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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 22, 2003.

I hereby appoint the Honorable MICHAEL C. BURGESS to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

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

S. 1435. An act to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

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

DOING THE BUSINESS OF THE NATION

Mr. DELAY. Mr. Speaker, since the beginning of this year, the Republican majority has committed itself to doing the bulk of its work by this summer before Presidential politics overtakes the Nation's attention. We know once we return after Labor Day, Congress will focus on completing the spending bills and the broader political agenda will be dominated by the Presidential campaign.

We have had this first 8 months to get the work of the people done, and I am happy to report we have done so. On issue after issue, the House has identified, developed, and passed necessary legislation. We passed major bills to further reform Federal welfare programs, to promote work and help prepare recipients to find it. We passed the President's African relief initiative to curb the spread of HIV/AIDS on that suffering continent. We passed a partial-birth abortion ban and hope to finally deliver it to a President willing to sign it and outlaw this gruesome procedure.

From education to national security to child protection, the House has been addressing the urgent needs of the American people. But we have also not lost sight of the three principle objectives we set out this year: the war on terror, the economy, and a Medicare prescription drug benefit.

When we began our work in January, Saddam Hussein was still in Iraq dominating and terrorizing his people. Thanks to the leadership of President Bush and the amazing work of our military, a fledgling democracy is now being fostered in Iraq. The American people are safer and global terror has lost a sponsor and ally, thanks in part to Congress's bipartisan support for the war budget we passed in April.

On the economy, we passed the President's Jobs and Growth Package to create more than 1 million new jobs. The effects of this legislation are already benefiting the national economy, leaving more money in the pockets of American taxpayers.

And finally, the House and Senate have each passed versions of a Medicare prescription drug benefit. We will continue to work with the Senate and White House to negotiate a final bill and put it into law to improve the health of American seniors.

So, Mr. Speaker, this House committed itself to fulfilling America's promise from day one; and we are a safer, more prosperous, and healthier Nation because of it.

TRADE IS A FOUR-LETTER WORD: J-O-B-S

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, where I come from, trade is a four-letter word, J-O-B-S. But this Congress and this President just do not spell very well. The last 2½ years since President Bush took office this country has lost 3 million jobs, more than any President since Herbert Hoover. We have lost 2 million manufacturing jobs, mostly which have gone overseas; we have a trade deficit of $450 billion. The trade deficit last month was greater than the trade deficit for the entire year 10 years ago. The trade deficit is 10 times last year what it was a decade-plus ago. We are hemorrhaging jobs with every billion dollars of trade deficit, now up to $450 billion. We continue to hemorrhage jobs.

President Bush's answer to this 3 million jobs loss, 2 million manufacturing jobs lost, President Bush's answer is more trade agreements.

Congress this week will vote on two trade agreements, one with Singapore and one with Chile. Congress's vote

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this week will be on these two trade agreements, which are frankly more of the same, more NAFTA, more hemorrhaging of jobs, more weakening of environmental and food safety laws, and all of the values we in this country hold dear.

Most of all, these trade agreements with Chile and Singapore are all about jobs. When we look at what has happened with NAFTA in the last 10 years since NAFTA passed this Chamber in November 1993, in these 10 years we have seen a trade surplus with Mexico turn into a huge trade deficit. We have seen job gains with Mexico and Canada turn into huge job losses. We have seen since Congress has passed Permanent Normal Trade Relations with China and Most-favored Nation status temporary renewals every year the last dozen years. We have seen our trade deficit with China go from $100 million in 1990, to $100 billion in 2002.

Every billion dollars, according to President Bush, Sr., meant a loss of 18,000 jobs. So with a trade deficit of $450 billion, all we have to do is do the math to understand why the job picture in this country is so bleak and with passing Chile and Singapore trade agreements and the rest of the President's trade agenda, Central America free trade agreement, Free Trade Act to the Americas to extend NAFTA to the whole hemisphere, we understand why the job picture in the future is even bleaker.

Mr. Speaker, 2 days ago on Sunday I spoke to a rally of Goodyear workers in Akron, Ohio. There are 14 Goodyear plants scattered across the United States. There were rallies held by the Steel Workers, formerly the Rubber Workers, at each of these 14 plants across this great country. Everyone that came up to me before, during, and after the rally talked about job loss, talked about their anxiety, economic insecurity and kept asking why does President Bush want a trade agreement with Singapore, why does President Bush want a trade agreement with Chile, why does President Bush want to extend NAFTA to Central America and why does President Bush want to extend NAFTA to all of Latin America.

Those workers understand that trade is a four-letter word, and it is spelled J-O-B-S. They spell better than President Bush and the leadership in this Congress because they understand that these trade policies with Chile, with Singapore, with a Central America free trade agreement, with the Free Trade Act with the Americas, these trade agreements, in addition to weakening our environmental standards, in addition to undercutting labor standards, in addition to weakening food safety standards, in addition to undercutting what we hold dear in this country, they understand these trade agreements more than anything else are about jobs. They are about the loss of jobs, about the hemorrhaging of jobs, about jobs going overseas year after year after year; and they are not coming back unless we change our trade policy.

H.R. 693, MILITARY DEATH GRATUITY IMPROVEMENT ACT OF 2003

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from North Carolina (Mr. JONES) is recognized during morning hour debates for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, Members can see beside me and behind me are photographs of men and women who have died in Operation Freedom; and the reason I come to the floor with these photographs, I do not want us as Members of Congress to ever forget, not that we ever would, the high cost of freedom, because someone has given a life to ensure that the American people as well as the people of Iraq can have the freedom that we in America are guaranteed by our Constitution.

The reason I wanted to come to the floor is because many of my colleagues, as well as people throughout this country, do not realize that each and every family that has a loved one killed in the military receives what is called a death gratuity. It is a small amount of money, I do not think it is enough, but it is a check for $6,000. What makes it even worse than the amount is a tax on part of the $6,000.

In the 107th Congress, I introduced legislation to eliminate the tax, and let me say that the House did its job in a bipartisan way and passed the legislation, sent it over to the other body and they failed to act on that legislation. Because of that, Mr. Speaker, families throughout this country, actually 292 military families, had to pay a tax on the death gratuity they received on the death of a loved one serving this Nation and possibly fighting for freedom.

Mr. Speaker, if the other body does not pass this legislation that we have sent over there again this year, meaning 2003, very possibly in 2004 there could be as many as 200 to 300 families in this country that will receive from Uncle Sam a notice that they owe tax on the death gratuity. I think this is unacceptable. I think it is deplorable that any family that would give a loved one to serve this Nation who has given their life to protect freedom would next year receive a tax notice from Uncle Sam.

Mr. Speaker, I think that is unacceptable. I think the other body needs to do its job and pass legislation to ensure that in the year 2004 the families who lose loved ones serving this Nation will not have to pay a tax on a $6,000 death gratuity. I think we as Congress must ensure that the families who have lost those loved ones will not be asked by Uncle Sam to pay a tax on the small amount of $6,000 for that loved one who has given their life. I close by encouraging the other body to do its job and not leave this fall and not have passed this legislation.

Mr. Speaker, I close as I always do in my district, I ask God to please bless our men and women in uniform, I ask God to please bless their families, I ask God to please bless the families who have lost loved ones, I ask God to please bless the House and Senate that we will do what is right in the eyes of God, I ask God to please bless the President of the United States that he will do what is right in the eyes of God, and I ask three times, God please, God please, God please continue to bless America.

FREE TRADE AGREEMENTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from California (Ms. SOLIS) is recognized during morning hour debates for 5 minutes.

Ms. SOLIS. Mr. Speaker, this morning I would like to rise to urge my colleagues to listen a bit about this discussion that I am going to enter into regarding the U.S.-Chile and U.S.-Singapore free trade agreements. And as one of my colleagues said, it is about jobs, J-O-B-S.

Mr. Speaker, understand I am not opposed to free trade. I want to underscore that we want to seek fair trade, and I point out the chart next to me because I want to talk about the high unemployment rates in my country, but also here in my own district. Right now the national percentage for unemployment is 6.4. I have communities in my district that have well above 10.8 percent unemployment. Many of the job losses have stemmed from jobs going abroad, particularly in the garment industry, in light manufacturing and other jobs like that.

I want to point out that if we do move forward with the U.S.-Chile and U.S.-Singapore free trade agreements, we should try to enact legislation that would provide fair treatment of people who enter into this country. One of the questions I have right now is that this trade agreement with Chile and Singapore is not fair. What it would do is allow for a vast influx of foreign temporary workers from low-wage nations that would be competing with our communities, with people who are faced with not having jobs right now, who are well trained, by the way.

I would like to draw Members' attention that last night as I was watching the news on Channel 7, they were doing a depiction of people who had recently lost their jobs, people who had considerable training and background and degrees, people in finance and technology. They are now working at the local hamburger stop, or in marketing positions that pay well below $9 an hour, or somewhere around minimum wage, $5.15.

I think it is a disgrace that we are not doing enough to focus in on those individuals who we represent in our communities. I would like to ask this

administration and the Congress to consider first investing in America in the jobs that we need here at home. It is great that we are able to help out other countries, but we have to help them become self-empowered so they can determine their own destinies as well.

I had a chance last year to visit Central America, and I saw what the power of our country could do if we were to just expand programs that invested in microenterprise programs that would allow women, in particular, low-income skilled people to begin to invest in their own businesses, not taking away jobs from Californians or the rest of the country, but investing in their own human capital and keeping those people there instead of bringing them to this country.

I am not against bringing people in, but let us be fair and truthful what we want to do. First, we need to prioritize our own homeland, and that is investing here in America.

What baffles me most is the Bush administration has negotiated agreements to allow for foreign temporary workers in the U.S., when unemployment is in some places above 10 percent. The worker rights provisions in the Chilean and Singapore agreements will be disastrous if also applied to future trade agreements, and I speak in particular to the Central American free trade agreement which is coming shortly.

Many of those countries do not have labor provisions for their workers. They would like to take away the rights of health care workers right now in countries like El Salvador and Guatemala, and I hear over and over again the problems faced by many people there who would like to unionize. They are harassed and intimidated. That is not right, and I think the American public needs to know what negotiations are going on between our country and others to foster trade.

Again, I think jobs are important. I think it is very important to underscore that, yes, as Americans we know it is important to sustain other countries, but let us make sure that our principles are clear.

Last year, I and other Members of this House voted on the Jordan Free Trade Agreement, which I believe was a little bit better than what we are seeing is going to come before this House later this week, but I think we have to remember one of the reasons it got a lot of support was we had protections for workers' rights and for the environment. Those two major issues are lacking in this upcoming Chile and Singapore agreements.

I would underscore the need here is about jobs, jobs in America and making sure that we do not undercut our workforce or the workforce of those foreign countries, because many of them will not have the same protections as we as workers have in this country, and I point that out because we hear too often about the abuses with young children, no labor provisions to protect children abroad. I would ask my colleagues to oppose these agreements.

U.S.-CHILE FREE TRADE AGREEMENT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized during morning hour debates for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, on June 6, 2003, the United States and Chile signed a historic and comprehensive free trade agreement designed to reduce barriers and facilitate trade and investment between both countries. Negotiations had begun back in December 2000, and 14 negotiating rounds were held. In the final round, 230 negotiators worked 9 straight days to come up with an agreement that contains more than 800 pages of text and annexes.

The result of all this hard work is a state-of-the-art trade pact that includes groundbreaking provisions which have never been negotiated as part of a free trade agreement. For example, the agreement includes new anticorruption rules in government contracting, and commitments to make end-user piracy of copyrighted works a criminal offense. Also included are new customs procedures which will increase transparency, efficiency, and timeliness of customs clearance procedures while maintaining strong border security.

Chile has agreed to new regulatory transparency commitments that will govern the interaction of service regulators with private parties, increasing public access to rulemaking procedures. In addition, the dispute settlement process will become more transparent with more public hearings, access to legal submissions, and the rights of third parties to submit views.

But beyond the precedent-setting features of the agreement, there is a bottom-line reality. Right now most of Chile's products enter the United States duty free under the GSP, or generalized system of preferences. In contrast, our exports to Chile face a uniform tariff of 6 percent. Once the U.S.-Chile free trade agreement enters into force, Chile's 6 percent tariff will be removed immediately from more than 85 percent of U.S. exports. Tariffs on the remaining products will be phased out over 4 to 12 years.

This is a good agreement which covers a particularly wide range of products and services. Not only does it address the liberalization of merchandise trade; it also includes groundbreaking areas such as e-commerce, express delivery services, strong copyright and trade protections, and across-the-board liberalization of trade in services.

