SANDLIN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4775

OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 11: At the end of chapter 8 of title I, insert the following:

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

SOCIAL SECURITY NOTCH ADJUSTMENT PAYMENTS

For making lump-sum payments to individuals born between 1917 and 1921 (or their dependents and survivors) who are currently receiving Social Security retirement benefits, $250,000,000, to remain available until September 30, 2003: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 12: Page 106, line 8, after the dollar amount, insert the following: ''(reduced by $175,000,000)''.

Page 109, line 7, after the dollar amount, insert the following: ''(increased by $175,000,000)''.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 13: Page 106, line 8, after the dollar amount, insert the following: ''(reduced by $175,000,000)''.

Page 109, line 7, after the dollar amount, insert the following: ''(increased by $175,000,000)''.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 14: Page 8, strike lines 4 through 19.

Page 109, after line 11, insert the following:

In addition, for additional amounts for grants and other assistance authorized by title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) and section 615 of such Act (42 U.S.C. 5196d) for first responder preparedness programs, $175,000,000 to remain available until expended.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 15: Page 8, strike lines 4 through 19.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 16: Page 8, line 14, after the dollar amount, insert the following: ''(reduced by $175,000,000)''.

Page 109, line 7, after the dollar amount, insert the following: ''(increased by $175,000,000)''.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 17: Page 8, line 7, after ''for'', insert ''the Office of Domestic Preparedness for''.

H.R. 4775

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 18: Page 8, line 3, insert before the period the following:

: *Provided further*, That the funds provided in this paragraph shall be available only after all the remaining names of the September 11 detainees have been released to Congress

H.R. 4775

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 19: Page 6, line 23, insert before the period the following:

: *Provided further*, That the funds provided in this paragraph shall be available only after the Department of Justice conducts an internal investigation and review of the Federal Bureau of Investigation field memoranda that dealt with the September 11 investigation

H.R. 4775

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 20: Page 8, line 3, insert before the period the following:

: *Provided further*, That the funds provided in this paragraph shall be available only after Border Patrol agents have been given training in racial profiling stops along the border

H.R. 4775

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT NO. 21: Page 109, line 8, before the colon, insert the following:

, of which $1,500,000 shall be for the minority emergency preparedness demonstration program authorized by section 629 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by section 431 of Public Law 107–73