In short, there is something for everyone to like in this agreement. But as with other trade agreements, there is also something for everyone to question. The three areas that are often addressed by Members who have not had an opportunity to focus on the agreement, and we heard from a couple of them this morning, are: labor, the environment, and immigration. For instance, some Members who are not familiar with Chile and its labor laws question whether the labor provisions in this agreement are strong enough. The facts are that Chile has recently rewritten most of its Pinochet-era labor laws, reaffirming its obligation as a member of the international labor organization, and committed in this agreement to a key binding obligation not to fail to effectively enforce its labor laws through a sustained or recurring course of action or inaction. Labor protections within Chile and within this agreement are strong and sound.

And because it is a free trade agreement, other Members question whether it preserves environmental protections, but this free trade agreement includes provisions requiring parties to establish high levels of environmental protection and to not weaken or reduce environmental laws to attract trade or investment. It provides for dispute settlement and for environmental cooperation between the parties.

And last, some Members have questioned the impact this agreement may have on our immigration policy and whether it will open the door to a new wave of immigrants. The answer is no. It is true that in order to facilitate trade and services this agreement does allow for temporary entry of business professionals into Chile and into the United States. The number of professionals allowed entry into Chile is unlimited, while the number of Chilean professionals in the United States is 1,400. But I want to point out that the implementing legislation ensures that Chile professional category comes under the existing H–1B umbrella as H–1B1.

Further, the legislation clarifies that the Chile H–1B professional category is capped and these individuals will count under the overall H–1B program cap. The same fees can be charged for entry, and the agreement permits the U.S. to require attestations modeled after core elements of the Labor Condition Application of the current H–1B visa program.

Mr. Speaker, this is a good agreement with a good trading partner that will be good for our businesses and workers. I plan to vote for the U.S.-Chile trade agreement, and urge my colleagues to do the same.

COLUMNIST BLOWS CIA AGENT'S COVER

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Washington (Mr. MCDERMOTT) is recognized during morning hour debates for 4 minutes.

Mr. MCDERMOTT. Mr. Speaker, I was stunned this morning to pick up the newspaper and read in an article in Newsday dated July 22 that a columnist blew a CIA agent's cover. That is the headline of this article. Now, Robert Novak, who is the columnist who did this, said they came to me, they thought it was significant, they gave me the name and I used it. That is a criminal offense. To give the name of an American member of the CIA to uncover them is a criminal offense. Somebody in the administration thought it was important to let that news out. So they went to Mr. Novak, he is one of the Republican Party's pets in the press, and they knew it would go right into the press.

But when will the investigation start in this House by the Republicans of the Republican administration people who broke the law? Who in the White House had the gall to think they were above the law and they could go down and take a reporter and say let me give you the name of one of our undercover agents who has been operating abroad? Members may ask themselves why would they do that? Were they threatening her or did they want other people to understand, do not talk anything bad about this administration? This administration is trying to make the American people afraid to speak up and dissent. They did this because she happened to be the wife of somebody that the administration sent to Niger to find out the truth of the forgeries that the President spoke about here in this very place. When he came back and gave his report, his report was ignored and they insisted upon putting it into the speech.

Mr. Speaker, the question you have to ask is, who is writing the laws that cover the White House and the administration? Or are they operating on their own? They could do anything and the stonewall on the Republican side of the House of Representatives will never bring it up. I guarantee Members there will not be any attempt to have an investigation by the Permanent Select Committee on Intelligence; of course, we trust them, yes.

Today, Mr. Bremer is going to sneak into this room and they are going to lock the doors and he is going to tell us a lot of things. Imagine what would happen if I or the gentlewoman from California (Ms. PELOSI) or even the gentleman from Florida (Mr. STEARNS) were to stand in this well and say the name of an undercover CIA agent. They would be in the Committee on Standards of Official Conduct in 15 minutes. They would be hanging by their thumbs; but not Mr. Novak and not those people in the White House. They get a free pass. They do not operate under the same laws you and I do. This is becoming a pretty strange place where the White House, whose job it is to enforce the laws of the United States, that is what the executive branch is about, right in the bowels of the White House, we have somebody who feels no compunction whatsoever to go out in the street and hand this information out. I am waiting for the investigation.

CHILE AND SINGAPORE FREE TRADE AGREEMENTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. SESSIONS) is recognized during morning hour debates for 4 minutes.

Mr. SESSIONS. Mr. Speaker, today I rise in support of the Singapore free trade agreement with the United States. This week we will be debating and voting on the free trade agreements with Chile and Singapore. I stand in support of these because I believe that these agreements will not only nurture our friendship and relationship with these great nations, but also will be in the best interests of the United States.

In terms of direct economic benefits, there are three broad areas that I believe in particular the United States will gain benefit from with this free trade agreement with Singapore: goods, services, and intellectual property.

Mr. Speaker, the United States of America is friends with Singapore, and we value the relationship we have. The relationship with Singapore's ambassador to the United States and also our relationship with Singapore is one that needs to be strengthened and nurtured. By signing this free trade agreement, we are going to bring into play the opportunity for America and Singapore, who we already share so many good things in context with from business relationships, but we are going to codify this free trade agreement around the ability we have in our legal systems to not only work together and agree with the differences that we may have, but to be able to do business in an ever-increasing small world, a world where the things that we do here in the United States are the things that are done in Singapore, and to make sure these difference are resolved properly.

Intellectual property is one of the key components of the intelligence and strength of this country, and I believe that this free trade agreement will allow the free flow of not only intellectual property but the things that come as a result of that. This agreement updates also Singapore's intellectual property laws, and as was noted by Thomas Lipscomb on June 10 in the Wall Street Journal, ''Entertainment content is now America's largest export, and information is the basis of more than half of our gross domestic product.''

Mr. Speaker, I will tell Members that this free trade agreement with Singapore is going to be one that will benefit Singapore and the great people of this Nation. I stand in support of this free trade agreement. It is about jobs, about intellectual property, it is about goods and services. It is about a relationship with one of America's greatest trading partners and allies, Singapore.

OPPOSING FREE TRADE AGREEMENTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. RYAN) is recognized during morning hour debates for 4 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I rise in opposition to the free trade agreement which has been discussed here today for a variety of reasons. I think Members understand that we need to trade and understand that we have an obligation to trade, and for our citizens to have an ability to trade and to buy goods and services. I think many people in this Chamber understand the concept of comparative advantage where certain countries have certain strengths and that we need to tap into those strengths; but I cannot understand, I am having a difficult time as I listen to the previous speakers talk about intellectual property, talk about copyrights, talk about piracy, talk about customs, these are priorities when we negotiate these agreements.

The intellectual property has become our priority, and we need to protect them, but why when we are negotiating these agreements can we not put the same energy and the same conviction into our environmental standards, into labor standards, that we believe in in this country and that we have stood for for many, many years, the great strides through the last century that we have made in the environment, for our labor standards, protection of workers, and we are beginning to see the race to the bottom where manufacturing jobs leave this country, they go to Mexico? They leave Mexico and they go to China because the labor standards there and the environmental standards there are so low that the capital begins to chase to the lowest common denominator.

That is the problem I have with these agreements. And the other speakers kept talking about the intellectual property and kept talking about the copyrights, and that is because those people who want those aspects of the agreement protected are sitting at the table. They are the ones sitting there negotiating these agreements, and so they are making sure that their interests are protected. When are the interests of the environment going to be protected in these agreements? When are the interests of the labor folks and the workers that are being taken advantage of, when are they going to be at the table?

Mr. Speaker, until they are, I am not going to support these agreements. We have an obligation in this country to support and to promote our values. The last speaker talked about what the U.S. will gain. They will gain goods, services, and protections in intellectual property. I want to see trade

agreements that not only protect our corporations and protect our intellectual property and our copyrights because we recognize that those are significant aspects of our society and significant aspects of our economy, but I want to see America illustrate its values, what we stand for. At this time, especially in this country, what do we stand for?

I believe the citizens of this country stand for a strong commitment to our environment and a strong commitment to the working people, the average people who at this point in the world are being taken advantage of. We talk about free trade, but we do not talk about it when we are talking about the African farmer or when we are talking about labor and environmental standards.

I think it is time to even the playing field out, give our workers a chance, and let us start exporting what we stand for in this country and that is a commitment to the values and the freedoms that we have established over many years, and that is the environment and the labor standards. We have the political capital to do it; now we just need the political will to do it.

IRAQ RECONSTRUCTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 4 minutes.

Mr. STEARNS. Mr. Speaker, as our forces persevere in Iraq, working to stabilize and rebuild this country which has been devastated by a violent, oppressive regime for 35 years, we continue to be flooded in the press by charges of America being an imperialist empire. Such a charge is wrong.

The United States is indeed the lone super power in the world. However, this was not our goal. We now have the job that most countries do not want, and a burden that most are not capable of shouldering. We are requested to intervene in disputes affecting other countries. Kofi Annan, the Secretary General of the United Nations, is urging the U.S. to deploy troops to Liberia immediately.

The fact remains that when security and influence is needed, it is the United States that is called upon to act. Given this fact, I continue to find it difficult to understand the charges levied against the United States, particularly with our involvement in Iraq. When we are facing a world where the majority of nations do not have the capability or the desire to ensure the safety and basic freedoms of individuals is not lost, we are then faced with a choice of whether or not to act.

As stated recently in the Atlantic Monthly, ''The consequences of attack by weapons of mass destruction are so catastrophic the United States will have no choice but to act preemptively on limited evidence exposing our actions to challenge.''

It is precisely that opportunity, to challenge a government's actions, that Iraq lacked for so long. Of course we read stories of protests in Najaf or other areas of Iraq. However, these protests represent the kind of free speech in a country for which less than 6 months earlier a person would have been greeted with a gunshot to the head. The fact is that the United States freed people that other nations outside of our coalition refused to do. These nations were content to continue to allow Iraq to descend into a culture of violence.

Today, the people of Iraq have the ability to choose a future of their own. We are helping them to rebuild, teaching them to police their citizens without torture, and teaching them to govern and rebuild a destitute economy. Yet we continue to encounter criticism of our efforts and strategy in a postwar Iraq, and the length of time to return the governing of Iraq to its people.

Let us look at history for a moment. At the end of World War II, it was believed that the occupation of both Germany and Japan would be brief. However, the reality was that Japan's occupation lasted over 6 years, and a directly military government in Germany lasted 4 years. Both situations faced humanitarian crises as a result of the war. Each nation's wealth was severely weakened, and a large percentage of each country's population was homeless; but reconstruction efforts resulted in functional democratic institutions. Constitutions were drafted with civil liberties that did not exist prior to the war in these countries. And today, both Germany and Japan are integral to the world economy and representative of the success of properly administered civil reforms. The situation in Iraq is not dissimilar.

Our troops do face a continued threat by terrorists, and security situations are very tense. But looking at our history, what Americans have accomplished in the past, how much more vast are our resources, our ingenuity and our compassion, we are making progress in Iraq. The new governing council may soon be recognized by the United Nations, small provincial governments are operating in smaller Iraqi towns, mass media is available where only state-run news previously existed. We are giving the Iraqi people a chance.

Prime Minister Tony Blair spoke before us recently. He said, ''How hollow would the charges of American imperialism be when these failed countries are seen to be transformed from states of terror to nations of prosperity, from governments of dictatorship to examples of democracy, from sources of instability to beacons of calm.'' He went on to say, ''Why America? The only answer is because destiny put you in this place in history in this moment of time, and the task is yours to do.''

The United States did not ask for the world role in which we find ourselves. The simple truth is we are the ones that are willing and capable to bring about a positive change in the world; and with help from our friends and patience from our citizens, we will do just that.

TRADE DEFICIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 4 minutes.

Mr. DEFAZIO. Mr. Speaker, when you are in a deep hole in Washington, D.C., what do you do? You dig it a little deeper. That is what my colleagues on the other side of the aisle are proposing with the Chile and Singapore free trade agreements.

The United States ran a record $435.7 billion trade deficit last year, up from $358.3 billion in 2001, and we are headed toward a new record this year. We have a failed trade policy. We are exporting millions of jobs every year while Americans cannot find work. But this one is even better. This is truly a groundbreaking agreement.

The Bush administration has gone further than the losers in the Clinton administration who pushed free trade and the Bush administration I and the Reagan administration, 20 years of failed trade policy in this country. This one is even better. We are going to export jobs and import workers. It has a little provision they snuck in, and Congress is not allowed any amendments in these trade agreements, that will actually import skilled workers to the United States. They are only coming on a temporary basis, only take away jobs on a temporary basis. We are going to export all those obsolete industrial jobs, they say. I think we need those industrial jobs, but that is the theory on that side of the aisle. They say do not worry, we will retrain people for these new jobs, the high-tech jobs, the skilled jobs.

Now the estimates are that we are going to export 3.3 million highly skilled high-tech jobs over the next 5 years. And under this trade agreement, we are going to import workers to do the few that are left here. This is really great. This is wonderful. What a great country.

Mr. Speaker, if the American people could only have a voice on this issue. They will not get a voice here in the House, and it is very unlikely they will get a voice in the United States Senate. We are exporting $1.5 billion a day in U.S. wealth. We are continuing to drag down the economy.

The output of our economy over the last decade, according to credible economists, has been drug down by 35.2 percent over 10 years because of our trade deficit. What will this legislation do with Chile and Singapore, which is the forerunner for massive new free trade agreements all up and down

South America? It will actually accelerate that decline. We are already running a trade deficit with Chile, and it will grow greatly under this.

And with Singapore, yes, we had a little tiny trade surplus; but it is down by 50 percent in 1 year, and like with Mexico under NAFTA, we will be running huge and growing trade deficits with Singapore.

We cannot continue to run these deficits year in year out, export American jobs year in and year out, export America's industrial manufacturing base and continue to be a great economy. We are headed toward disaster here. In fact, the percent of our GDP that we are losing with these trade deficits is now exceeding the percent that Argentina was experiencing before their economic implosion or the Asian nations before their economic implosion.

Mr. Speaker, how long will people around the world continue to lend us money to buy foreign goods and undermine our own economy? This is absolutely absurd what we are doing here, and we are going to do more of it. Only inside the Washington, D.C. beltway would people look at $500 billion trade deficits, loss of our manufacturing base, the importation of skilled foreign workers and say this is great for our country because one or two multi-national corporations that nominally are based in the United States, they probably do not pay taxes here, but still pretend they are American companies, will get a little bit under this agreement.

WAR IN IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 3 minutes.

Mr. PENCE. Mr. Speaker, there is a lot of debate going on here in Washington, D.C. over our reasons for going to war in Iraq. Yesterday, I had the privilege of meeting with some men I believe we should hear more from. They were Marines injured in Operation Iraqi Freedom currently being treated at Bethesda Naval Hospital, Marines like Mark Graunke, Jr., a staff sergeant who lost his left hand, three of his fingers and his left eye and took shrapnel in removing landmines in theater on July 8 earlier this month.

What Mark told me, Congressman, I am not a hero, I was just doing my job for the good old United States of America, and it was a privilege. Then I talked to another sergeant whose name I will omit, but a man who the Navy corpsman told me may not make it. He was flanked by his mom and his dad and the mother of his two children and he looked me in the eye, with tubes coming out, and he simply said, Congressman, the only thing I worry about is that we will pull out early and we will not finish the job and it will mean all of the sacrifices we made over there were for nothing.

Then there was Michael Jones who took an RPG shell in the leg, looked me in the eye and told me he was glad the man fired at him instead of the vehicle where five of his fellow Marines were doing a search. I said, Lance Corporal Jones, are you telling me you are glad you were shot with a rocket in the leg? He said, yes, sir, I am sure it saved lives.

These are all men that know one thing that the American people know, that freedom is worth fighting for, freedom is worth dying for. It was about the freedom of the Iraqi people and securing the safety and freedom of the American people that this President moved against a brutal tyrant in Saddam Hussein, who most assuredly coddled terrorists in his 30-year reign in Iraq, and admitted to the weapons of mass destruction and used weapons of mass destruction against his own countrymen and against his neighbors.

Mr. Speaker, these brave Marines currently being treated at Bethesda Naval Hospital taught me much, reminded me of much: that freedom is worth fighting for, freedom is worth dying for, and we will stay the course until we deliver freedom to the families and children and the legacy of Iraq.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 1 minute.

Mr. PALLONE. Mr. Speaker, I would like to enter into the RECORD an editorial that was in my local newspaper, the Asbury Park Press, on Sunday relative to the Medicare prescription drug issue; and I want to highlight a couple of statements that were made by that editorial.

It says, ''Both Houses of Congress have passed what they describe as historic plans to extend prescription coverage to Medicare recipients. They are historic all right. They begin to chip away at one of government's most successful programs. Medicare has worked well for millions of seniors since its inception in 1966. Its administrative costs of 2 percent are far lower than those of private insurers. The notion that competition in the private marketplace will provide consumers with more choices, driving down the cost of drugs is a tired philosophy that has failed to deliver promised benefits in the areas of health care, transportation, energy and telecommunications. Providing extended coverage to their existing Medicare program would offer better benefits for less cost, be far more efficient and easier for recipients to use and be less prone to the vagaries of the marketplace, quick to abandon those that they cannot make a profit from.''

[From the Asbury Park Press, July 13, 2003]

DRUG PLAN A PLACEBO

Both Houses of Congress have passed what they describe as historic plans to extend prescription coverage to Medicare recipients. They're historic all right; they begin to chip away at one of government's most successful programs.

Rather than turning it over to HMOs and private insurers as the Republicans in Congress want to do, Medicare should be expanded to include an affordable, guaranteed prescription drug component, as Rep. Frank Pallone, D–N.J., and others prefer.

Both the Senate and House versions of the bill are fatally flawed. Even the most vocal supporters of a prescription drug benefit have expressed severe reservations about the legislation, including the American Association of Retired Persons.

Among our many concerns:

Both bills fail to adequately address the problem of skyrocketing drug prices. A study released last week found that the price of drugs most commonly used by the elderly rose more than three times the rate of inflation last year. Because co-pays and deductibles under the proposed plans are pegged to the cost of drugs, coverage will become unaffordable unless spiraling prices can be brought under control.

The co-pays and deductibles are too high and the benefits too meager. The two versions would cover an estimated one-third of the annual cost of drugs up to $4,500 and up to two-thirds of drug bills exceeding $12,000. The version supported by Pallone would cover 80 percent of the costs.

The House version could dismantle New Jersey's Senior Gold and Pharmaceutical Assistance for the Aged and Disabled programs and force seniors to enroll in far less generous plans run by HMOs and other private insurers. The Senate version, the lesser of two evils, would allow for the continuation of Senior Gold and PAAD.

The House bill does not guarantee coverage in areas where private firms are unwilling to write policies.

Employers are likely to reduce retiree benefits, leaving millions with less coverage than they have today. According to a Congressional Budget Office estimate, 37 percent of retirees with employer prescription drug coverage would lose it.

The substantial coverage gaps are confusing and are likely to discourage enrollment in the program.

By allowing highly subsidized private insurers to offer supplemental benefits, relatively healthy people will be drawn to private coverage, losing their choice of doctors and increasing costs to taxpayers.

Medicare has worked well for millions of seniors since its inception in 1966. Its administrative costs of 2 percent are far lower than those of private insurers. The notion that competition in the private marketplace will provide consumers with more choices, driving down the cost of drugs, is a tired philosophy that has failed to deliver promised benefits in the areas of health care, transportation, energy and telecommunications.

Providing extended coverage through the existing Medicare program would offer better benefits for less cost, be far more efficient and easier for recipients to use, and be less prone to the vagaries of a marketplace quick to abandon those it can't make a profit from.

The two bills on the table are driven more by politics than a sincere desire to give seniors the affordable, life-saving and life-enhancing drugs they deserve. Seniors and senior organizations should insist that their elected representatives hold out for a comprehensive program that offers real relief, not just a placebo.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 51 minutes a.m.), the House stood in recess until 10 a.m. today.

□ 1000

AFTER RECESS

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

PRAYER

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

Lord, in the book of Joshua, the life of anyone who killed another was forfeit. Once the monarchy was established, it would be the duty of the king to see that justice was done. But until then Israel was a tribal society and it fell upon the family of the victim to set things right. No wonder, Lord, there is so much lingering hatred and bloody violence in the world of tribal communities, even to this day.

So, Lord, You spoke to Joshua and commanded him to appoint ''cities of refuge'' where the person who kills another inadvertently or without intent could find refuge from the dead man's next of kin. In a time when there are more refugees than in any other time in history, we pray for all of those refugees who seek justice and long for peace. Help fragile nations to be grounded in law and order. Protect peacemakers and those who enforce the law, both here and in unstable areas like Afghanistan, Bosnia, and Iraq.

Help people everywhere to bury vengeance with forgiveness, temper justice with mercy, and transform indifference with compassion.

In You, Lord, America takes refuge, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BARRETT of South Carolina 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.

THE U.S.-CHILE FREE TRADE AGREEMENT

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

Mrs. BIGGERT. Mr. Speaker, over the last 6 years, the United States has lost nearly one-third of its share of Chile's import market.

Not coincidentally, the plunge occurred while other nations were implementing their own free trade agreements with Chile and getting market share there. Since the early 1990s, Chile signed free trade agreements with Canada, Mexico and the four nations of MERCOSUR. And earlier this year, implementation of the European Union-Chile's FTA led to an immediate surge in exports to Chile from European firms in direct competition with U.S. firms.

The lost Chilean sales not only cost the United States its long-time ranking as the top exporting Nation to Chile, it also cost U.S. businesses and workers thousands of higher-paying, export-related jobs.

U.S. businesses have the expertise and the resources to compete globally, if they are allowed to do so on equal terms with our competitors.

It is time to pass the U.S.-Chile free trade agreement and give our companies the opportunity they need to stay competitive in Chile.

TIME FOR U.S. TO LEAVE IRAQ

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

Mr. KUCINICH. Mr. Speaker, it is time for the United States to get out of Iraq. But this administration, whose entry strategy was based on falsehood, with no exit strategy, has trapped our troops in Iraq and exposed them to greater harm. The total number of American casualties is now 232.

Here is what needs to be done diplomatically: the United Nations must be brought in. Negotiations for an exit must begin now. An exit agreement with the United Nations must involve the U.S. letting go of the contracting process; Halliburton, Brown and Root, et cetera. The U.S. must also take over the management, accounting, and distribution to the Iraqi people of the oil. Additionally, a transition from U.N. control to a self-determining governing structure by and for the Iraqi people must be planned. Finally, the administration, which unwisely ordered the bombing, must fund the reconstruction.

It was wrong to go into Iraq. It is wrong to stay in Iraq. U.S. out. U.N. in. Let us support our troops by bringing them home.

SUPPORT FREE TRADE PARTNERSHIP WITH CHILE AND SINGAPORE

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

Mr. CRANE. Mr. Speaker, I stand in support of a free trade partnership with both Chile and Singapore. We should all support the model that Chile provides for economic, social, and democratic development. Chile more than doubled its GDP during the 1990s. It was the fourth fastest growing economy in the world. This extraordinary growth was fostered by low inflation, a balanced budget, clear regulatory accountability, a strong financial system, and a competitive economy. It ranks high, higher than many developed countries on international indices measuring economic success.

Mr. Speaker, the U.S.-Singapore Free Trade Agreement is a comprehensive, leading-edge agreement that includes U.S. trade negotiating objectives and strengthens an important economic relationship with a strategic U.S. trading partner. The U.S.-Singapore Free Trade Agreement sets many precedents, including lower barriers to trade and high-technology products and services and establishing new standards for intellectual property protection.

I urge my colleagues to support both of these critically portrayed agreements that we have negotiated that will set a positive example in both regions of the world.

REPUBLICAN ECONOMIC PLAN CAUSES SKYROCKETING DEBT FOR OUR NATION

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

Mr. THOMPSON of California. Mr. Speaker, it has been 802 days since President Bush and the Republican Party embarked on their economic plan for our country. During that time, the national debt has increased by $1,81,528,804,140.

According to the U.S. Department of Treasury, yesterday at 4:30 p.m. eastern standard time, the Nation's outstanding debt was $6,721,854,190,498.

Furthermore, in fiscal year 2003, interest on our national debt, or the debt tax, is $277,768,492,816 through June 30.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. PITTS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

PARTIAL-BIRTH ABORTION

(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, on June 4 we passed a ban on the terrible procedure called partial-birth abortion. Now, 48 days later, we have not even gone to conference to work out the differences with the other body. Why?

Despite the fact that the bill passed with bipartisan support of the majority of this Nation's elected leaders, the bill remains stalled. A couple of members in the other body are using an unusual delay tactic to prevent them from going to conference.

Filibustering judicial nominees is one thing, but blocking a bill that both Chambers have already passed overwhelmingly is just wrong. Their tactics threaten how Congress works and how our democracy functions. Even worse, every day this bill sits in no-man's land, more babies can be partially delivered and then killed.

We need to get the bill to conference, to the President to honor the commitment of both Chambers of Congress to the American people to end this terrible practice for good.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that they should avoid characterization of Senate actions.

SUPPORT H.R. 2738, CHILE FREE TRADE AGREEMENT

(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, this week Congress has an opportunity to pass legislation to implement a free trade agreement with our partner in commerce, the nation of Chile. I might mention also Singapore, but I am going to focus on Chile.

Since 1997, when Chile adopted free trade agreements with MERCOSUR, Mexico, and Canada, U.S. companies' share of the Chilean import market has fallen by 7 percent, amounting to something like over $1 billion. Meanwhile, the countries that have a free trade agreement with Chile gained over 9 percent of that market. There can be no question that our loss to the Chilean market is directly related to missed trade opportunities. The Chile FTA will turn this around.

If we vote to pass H.R. 2738, we ensure future American competitiveness in Chilean markets and the continued growth of our own economy, which will benefit all Americans. I urge my colleagues on both sides of the aisle to support and vote ''yes'' on the Chilean Free Trade Agreement.

SUPPORT FREE TRADE WITH CHILE AND SINGAPORE

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

Mr. KIRK. Mr. Speaker, the House will vote tomorrow on a free trade agreement, not just with Chile, but also with Singapore.

Free trade agreements have transformed other countries now allied to the United States. For example, our agreement with Jordan boosted Jordanian trade from $5 million to $400 million. We have that opportunity with Chile, a country whose economic policy sometimes is more advanced than our own. We proposed this agreement in 1991 when I served in the State Department. It is about time.

And Singapore. Singapore has become the de facto Southeast Pacific base for the United States Navy. With trouble from North Korea to Iran, strengthening our ties to Singapore strengthens our national security.

Mr. Speaker, I urge all Members to vote ''yes'' on free trade with Singapore and with Chile.

REFORMS FOR HEAD START THROUGH SCHOOL READINESS ACT

(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, every child should enter school with the basic skills needed for learning. Although Head Start has provided children with satisfactory nutrition and health care, it needs reform to significantly improve in their ability to learn.

As spearheaded by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Ohio (Mr. BOEHNER), the School Readiness Act will address this problem in Head Start by increasing academic and teacher requirements, while preserving and strengthening health, nutrition, parental literacy, and family services. Additionally, we are asking for an additional $202 million in funding for fiscal year 2004 for a total of $6.87 billion, an amount that is double the amount in 1996.

A very important part of the School Readiness Act is a pilot program in eight States that would integrate existing State prekindergarten programs with Head Start. I am excited that South Carolina will be eligible to take part, as it will help ensure all children enter kindergarten with the academic tools necessary to succeed.

I urge my colleagues to join me in support of the School Readiness Act.

In conclusion, God bless our troops.

TRIBUTE TO THE LAO-HMONG AND HONORING NATIONAL LAO-HMONG RECOGNITION DAY

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

Mr. BEAUPREZ. Mr. Speaker, I rise today to pay tribute to the Lao-Hmong on the occasion of National Lao-Hmong Recognition Day.

The Lao-Hmong fought alongside American soldiers in Vietnam in opposition to tyranny and Communist control. The Lao-Hmong have been recognized for their dedication and bravery displayed in defense of freedom. However, they deserve more than recognition. The Lao-Hmong are worthy of our most sincere gratitude and the deepest appreciation for all they have done.

I am proud to say the first official recognition of the Lao-Hmong's courageous achievements took place in my district in Golden, Colorado, on July 22, 1995. Last year, Congress officially recognized, through legislation, July 22 of every year as a day to remember, reflect, and pay homage to the Lao-Hmong community in America.

Mr. Speaker, it is an honor today to speak in celebration of National Lao-Hmong Recognition Day. I commend the Lao-Hmong community for their courage and join my fellow Americans in celebrating this day with a grateful heart.

□ 1015

FRESHMAN CLASS MISSION TO STOP WASTE, FRAUD AND ABUSE

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

Mrs. BLACKBURN. Mr. Speaker, the freshman class agrees that the waste has got to stop. The President agrees, the Congress agrees. Taxpayers must manage their own money, and so should the government. We are saddled with too many costly programs that are duplicated across too many agencies.

It is our goal to provide effective government efficiency by eliminating programs that do not use our resources wisely. By using outcome-based measures and full cost accounting, this scrutiny can provide a powerful motivation for agencies to improve the efficiency of the programs that they oversee.

Virtually every committee in Congress can make this effort a priority, reviewing the areas of jurisdiction for waste, fraud and abuse. At the Committee on Government Reform, we are particularly attuned to this effort and are well into reviews of agencies and programs that simply spend and spend without any results.

I would argue that any money wasted is too much, but we are talking millions and billions of dollars. I hope my colleagues will join my fellow freshmen and me as we are going after this abuse.

Mr. Speaker, now is the time for us to prioritize and reorganize government.

BUSH STATE OF THE UNION AND URANIUM INTELLIGENCE

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

Mr. GINGREY. Mr. Speaker, I come to the House floor today expressing a

word of caution to my friends on the other side of the aisle. Recently there have been questionable advertisements on television that present a misleading picture of President Bush.

During this year's State of the Union speech President Bush cited intelligence about the possibility that Iraq was attempting to purchase uranium from Africa. To hear the advertisements sponsored by the Democratic National Committee, you would guess President Bush, on a whim, decided to add this language without any consultation or evidence.

Let me enlighten my colleagues with the facts by reading our President's entire quote. ''The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.'' This is quite different from the half statement, 10 words, that our colleagues in the minority attribute to President Bush.

Shame on some of my colleagues for politicizing the war on terrorism for their own political gain and using half-truths while pretending to seek the whole truth. I call for the immediate removal of these blatant misleading ads.

USA-ASIA RELATIONS

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

Mr. KLINE. Mr. Speaker, this is an historic moment for U.S.-Asia relations. The United States and Singapore have agreed to formalize their mutually beneficial economic relationship with the ground-breaking U.S.-Singapore Free Trade Agreement. This monumental agreement is the first free trade agreement between the United States and an Asian country. It opens new markets for U.S. businesses and provides strong protections for U.S. companies and investors.

Singapore is an important economic ally of the United States. In 2002, Singapore was the 12th largest U.S. trading partner. Not only is Singapore itself an important market to the United States, but it also serves as a bridge between the United States and other markets in the Asia-Pacific region. This agreement builds on Singapore's many strengths and solidifies an important economic relationship between the two nations, presenting new opportunities for U.S. businesses and investors.

The U.S.-Singapore Free Trade Agreement will set an example for economic relations with other U.S. allies in the Asia-Pacific region. I urge my colleagues to join me in supporting the U.S.-Singapore Free Trade Agreement.

CONDOLENCES EXTENDED TO THE HONORABLE SHELLEY BERKLEY

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

Mr. PORTER. Mr. Speaker, I rise today to express my deepest sympathies to my dear friend and colleague, the gentlewoman from Nevada (Ms. BERKLEY).

Yesterday, Estelle Auslander, the mother of the gentlewoman from Nevada, passed away after a long battle with cancer at the age of 74. As many of my colleagues know, the gentlewoman from Nevada left Washington last week to be with her mother during this very serious time.

My thoughts and prayers are with my colleague and all of Mrs. Auslander's friends and family. I know that my colleagues will join me in these sentiments.

PROVIDING FOR CONSIDERATION OF H.R. 2800, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 327 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 327

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. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: sections 568(a)(3), 572, and 575. Where points of order are waived against part of a section, points of order against a provision in another part of such section may be made only against such provision and not against the entire section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

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

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 327 is an open rule that provides for the consideration of H.R. 2800, the fiscal year 2004 Foreign Operations, Export Financing and Related Programs Appropriations Act.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member on Appropriations. The rule also provides one motion to recommit with or without instructions.

The legislation we bring today to the floor, Mr. Speaker, appropriates over $17 billion for operations across the globe. This bill is fiscally sound while at the same time, I think, is responsive to many of the needs that we are seeking to address throughout the world where there are extraordinarily difficult issues related to disease and famine and many other forms of international disaster.

H.R. 2800 provides over $1.4 billion to combat HIV/AIDS, tuberculosis, and malaria. It is $86 million above the President's request. The funding will continue its important mission to provide training and technical assistance to private and voluntary organizations that work to eradicate debilitating diseases from both individuals and, in fact, societies.

The majority of this funding will be included in the Child Survival and Health Programs Fund, dedicated to lowering infant, child and maternal mortality rates in developing countries. The fund will see, through this legislation, a substantial increase of over $400 million over last year's appropriation.

The Agency for International Development, AID, will receive over $4.7 billion, $166 million above last fiscal year. Continuing its mission first defined by the Marshall Plan following World War II, AID has embarked on aggressive plans to promote health and economic strength through environmental protection, agricultural assistance and educational programs.

As with many other agencies following September 11, 2001, AID has recently seen its work extend to essential tasks related to the elimination of terrorism and social unrest through programs that attempt to contribute to stability. Although AID's work on terrorism is vital, H.R. 2800 goes much further, seeking to ensure significant funding for international security through assistance programs and activities in other realms.

The bill provides over $2.6 billion for assistance to Israel. As the roadmap to peace in this very delicate process

moves forward, it is our obligation, it is the obligation of this Congress to ensure support for Israel in every way necessary.

In other foreign assistance, H.R. 2800 funds the Andean Counterdrug Initiative, at the President's request, $731 million. For years, terrorists in Colombia have plagued efforts in that democratic country for peace. We believe that proactive action must continue to be taken to help the Colombian people defeat the armed rebels and to, as much as possible, stabilize that democratic society.

With the current landscape in the world today, foreign assistance is as strategically just, really, as it is a moral imperative. Instability in the world creates, Mr. Speaker, an environment in which terrorism finds it easy to breed new converts. We must not take progress, in the Andean region for example, for granted. If the United States turns its back on that region, the possible scenarios are extremely worrisome.

For the first time, Mr. Speaker, this bill appropriates $800 million for the President's Millennium Challenge Account. This historic expansion in foreign aid serves to bring economic security and basic tenets of democracy to those that really have not seen them in the past or to societies where democracy is extremely fragile. The Millennium Challenge Account will be administered by a government corporation held responsible to results and yet benefiting from flexibility to provide innovative solutions to the problems of poverty.

H.R. 2800, Mr. Speaker, was introduced by the gentleman from Arizona (Mr. KOLBE), chairman of the subcommittee, and was reported out of the Committee on Appropriations on July 16 by a voice vote, in other words, with extraordinary bipartisan support. It is very good legislation.

Chairman KOLBE has long worked on this, as well as the members of the subcommittee, and I think they all deserve our gratitude. So I thank Chairman KOLBE and the ranking member, the gentlewoman from New York (Mrs. LOWEY), for their leadership on this important issue. And I urge my colleagues to support both the rule and the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself 8 minutes.

Mr. Speaker, adoption of this rule will allow the House to consider H.R. 2800, the Foreign Operations Appropriations Act for fiscal year 2004. This rule exposes to points of order three sections of the bill, a section relating to debt forgiveness through the Commodity Credit Corporation for poor countries; a section relating to open bidding process for reconstruction contracts in Iraq; and a section relating to the duties of the Millennium Challenge Commissioner. And we are very concerned about that, Mr. Speaker.

Although this rule allows any Member to offer amendments under the 5-minute rule, it is not completely open. The standing rules of the House severely restrict the amendment process on all appropriations bills. Therefore, even though the Committee on Rules granted a rule that technically does not restrict the amendment process, by its nature, that amendment process for appropriations bills is still limited.

Spending amendments almost always require funding offsets elsewhere in the bill. Limitations must be very narrowly crafted and cannot impose any new duty on the agency or department to which the limitation is directed.

□ 1030

Whether or not an amendment is germane is just one criterion that must be met in order for an amendment to be made in order on an appropriations bill. House rules prohibit amendments to appropriations bills if they contain authorizing language, if they provide funding for unauthorized programs, services or projects, and if amendments violate the Budget Act. In general, nearly all substantive amendments require some type of waiver, waivers that are rarely granted by the Committee on Rules.

Mr. Speaker, several Members came before the Committee on Rules last night and requested waivers for their amendments. I supported the right of every Member who came before the committee to offer their amendments. They are serious amendments and this is an important bill.

However, I am particularly disappointed that a very thoughtful amendment offered by the ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs, the gentlewoman from New York, was not made in order by this rule. The Lowey amendment would designate as emergency funding an additional $1 billion for HIV/AIDS programs. Had it been made in order, the Lowey amendment would have given this body the opportunity to help President Bush fulfill the promises he has so recently made to African nations to provide $3 billion in fiscal year 2004 in the global campaign against HIV/AIDS.

The gentleman from Arizona and the gentlewoman from New York are to be commended for the funding for HIV/AIDS that is provided in the bill given overall funding constraints placed on foreign aid funding for fiscal year 2004. The bill contains a total of $1.43 billion in global assistance to combat HIV/AIDS, tuberculosis and malaria, most of which is within the Child Survival and Health Programs Fund. But even when this amount is combined with the funding in the Labor-HHS appropriations bill, it is still nearly $1 billion short of the $3 billion for fiscal year 2004 pledged by President Bush and authorized by this Congress with great fanfare just a few weeks ago. Mr. Speaker, I fear that once again this House may be making promises that it has absolutely no intention of keeping.

And although the House will not have the opportunity to consider the Lowey amendment, Members will have a chance to consider at least two other amendments that attempt to address the shortfalls. The gentlewoman from Michigan (Ms. KILPATRICK) will offer an amendment that would transfer $300 million from the Millennium Challenge Account to the Child Survival and Health Programs Fund to boost the amount for HIV/AIDS and other infectious diseases. And the gentleman from Missouri (Mr. SKELTON) and I will offer an amendment to make very modest reductions from two accounts that provide military aid for Colombia in order to add $75 million to the Child Survival and Health Programs Fund for programs that combat HIV/AIDS, tuberculosis, malaria and other deadly infectious diseases.

If adopted, Mr. Speaker, each of these amendments will save hundreds of thousands of lives. $75 million alone, the funding in the McGovern-Skelton amendment, would ensure that an additional 250,000 people could receive the HIV/AIDS generic drug treatment for an entire year. Think of it, Mr. Speaker. If the McGovern-Skelton amendment is approved, 250,000 more fathers and mothers and children will have access to these lifesaving drugs. The Kilpatrick amendment would increase the expansion of mother-to-child transmission programs, expand prevention programs and establish drug purchase and distribution centers in Africa and throughout the developing world.

Forty-two million people are currently living with AIDS around the world. Last year, 3 million people died of AIDS and 5 million more were infected. Mr. Speaker, the House has the opportunity to do the right thing, to save more lives this afternoon, by supporting both the McGovern-Skelton and Kilpatrick amendments. I would urge my colleagues to support both of them.

H.R. 2800 provides $17.1 billion, far below the fiscal year 2003 total spending level of $23 billion for foreign operations and $1.7 billion below the amount requested by President Bush. While it increases moneys for basic education and funds reconstruction in Afghanistan and U.S. commitments in the Middle East, it still falls short of what the United States should do, indeed must do, to ensure our long-term security at home and abroad.

Development assistance, for example, is cut by $63 million from last year's level. This is the account that funds microenterprise programs, clean water projects, agricultural and rural development and a wide variety of USAID-supported projects that move impoverished communities toward food security, self-sufficiency, and economic prosperity. What does a cut of $63 million mean? It means thousands of

women who were enrolled in micro-enterprise projects will be cut off. Small farmers who were encouraged to cultivate new crops that might be able to compete in regional or even global markets will find that their project funding has disappeared and they have been left to fend for themselves without seed, without credit, without technical assistance.

So not only will these programs not expand; we will be cutting off precious aid, support, and hope to tens of millions of people around the world. From East Timor to Mali to Bolivia, from eastern Europe to the Balkans to South Asia, people will be cut off. These are people and communities and governments who have chosen to be our partners. What kind of partner does the United States show itself to be when we turn our backs on the very people we just shook hands with?

Mr. Speaker, we need a foreign operations bill that honors the promises our Nation has already made to the nations and peoples of the world and one that seeks to expand our very best programs even further. We need such a bill not only because it helps those in need but because it is essential for our own national security. This bill, in my opinion, does not meet those needs. It cannot, because from the very start this House simply failed to make those resources available.

Mr. Speaker, I regret that this bill is so restricted in funding. I regret that several amendments that required waivers were not made in order.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KNOLLENBERG), a distinguished, fine leader of the Committee on Appropriations.

Mr. KNOLLENBERG. I thank the gentleman for yielding me this time.

Mr. Speaker, as a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs, I rise to strongly support this bill. I hope my colleagues on both sides of the aisle will do likewise. I commend and thank the gentleman from Arizona for his hard work and leadership as the chairman of the subcommittee. He has consistently sought to accommodate the many concerns expressed by Members while remaining focused on bringing a responsible and effective bill before us here today. That, of course, is not an easy task; but he has accomplished it effectively, and he has the good help obviously of the ranking member, the gentlewoman from New York. I also thank the committee staff for their tireless work. They are an excellent group, and we are lucky to have them in this House.

Mr. Speaker, foreign assistance remains an inseparable part of our Nation's overall foreign policy, national security and economic interests. This is a responsible bill that effectively allocates the foreign assistance that we have available. For the first time ever, this foreign operations bill includes funding for the Millennium Challenge Account, some $800 million. Our President deserves some great credit for proposing this initiative. The strength of the MCA, or Millennium Challenge Account, is that it focuses responsibility for economic growth on the policies of the governments of developing countries. One important lesson the United States has learned from our experience is financial assistance can only be effective when developing countries are committed to establishing the necessary economic, legal, and political reforms.

With our financial assistance, we can help a country grow; but we cannot make a country grow. The governments have to have the right policies in place. In light of this reality, MCA funding will be targeted to projects in specific nations that govern justly, invest in their people, and encourage economic freedom. I urge my colleagues to support the funding for this very important initiative.

Mr. Speaker, one of the most important contributions this bill makes to our foreign policy is the annual assistance package to the Middle East. Israel, of course, is our closest ally in the region and shares our values of democracy and freedom. I am pleased that this bill fully supports the administration request of $2.6 billion in military and economic assistance to Israel as well as $50 million to support the resettlement of Jewish refugees. The United States must continue to stand in strong support of Israel. In addition, this bill provides some $1.9 billion to Egypt and over $450 million to Jordan, both critical allies of the United States.

Further, I am pleased that this bill provides $35 million for Lebanon to support the American educational institutions and the excellent USAID mission there. Combined with our funding for Morocco, Yemen, the West Bank and Gaza, and our regional programs like the Middle East Partnership Initiative, our programs in the Middle East, if focused properly, can help foster changes in the region.

The Middle East faces severe development challenges. Reports such as the ''2002 Arab Human Development Report'' by the United Nations Development Program has provided a clear diagnosis of this problem. It is my hope that American assistance to our Arab allies will help support institutional changes that lead to greater freedom, political empowerment, and economic growth.

Mr. Speaker, this bill also helps to strengthen our relationship with our friend and ally, Armenia. Armenia continues to suffer from blockades by its neighbors. Our assistance to the country helps to offset these conditions. Therefore, I am pleased that this bill increases assistance to Armenia to $70 million, some $20.5 million above the President's request. I look forward to working with the chairman in conference on this issue.

Mr. Speaker, there are other important elements of this bill, including trade capacity building, foreign military financing for new NATO members and, of course, significant funding beyond the President's request to continue the fight against the HIV/AIDS crisis in Africa and around the world. I believe this to be a good bill, within the allocation provided to the subcommittee, and represents a responsible contribution to our Nation's foreign policy, national security, and economic goals.

I once again want to commend the chairman for his efforts on this bill. I urge my colleagues on both sides of the aisle to support this what I believe to be a great bill, a balanced bill. We need to do it right here in the House today.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY), who has taken the lead in fighting for additional funds for HIV/AIDS programs.

Mrs. LOWEY. Mr. Speaker, although I am a strong supporter of this bill, I rise to express my disappointment with the rule. On a party-line vote, the Committee on Rules refused to make my amendment in order to add $1 billion in emergency funds for HIV/AIDS. I requested that it be made in order so that the full House would have the opportunity to vote to provide the $3 billion authorized in the recently passed HIV/AIDS bill. Unfortunately, we are being denied the opportunity to live up to the promises we have made. It is truly a shame that the White House opposed this amendment when I offered it during full committee consideration of the bill. These funds are needed and can be used effectively next year.

The gentlewoman from Michigan (Ms. KILPATRICK) will be offering an amendment to the bill adding $300 million for HIV/AIDS, which I urge Members to support. The amendment will be offset with $300 million from the Millennium Challenge Account, which in my judgment is overfunded in the bill at $800 million, because I do not believe they can spend it in this appropriations cycle.

I am perplexed by other aspects of this rule. Apparently, the Committee on Rules feels compelled not to protect language in appropriation bills if authorizing committee chairmen object. A provision requiring competitive contracting in Iraq has been left unprotected. Language allowing bilateral agricultural debt to be rescheduled along with all other U.S. Government debt has also been left unprotected. And language clarifying how AID should interact with the new Millennium Challenge Corporation is unprotected as well. All of these provisions were included for sound policy reasons and were supported by the Committee on Appropriations. It was necessary to include them only because the authorizing committees have failed to address the issues involved. It is my hope that

the authorizing committee members involved would think twice before making their points of order, but the practical implications of dropping the language in the bill seem to be of secondary concern to jurisdictional interests.

The rule also failed to make in order a number of important provisions, including a request from the Committee on Financial Services to authorize several international banks. This authorization is badly needed and long overdue. There were other Democratic amendments that were not given protection from points of order, including amendments by the gentleman from Illinois (Mr. JACKSON), a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs, which would have helped fill the gap in our funding for various programs in Africa. Again, my colleagues, it is very disappointing that the full House will not be allowed to consider a number of sound policy initiatives today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. BALLENGER), the distinguished chairman of the Subcommittee on The Western Hemisphere of the Committee on International Relations.

Mr. BALLENGER. Mr. Speaker, first of all, I would like to thank the gentleman for yielding me this time. I want to say some good words about something that very few people say in a positive fashion and that is the AID supplement that goes on by our State Department in handling disastrous areas and helping develop countries that need all the assistance in the world.

□ 1045

As I am chairman of the Western Hemisphere Subcommittee, I have been heavily involved in Central and South America for 35 years, and I have watched AID build and construct efforts on growing democracy in all of these areas, as well as trying to take care of people who are starving.

It is hard to believe it, but in Venezuela after the floods killed close to 50,000 to 75,000, AID was there immediately to supply equipment for fresh water, to help supply foods, to help supply all of the necessary things to rebuild that country.

In Honduras, I do not know how many people remember Hurricane Mitch, but it almost wiped out the whole country of Honduras. AID helped build, at least I know I was involved with them in 3,000 homes that they helped build, and to rebuild their banana crops which were completely destroyed.

In El Salvador after the earthquake that people may or may not remember, 1,000 people were killed. AID furnished a hospital in the area that had been completely just about wiped out by landslides caused by the earthquake, and also helped to rebuild the homes that were destroyed in the countryside of El Salvador.

But mostly I want to thank AID for the effort that they have done in Colombia in developing alternative crops, every type of crop that one can think of, trying to develop some with a method of replacing coca, which is the major producer of cocaine. They supply pretty close to 100 percent of all the cocaine that is used in this country, killing our children on a daily basis; and AID and its workers have been all over Colombia developing anything they can to strengthen their economy and to give them some other way of earning a living, rather than growing coca.

Coffee itself was Colombia's major crop, and then some brilliant mind came along with the idea of let us teach the Vietnamese how to grow coffee. The Vietnamese expanded coffee growth and so forth, along with the Brazilians. It just about destroyed the market for coffee. So the area that AID is trying to help the Colombian people, where the major production of coffee exists, is to somehow strengthen the product in such a way of making it cleaner and easier to sell it in this country. And they are doing a wonderful job, and they need all the assistance they can get.

They are also working in the area of Putamayo, which is the heaviest area of growth of coca in the whole country of Colombia, in developing what people would say is something that makes a great deal of sense. They happen to be in almost the Amazon area of South America with large amounts of lumber, timber, and so forth and so on; and they have been cutting trees and shipping the whole tree to Bogota where it is cut up and sawn and so forth, and they have a fairly large furniture industry that happens to be tied into the furniture industry in Hickory, North Carolina, where I come from.

What they are doing is, they are trying to help these people down there in Putamayo, a very poor area of their country, to develop an actual timbering process where they cut the trees down, they saw them up into boards, and then they kiln dry it in such a way that it all of a sudden is usable as lumber in the industry of manufacturing furniture.

Also, the shipment of the goods from Putamayo to Bogota, if they ship the whole tree, they are shipping half water. With this effort that they are putting in right now, it is an effort to really be able to upgrade the living standard of those people there, and I would just like to say that any time anybody questions what AID is doing, I hope they will speak to me.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I just wanted to take the opportunity to thank the ranking member on the subcommittee and the chairman of the subcommittee and also the gentleman from Michigan (Mr. KNOLLENBERG), the cochair of the Armenia Caucus, for the increased funding for Armenia that is in the Foreign Ops appropriations bill. The administration had requested only $49.5 million for humanitarian assistance to Armenia this year, and the subcommittee increased the funding by $20.5 million. Basically, it is $70 million now. In addition, they allocated $2.5 million in foreign military financing and $900,000 for International Military Education and Training, as well as $5 million in assistance to Nagorno-Karabakh.

I will say, Mr. Speaker, of course, the overall funding for the former Soviet states that was recommended by the administration was significantly lower, so this amount still does not reach the $90 million that Armenia received last year. But I know that the subcommittee was working with tremendous constraints, and so what they accomplished to get us up to the $70 million was truly exceptional. I am hoping, of course, that during the conference with the Senate, we can do more, but I just wanted to take this opportunity to mention how important this aid is.

Armenia continues to be blockaded on both sides by Turkey and Azerbaijan. There is a continued need for humanitarian assistance. There continue to be improvements in the Armenian economy in their efforts to achieve a market economy, but unemployment is still very high in the majority of the population. So this type of assistance is important, and the fact that the subcommittee and the members on a bipartisan basis were willing to increase the funding is certainly appreciated.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we have no further speakers, and I reserve the balance of my time.

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

Mr. Speaker, I just want to point out one thing that is of great concern to me. I am extremely disappointed that the majority in the Committee on Rules exposes to a point of order a section requiring an open bidding process for reconstruction contracts in Iraq. This section, included by the gentleman from Arizona (Chairman KOLBE) in the fiscal year 2004 Foreign Operations bill requires competitive bidding for any new reconstruction contract in Iraq. Without this provision, the administration will be able to award enormously valuable contracts to large corporations without any competition and all behind closed doors, if they so chose.

Mr. Speaker, we have seen this happen before. After the war in Iraq began, the Department of Defense began to negotiate and award contracts for the reconstruction of Iraq. One contract was awarded to Halliburton, the Vice President's former employer. This contract to clean up the oil wells and to get them ready for mass production was awarded without competition and behind closed doors to Halliburton.

The gentleman from Arizona (Chairman KOLBE), to his great credit, wants to end this practice and return to the standard of competitive bidding. But there is opposition to this effort. The chairman of the Committee on Government Reform and a former chairman of the National Republican Congressional Committee requested that this section be exposed to a point of order.

Mr. Speaker, that is very unfortunate. We must make sure that the rebuilding effort in Iraq is above-board without the appearance of shady dealings and smoke-filled rooms. So I would urge my colleagues to make sure that we retain this important provision.

Finally, Mr. Speaker, I again want to commend the gentleman from Arizona (Chairman KOLBE) and the gentlewoman from New York (Mrs. LOWEY), ranking member, for all the good that they have done in this bill. I only wish they had had more resources to work with.

To me, the major shortfall of this bill is the inadequate funding for HIV/AIDS programs. It is important that the United States keep its promise. And Members will have two opportunities later this afternoon to do just that, by supporting the McGovern-Skelton amendment and the Kilpatrick amendment. Both of these amendments will in the end increase the amount of money for HIV/AIDS programs.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

The legislation that we bring to the floor today is extremely important to the national interests of the United States. The $17-plus billion in this legislation helps millions of people throughout the world. This is an extremely important piece of legislation.

We bring it to the floor with an open rule. In other words, any relevant amendment, any germane amendment by any Member of this House will be able to be introduced and debated. It is an open rule.

So again I thank the gentleman from Arizona (Chairman KOLBE) and the gentlewoman from New York (Mrs. LOWEY), ranking member, and members of the subcommittee for their hard work on this important issue; and at this point, once again, urge all of our colleagues to support the underlying legislation and this open rule.

Mrs. MALONEY. Mr. Speaker, I rise in strong opposition to this rule. This rule has been designated as ''Open'' but the truth is that a number of important amendments were defeated in Committee on a party line vote.

I am disappointed that the Maloney/Crowley amendment that would direct the $25 million appropriated in this bill for the United Nations Population Fund (UNFPA) to prevent, treat, and repair obstetric fistula was ruled out of order.

Two weeks ago, President Bush visited Senegal, South Africa, Botswana, Uganda and Nigeria. This was an important visit which demonstrated that this Administration is willing to work with and commit resources to the continent of Africa. Two of the countries he visited, Uganda and Nigeria, were included in a recent report released by the United Nations Population Fund (UNFPA) and EngenderHealth, Obstetric Fistula Needs Assessment: Findings from Nine African Countries. The report determines the capacity of 35 hospitals in Benin, Chad, Malawi, Mali, Mozambique, Niger, Uganda, and Zambia to treat patients with obstetric fistula and assess their need for additional supplies, staff, and surgical supplies.

Obstetric fistula is a horrible condition. More than two million woman world-wide are living in shame and suffering with this devastating condition, which results from obstructed labor during childbirth. In the United States and the rest of the developed world, fistula was once as common as it is now in Africa—the Waldorf Astoria in New York was built on the site of a fistula repair hospital. But Caesarean section changed history in the wealthier countries, and it is now our automatic response to obstructed labor. In poor areas of Africa and elsewhere, where health care is scarce and where undernourished and stunted young girls may be required to marry before their bodies have matured, a pregnant woman (usually a young girl) may be in agonizing labor for days. The baby usually dies, and if the woman survives, her birth canal may be damaged, creating an opening between her vagina and her bladder or her rectum, sometimes both. The result is an uncontrollable leakage of urine or feces, or both. The women is constantly wet and highly unpleasant; she suffers recurrent infections and shame, and is usually abandoned and ostracized by her community. No one knows the true extent of this problem, for the women tend to hide, not knowing that help is available—from programs supported by UNFPA.

Fortunately, UNFPA provides the very maternal health care that helps save the lives of women and their babies and avoids medical complications like fistula. I have always said that USAID does important work, but one thing they don't do is prevent and combat the incidence of fistula. In my opinion, it is a terrible lapse on the part of our government and gives added incentive and reason to fund UNFPA.

This amendment is a positive compromise. If it has been ruled in order, I am confident that this is the kind of program that no one would object to. It would have been a dramatic initiative demonstrating a commitment to Africa' poor and in particular to saving the lives of African women. Providing funding to UNFPA to fight fistula would have shown immediate results in the form of thousands of grateful women whose lives could resume. And it would have resolved the contentious issue of UNFPA funding that has repeatedly stalled the passage of urgent State Department initiatives and international aid programs worldwide.

Once again, I would like to say that I am very disappointed that the full House will not be allowed to consider this important, thoughtful compromise that will help save the lives of millions of women around the world.

I urge a ''no'' vote on the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2799, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 326 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 326

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. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: the first proviso under the heading ''National Telecommunications and Information Administration, Salaries and Expenses''; in section 201, all after ''prescribed by the Act''; the final proviso under the heading ''Federal Communications Commission, Salaries and Expenses''; the final proviso under the heading ''Federal Trade Commission, Salaries and Expenses''; section 603; and section 607(a) and (b). Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to 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 purposes of debate only.

Mr. Speaker, H. Res. 326 is an open rule providing for the consideration of H.R. 2799, the FY 2004 appropriations bill for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies. H. Res. 326 provides 1 hour of general debate in the House on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill and waives points of order against provisions in bill for failing to comply with clause 2 of rule XXI, except as specified in the rule.

The rule also accords priority in recognition to Members who have preprinted amendments in the CONGRESSIONAL RECORD. This will simply encourage Members to take advantage of the option in order to facilitate consideration of amendments on the House floor and to inform Members of the details of pending amendments.

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

Mr. Speaker, H. Res. 326 is a typical open rule to be considered for general appropriations bills. This rule does not restrict the normal open amending process in any way, and any amendments that comply with the standing Rules of the House may be offered for consideration. While a vast number of amendments are not expected, the rule permits those Members who have amendments every opportunity to offer them.

I want to begin by noting the good work of the Committee on Appropriations' subcommittee in bringing this legislation to the floor. The gentleman from Virginia (Chairman WOLF) and his subcommittee are to be commended for setting the funding priorities of these departments and agencies despite a number of challenging funding limitations.

That said, while I do not agree with every provision in the bill, this rule will provide House Members with every opportunity to offer a number of amendments to improve this important appropriations bill.

□ 1100

Mr. Speaker, there will be sufficient time during general debate to discuss the specific provisions in this bill, but I did want to point out a couple of provisions within this appropriations bill that recognize the post-9/11 commitment of this House to ensure that law enforcement across the Nation has the resources necessary to combat crime in America while meeting the new challenge of international terrorism.

This includes $4.64 billion in funding for the FBI, $424 million above the FY 2003 level, to support efforts to improve counterterrorism and counterintelligence efforts and to continue fighting violent crime, drugs, corporate fraud and cyber-crime.

In addition, the bill includes $2.16 billion for the DEA, which is $237 million above the FY 2003 funding, to establish a Drug Intelligence Fusion Center to allow agencies to share real time investigative data and support the creation of new positions.

In terms of providing for law enforcement at the State level, this bill provides $3.5 billion to assist States and localities in fighting crime. This includes $500 million for the Byrne formula program, $400 million for the Local Law Enforcement Block Grant program, $462 million for juvenile delinquency prevention and accountability programs, $388 million for violence against women, prevention and prosecution, $174 million to eliminate DEA analysis backlogs, and $400 million to reimburse States for criminal alien detention costs.

Mr. Speaker, this rule ensures an open amendment process for consideration of the funding legislation for the Departments of Commerce, State, Justice, and the Judiciary. I urge my colleagues to support the rule so we may begin debate on this important legislation.

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

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

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

Mr. FROST. Mr. Speaker, I believe that the Committee on Appropriations has done the best it could with this spending bill, but the actions of the Republican leadership have created major holes, failures that will leave Americans vulnerable to terrorist attacks at home and to political abuses here in Washington.

First of all, this bill is yet another example of how Republicans are mortgaging America's security in order to pay for tax breaks for the wealthiest few. Simply put, Republicans have spent trillions of dollars on tax breaks, and now they do not have enough money for law enforcement. They gave expensive tax breaks to the small, elite group of Bush Pioneers and Rangers who fund Republican campaigns, and now this bill shortchanges local law enforcement and the successful COPS Program.

Mr. Speaker, local police officers are on the front lines of homeland defense, so the gentleman from Wisconsin (Mr. OBEY) has an amendment to give police the support they need. To pay for it, all you have to do is ask millionaires to take slightly smaller tax breaks than they are already getting next year. It is a reasonable trade; about 200,000 millionaires would give up just $5,000 of the over $88,000 in tax breaks they are getting next year, and all Americans would benefit from critical law enforcement investments.

Secondly, Mr. Speaker, the bill leaves America's preeminent law enforcement agencies subject to partisan political abuse. Fortunately, Republicans will not have to ask millionaires to forgo further tax breaks in order to solve this problem, but they will have to stand up to the growing threat America faces from misuse of power by this one-party government.

Last Friday, a Republican Member of this House used his power as a committee chairman to send the police after Democrats, Members of Congress who had done nothing more than ask for more time to read a brand-new piece of legislation.

For many of us, that recalled an incident just 2 months ago. Then, Texas Republicans in Austin and in Washington tried to use Federal security officials as their own personal political police force. The Homeland Security agency, charged with tracking down terrorists, was enlisted to help Texas Republicans trying to track down Democratic lawmakers who had done nothing more than employ a parliamentary tactic in a legislative dispute, a tactic used by Republicans in the U.S. Senate, as well as Abraham Lincoln, in order to defend their constituents against an outrageous political power grab.

The FAA, whose core mission is to keep airplanes and their passengers safe in the air, was misused to track down a Democratic legislator's private airplane. And once Republicans found the Democratic legislators, they urged the FBI and the U.S. Marshals to arrest them despite the clear fact that they had violated neither State nor Federal law.

Justice Department officials say they did nothing wrong, but newspapers reported that an FBI agent in Corpus Christi, Texas, tried to find the Democratic legislators and spoke of ''ongoing surveillance.''

Unfortunately, Mr. Speaker, this was not the first evidence of Republican misuse of the Justice Department. In May, a distinguished member of the Texas House of Representatives, Representative Richard Raymond of Laredo, withdrew his voting rights complaint from the Justice Department after receiving reliable information that a powerful Republican in Washington had interfered with it. Instead, Representative Raymond had to go to a Federal Court to defend the voting rights of his Hispanic constituents.

Mr. Speaker, we face a serious problem when the Department of Justice has been so politically abused that Americans no longer trust its ability to defend their voting rights; and there is only one way to restore the integrity of the Justice Department, through a comprehensive investigation that lays out all the facts before the American people and then acts to ensure the Department can never be abused again.

That is what the Department of Transportation did this month. They quickly conducted a thorough investigation and released to the Congress their full 800-page report. And, just as importantly, they strengthened their rules, instituting a new regulation, that at least one newspaper has named after one of the Texas Republicans, to

ensure that politicians could never again misuse America's air safety resources.

In contrast, the Homeland Security officials released only a partial, heavily edited report, less than 100 pages in length, and they are still stonewalling with the help of Republicans on the Select Committee on Homeland Security.

Unfortunately, the Justice Department and some House Republicans have followed that sorry example. It has been 10 weeks since Texas Republicans tried to misuse the FBI, the U.S. Marshals and the Department of Homeland Security for partisan purposes. For several weeks, Justice Department officials tried to keep secret their internal investigation, and they still have not released any information to Congress.

Meanwhile, the Republicans on the Committee on the Judiciary, many of whom often led the charge to investigate a Democratic administration, have turned a blind eye to the Justice Department's stonewalling.

Mr. Speaker, this entire episode has brought discredit to the House of Representatives and to many of America's premier Federal security agencies, including the Department of Homeland Security, the FAA, the FBI and the entire Department of Justice.

In Ohio, the Columbus Dispatch has written of an ''egregious'' misuse of Federal resources. The San Antonio Express-News has called it ''offensive for a Member of Congress to manipulate a Federal agency to track down political foes in a strictly political situation.'' And as the Houston Chronicle wrote today of Chairman THOMAS' attempt to use the police against Democratic Members last week, ''The latest incident again betrays a particularly disturbing tendency of the party in power, the Republicans, to regard police agencies as enforcers, not only of the law, but of the majority's political will.''

That is why I have offered an amendment to this bill that would institute a new rule at the Department of Justice to protect it against political abuse. Unfortunately, Republicans on the Committee on Rules blocked it last night.

So, once again, the Republican Members of this House face an important substantive choice on the critical parliamentary vote known as ''the previous question.'' They can stand with their leadership and vote ''yes'' and protect Texas Republicans who misused Federal law enforcement earlier this year. That is basically what happened last Friday, when Republicans refused to vote for a resolution, saying it was wrong to call the police against your political opponents. But I am hoping that today Republican Members will follow a different role model and begin to restore some integrity to the House of Representatives.

More than 30 years ago, a Republican, Senator Barry Goldwater, went to Richard Nixon and told him the hard truth, that he had abused his power in the Washington scandal and that it was time for him to resign the Presidency. Today, on the previous question vote, Republican Members can follow that courageous example. They can stand up against abuse of power and they can say that the Justice Department belongs to the people of America, not to any political party.

All it takes is a ''no'' vote on the previous question. I urge my Republican friends to do the right thing.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The Chair would like to remind Members not to wear communicative badges while under recognition in debate.

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

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

Mr. Speaker, I just want to be clear, what the amendment is all about that I sought to offer, but which the Republicans ruled out of order in the Committee on Rules last night.

We had this situation in Texas involving a dispute, a partisan political dispute, over the attempt by Republicans in our legislature to redraw congressional district lines a second time in the decade. They had been drawn, of course, 2 years ago by a Federal Court after the legislature refused to act.

What happened was that a powerful Member on the other side of the aisle, one who is often seen on this floor, contacted the Justice Department and inquired, would it be all right, would it be appropriate, for the Justice Department to dispatch U.S. Marshals and to dispatch the FBI to track down Members of the Texas legislature who had broken a quorum?

Now, when a powerful Member of this institution makes an inquiry like that to the Justice Department, it is a suggestion, a very strong suggestion, that the Justice Department should get after it and should use the assets and the resources of the Justice Department.

In fact, we do know that an FBI agent in Texas made a phone call up to Ardmore, Oklahoma, perhaps he was encouraged in this inquiry by a powerful Republican on the other side that the Justice Department should be involved, to find out about the status of the legislators, to find out whether they were there and what was going on. We do know also that an inquiry was made to the U.S. Attorney's office in San Antonio, Texas, about the propriety of the U.S. Attorney's Office being involved.

Now, these are matters that have been in the public domain. This is not something anyone is making up. A very powerful Republican on the other side tried to involve the Justice Department in a partisan political dispute, and that is what my amendment would go to. After all, the FAA just recently had to change its procedures because that same powerful Republican Member contacted the FAA and caused the FAA to have 13 of its employees over an 8-hour period use Federal resources to try and track down those same Democrats who had gone to Oklahoma.

Now, what did the FAA do? They did the right thing. They instituted a rule saying, Well, it was a little gray area in the past, but we will make sure we never do this again; and no powerful person on the other side of the aisle will be able to pick up the phone and cause us to be involved in a political dispute and use our resources for that purpose.

That is all we are asking be done by the Justice Department, to take the same actions the FAA has already taken, the Department of Transportation has already taken. But, no, my friends on the other side do not want to encourage the Justice Department to do the right thing.

We cannot, Mr. Speaker, become a police state. Just as a powerful committee chairman called the police to track down and to break up a meeting of Democratic Members of this body last Friday, and just as another powerful Member on that side tried to use the FBI and the Marshal's Service and the U.S. Attorney's Office and the FAA and the Department of Homeland Defense to become a police state. That should not be permitted.

We are not some Third World power. We are not some ''banana republic'' where we use the police to settle political disputes. Shame on the other side of the aisle.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT), a Member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me time, and I join him in this effort to see that the previous question is defeated.

Mr. Speaker, last week, America witnessed a vivid example of how tyranny can begin in this country. The same Republican leadership here in the United States Congress that has blocked the Armed Forces Tax Fairness Act, that has blocked relief for working families on the child tax credit, that same Republican leadership was so eager to thwart the opposition that the chairman of one of the committees called in the police to break up the Democratic opposition organizing some alternatives to an important piece of legislation.

This is how tyranny can begin in America, and it is certainly not unique to what happened. This is further evidence of the extremism occurring in this Congress.

It is very tied to what my colleague from Texas has been talking about that occurred in the State of Texas. Indeed, it has nothing and everything to do with what happened in the Texas legislature. Nothing, in the sense that all we were trying to do in the United

States Congress was not to walk out, but to walk into participation, just as we have done with the child tax credit, to say that working families ought to have an opportunity to get their taxes cut also and get this credit for their children.

□ 1115

We wanted to participate, not to walk out. So it has nothing to do with Texas in that sense, where legislators legitimately broke a quorum; but it has everything to do with what happened in Texas with regard to the misuse of law enforcement resources, of becoming a police state.

In Texas, what happened is that immediately after this lawful action by the State legislators, the majority leader of the Republican Party, the gentleman from Texas (Mr. DELAY), here in the House, came out and said, call out the G-men. He opined that this was a proper matter for the Federal Bureau of Investigation, for the U.S. Marshals Service, for the United States Attorneys Office; and ever since he voiced that opinion that these people ought to be involved in a political dispute in Texas in order to advance his power grab, his political interests, we have been trying to find out from John Ashcroft how much of those resources were allocated. And guess what? We have not gotten one bit of information from them, unlike the Federal Aviation Administration, which has disclosed the truth and revised its procedures, recognizing that the FAA has a little bit more to do with air safety than advancing the political interests of the gentleman from Texas (Mr. DELAY) and the Republican Party.

The Homeland Security Department provided us a half truth. They only wanted to look at one incident, not how all of their resources were used. But the Justice Department has gone them several better, by providing no truth, no answers with regard to how these Justice Department resources were misused, and that is why the gentleman from Texas (Mr. FROST) is advancing this effort today, because we need to know that information.

In America, our freedoms will not be taken from us all at once, but they can ebb away; and when we see police-state tactics here in the Congress, for the first time in the memory of this institution; when we see a powerful figure like the gentleman from Texas (Mr. DELAY) summoning in the G-men to use them for political purposes; when we see the Department of Homeland Security diverted from protecting us against terrorism into using their resources for personal political ends, that is something Americans should be very concerned about.

I was pleased to see the Houston Chronicle today editorialize on this very matter [''Not Police Matter: Leave Law Enforcement Out of Legislative Tussles,'' Houston Chronical, July 22, 2003], saying that we should leave law enforcement out of these legislative disputes, whether it is in Austin, Ardmore, or the United States Capitol. By following the lead of my colleague, the gentleman from Texas (Mr. FROST), and defeating the previous question, we will advance this concern; not just fighting amongst each other, but fighting for something important.

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I just wanted to bring the body's attention to an amendment that was added in the full committee over the objections of the chairman and the ranking member of the subcommittee. It was an amendment added by our colleague, the gentleman from Kansas (Mr. TIAHRT), that barely passed, but should not have. It was not the subject of hearings. It has no support from law enforcement. It has no support from Attorney General Ashcroft. And it has no support from the major association that represents licensed firearms dealers. It really serves to protect only the most corrupt gun dealers at the expense of all other legitimate gun dealers.

Specifically, this amendment provides protection to phantom dealers. These are people who sign up as dealers to be able to buy guns wholesale, but without the intention of reselling them, so they are really not businesses, as such, and should not be buying guns wholesale. Normally, they distribute them for illegal purposes. It permits recalcitrant dealers to ignore police requests for assistance. Nearly all licensed dealers perform this duty quickly and accurately to law enforcement, but there are about 8 percent of crime guns that cannot be traced because licensed dealers refuse to cooperate with police. This would legally allow them to refuse to cooperate with the police and allows licensed gun dealers not to cooperate in making gun traces. That clearly is counter to people's public safety.

It allows felons to retain Federal firearms licenses. It denies Congress and the public crime gun data that the Bureau of Alcohol, Tobacco, and Firearms needs. It ends the oversight of used firearms sales, and it requires destruction of records that now the Federal Bureau of Investigation needs.

All of these things, I think, undermine the public's need to protect itself from felons, from people with a history of mental illness, from people who are involved in the illegal transfer of firearms. We had somebody that provided the firearm that was used by the snipers that killed many people in the Washington area. They went back to the dealer and found that there were over 100 firearms that they had no record of. Well, they do not keep records because they do not want people to know that they either sold to felons or to people who are minors, or they do not want to pay taxes, or whatever the reason. But clearly, they should be having records. This would enable them to refuse to cooperate with law enforcement.

So I want to make the Members aware of the fact that this amendment is in this bill, and it is a bad amendment.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

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

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

Mr. Speaker, this morning I rise in strong support of H.R. 2799, the bill providing appropriations for the Departments of Commerce, Justice, State, and the Judiciary.

Mr. Speaker, I represent a district that lies along the U.S.-Mexican border. For many years, the region along the 2,000 mile stretch with Mexico has been ignored. The bill before us today will make tremendous strides to recognize the importance of increased resources to our southwest border.

This bill before us includes 168 additional positions for the United States Marshal Service for areas of high-priority need. It also recognizes that the areas along the southwest border are in the greatest need for these positions.

My district in El Paso lies within the western district of Texas. This judicial district has been one of the greatest impacted by a criminal caseload over the last decade. The majority of these cases are being heard in the El Paso Division of the Western District. The number of Federal cases filed in El Paso County alone has increased from 443 to over 2,100 cases since 1994. Last year, the El Paso Division received our second Federal judgeship. Currently pending before the Senate is a confirmation of an additional two Federal judges.

Mr. Speaker, needless to say, our caseload is being addressed and more of our cases are being heard. This also increases the work of our judges which, in turn, means more work for our Marshal Service. Currently, our marshals are reporting inoperable workload levels in the southwest border districts.

This bill would provide much-needed relief for our United States Marshal Service along the southwest border districts. I urge all of my colleagues to support the rule and to support passage of this bill.

In addition to that, this bill also includes funding for the State Criminal Alien Assistance Program, which the President, in the last two cycles, has zeroed out. Last year we were able to provide $250 million, and this year, $400 million.

So with that, Mr. Speaker, I strongly urge all of my colleagues to support this rule and this bill.

Mr. LINDER. Mr. Speaker, I would like to remind the gentleman from

Texas that in order to support the rule he is going to have to support the previous question to get to the rule.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I thank the gentleman from Texas for yielding me this time. I will be very, very brief.

I am going to support this rule. I am going to support it because the rule speaks to a bill that the gentleman from Virginia (Chairman WOLF) and I worked on very hard to make the best of a very difficult allotment to the committee. The gentleman from Virginia (Chairman WOLF) was very fair, as I will explain during general debate, about meeting certain needs. There were some shortcomings in the bill that hopefully will get better.

But, most importantly, I support the rule because the rule supports some very difficult decisions that the committee made in terms of amendments; and the rule could have, as in past occurrences, played around and fooled around with those decisions by the committee. It did not. It supports the committee work; and, therefore, I stand in support of the rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in strong opposition to this rule because it protects language added in the committee that severely restricts the ATF's ability to investigate sham gun dealers.

This ill-advised provision was never the subject of a hearing and has no support from law enforcement. Our gun laws are already riddled with loopholes that make it difficult for the ATF to do their job. And now we are going to make it even more difficult by preventing the bureau from requiring firearm dealers to conduct a physical inventory, from denying licenses to dealers whose sales fall below certain levels, and from demanding that certain dealers provide documentation for all used guns sold in a specific period.

Why would we vote to make it easier for bad-apple dealers to sell guns illegally? Just a few months ago, this body provided them protection against lawsuits, and now we are going to make it even more difficult to ensure that gun dealers are not transferring guns illegally.

We keep hearing from the gun lobby that we need to enforce the laws on the books instead of passing new laws. Well, at this pace, we are not going to be able to enforce any laws on the books. There will not be any laws to enforce.

It is clear to me that the gun lobby will not be happy until our gun laws are rolled back to the era of Jesse James and the Wild West. I wonder if they realize that for every gun that illegally falls into the wrong hands, lives are at risk, especially our law enforcement officers.

I urge the defeat of this rule so that we can strike the irresponsible language from the bill and, for once, look at the impact of rolling back our gun safety laws instead of bowing to the gun lobby.

Let me say that we are still fighting gun violence in this country, and we are also fighting terrorism on the home front. Why would we make it easier for those that might be terrorists in this country to be able to go and buy their firearms? I do not understand what this Congress is doing. We are supposed to be protecting our constituents. We are supposed to be protecting our neighbors. This is going on constantly. I urge the defeat of the rule.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to join my colleague, the gentlewoman from New York (Mrs. MCCARTHY), in her statement today in saying I think this rule protects an ill-advised provision that ironically makes our country less safe at a time when we are worried about terrorism and countering terrorism. The fact of the matter is, terrorism exists all over this country for those who live in the inner cities and are subjected to the random gun violence that plagues many of our neighborhoods.

When people talk about homeland security in America, they are not talking about al Qaeda; they are talking about the gun dealers who knowingly sell guns in untold numbers, knowing full well that those guns can easily be resold in the back of a trunk of a car in downtown Washington, D.C. And what does this provision in this rule allow? This provision in this rule allows us to roll back those few safeguards that we already give law enforcement, to ensure that those guns that are sold are sold in a legal and proper manner.

We often hear from the NRA, well, we are for law-abiding people being able to purchase law-abiding permits and guns. Well, apparently not, under this language, because what essentially they will do is make this language a criminal's delight, because they will not have to cover their tracks, because there will not be any tracks for them to cover under this legislation, which eliminates any inventory provision for gun dealers to be able to ensure that the guns that they sell are guns that are sold legally and lawfully.

The fact of the matter is that this legislation is protected under a rule that is supposed to be about appropriation bills, but, in this case, is about protecting an authorization for a loophole that puts our public at risk, puts our law enforcement at risk, and contradicts everything that we are standing for on this floor when it comes to protecting the American public.

□ 1130

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

Mr. Speaker, I would just like to remind my colleagues, what the rule does is routine in appropriations bills. We protect the product of the committee and have an open amending process.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. Speaker, I would just like to join my good friend and colleague in echoing so many of his very eloquent comments.

I rise today in opposition to the rule for H.R. 2799, the Commerce-Justice-State appropriations bill. While this bill contains many good provisions, I, like my colleagues, are deeply disappointed that this bill prevents the Bureau of Alcohol, Tobacco and Firearms from enforcing laws already on the books. The bill's language is a major step backwards when we should be doing more to ensure that guns are kept out of the hands of criminals.

A 1998 ATF study showed that over 50 percent of firearms used in crimes were traced back to just 1.2 percent of the Nation's 104,000 gun dealers. One delinquent dealer in Tacoma, Washington, was missing 78 firearms listed on the store's inventory, including the rifle used by the D.C. area snipers last year.

To address this problem, I have introduced H.R. 1540, the Crackdown on Deadbeat Gun Dealers Act, to increase ATF inspections of gun dealers, not eliminate them.

Unfortunately, the bill before us today undercuts the current enforcement provisions and prevents the ATF from doing its job. I urge my colleagues to oppose this rule. Let us do the right thing for the people of America.

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

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

As I explained at the beginning of this debate, Mr. Speaker, today Republican Members have the opportunity to begin to restore some integrity to the House of Representatives. All they have to do is vote no on the important parliamentary procedure known as the previous question.

If the previous question is defeated, I will amend the rule to allow the House to vote on my amendment to ensure that the Justice Department can never again be abused for partisan political purposes.

I wish this were not necessary, Mr. Speaker. But earlier this year Texas Republicans tried to treat the Justice Department as the enforcement arm of the Republican Party. And so it is vital to the integrity of the Justice Department that we force it to do what the Transportation Department has already done, institute what at least one newspaper has called the ''DeLay Rule'' to protect it from future political misuse.

To be clear, a ''no'' vote on the previous question will not block the Commerce-Justice-State appropriations bill. It will only allow the House to ensure Americans that Federal law enforcement belongs to the people and not to a political party. But a ''yes'' vote will stop my amendment and it will send the signal that this Republican House refuses to protect the Department of Justice against partisan misuse.

So I urge my Republican colleagues to join Democrats in opposing the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

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

There was no objection.

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

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

Mr. Speaker, at this time I would like to remind those of my colleagues on the minority side of the aisle, who said they would urge their colleagues to support the rule, that you will not get a chance to do that unless they pass the previous question.

So I urge all of my colleagues to vote ''yes'' on the previous question.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to H. Res. 326, the rule governing floor debate on H.R. 2799, the Commerce, Justice, State, and the Judiciary Appropriations Bill for FY 2004. Although this is an open rule, several important amendments offered by my Democratic colleagues did not receive a waiver on points of order.

I personally proposed four amendments to H.R. 2799 that improved valuable programs administered by the Departments of Commerce, Justice, and State. The first amendment mandated that no funds be used by the Department of Justice to conceal or destroy physical and electronic records and documents related to any use of Federal agency resources in the Texas redistricting controversy. The second amendment stopped funding to any project that prohibited projects that promote the participation of women in international peace efforts. The third amendment prohibited funding programs that prevented the study of "good time" for persons incarcerated for non-violent crimes. The final amendment prohibited funding any attempt to prevent the Small Business Administration from providing technical assistance to small businesses participating in the rebuilding of Iraq and Afghanistan.

These are but a few of many valuable amendments that were not provided waivers to points of order under this rule. Yet again, party politics has influenced the decision making of the rules committee to the detriment of several programs that add value to the lives of American citizens, American businesses, and people around the world.

Mr. Speaker, I oppose this amendment and I encourage all of my colleagues to do the same.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 326—RULE ON H.R. 2799, FISCAL YEAR 2004 COMMERCE/JUSTICE/STATE APPROPRIATIONS

At the end of the resolution, add the following:

''SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Frost of Texas or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. ___, AS REPORTED (COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS ACT, 2004) OFFERED BY MR. FROST OF TEXAS

At the end of title I (before the short title), insert the following:

SEC. ___. (a) FINDINGS.—Congress makes the following findings:

(1) Both newspaper accounts and Federal agency investigations have uncovered convincing evidence that on May 12, 2003 House Majority Leader Tom DeLay and other Republican officeholders in the State of Texas repeatedly contacted several Federal agencies, including the Federal Aviation Administration (Department of Transportation), the Air and Marine Interdiction Coordination Center (Department of Homeland Security), and the Department of Justice, seeking to improperly involve Federal personnel and resources in a state political dispute.

(2) In reaction to these events, the General Counsel and the Inspector General of the Department of Transportation immediately conducted a thorough investigation of these improper activities. In a letter it transmitted to Senator Joseph Lieberman on July 11, 2003, the Inspector General concluded that the Federal Aviation Administration's guidelines required ''considerable strengthening'' to prevent future situations in which government officials such as Representative DeLay might attempt to misuse Federal Aviation Administration resources for political purposes. On July 15, 2003, the Federal Aviation Administration issued a new internal guideline, known as the ''DeLay Rule'', requiring Federal Aviation Administration employees to inquire about the purpose of an inquiry before they provide outside parties with flight information.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, following the example of the Department of Transportation, the Department of Justice should implement promptly new guidelines to ensure that its resources and personnel are never again improperly used for partisan purposes.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 199, not voting 14, as follows:

[Roll No. 401]

YEAS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)

Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Andrews
Berkley
Conyers
Cubin
Dunn
Ferguson
Gephardt
Hensarling
Hunter
Keller
Meek (FL)
Payne
Peterson (PA)
Saxton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1220

Ms. SLAUGHTER, Mr. FORD, Ms. WOOLSEY, and Messrs. FARR, MCGOVERN, BERMAN, OLVER, PASTOR, TIERNEY and RUSH changed their vote from ''yea'' to ''nay.''

Mr. GARY G. MILLER of California changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

LIMITATION ON AMENDMENTS DURING CONSIDERATION OF H.R. 2799, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2799 in the Committee of the Whole pursuant to House Resolution 326, no amendment to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendments printed in the CONGRESSIONAL RECORD and numbered 1 through 13; the amendments that have been placed at the desk; and two amendments offered by the gentleman from Michigan (Mr. LEVIN), each regarding the United States Trade Representative and labor standards; each amendment may be offered only by the Member designated, or a designee, or the Member who caused it to be printed or placed at the desk, or a designee, shall be considered as read, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole; and I ask unanimous consent that the amendments placed at the desk be considered as read for the purpose of this unanimous consent request.

The SPEAKER pro tempore. The Clerk will designate the amendments placed at the desk.

The text of the amendments is as follows:

Amendment offered by Mr. ISSA:

In title I of the bill, under the heading relating to ''LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES'', after the second dollar amount, insert the following: ''(reduced by $1,500,000)''.

Amendment offered by Mr. PENCE:

In title IV (relating to Department of State and Related Agency), under the heading GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY, after section 403 insert the following new section:

SEC. 404. It is the sense of the Congress that the Representative of the United States to the United Nations should seek an agreement to lower the assessment level of the United States for the regular budget of the United Nations when the United Nations Committee on Contributions considers the scale of assessments for member nations for the period 2004 through 2006.

Amendment offered by Mr. SHIMKUS:

In title IV (relating to Department of State and Related Agency—Administration of Foreign Affairs) under the heading DIPLOMATIC AND CONSULAR PROGRAMS after the second dollar amount insert ''(decreased by $2,000,000)''.

In title IV (relating to Department of State and Related Agency—Administration of Foreign Affairs) under the heading CAPITAL INVESTMENT FUND after the first dollar amount insert ''(decreased by $1,000,000)''.

In title IV (relating to Department of State and Related Agency—Administration of Foreign Affairs) under the heading EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE after the first dollar amount insert ''(decreased by $1,000,000)''.

In title IV (relating to Department of State and Related Agency—International Organizations) under the heading CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS after the first dollar amount insert ''(decreased by $1,000,000)''.

In title IV (relating to Department of State and Related Agency—Broadcasting Board of Governors) under the heading BROADCASTING CAPITAL IMPROVEMENTS after the first dollar amount insert ''(decreased by $500,000)''.

In title IV (relating to Department of State and Related Agency—Broadcasting Board of Governors) under the heading INTERNATIONAL BROADCASTING OPERATIONS after the first dollar amount insert ''(increased by $5,500,000)''.

Amendment offered by Mr. MANZULLO:

In title V, in the item relating to ''SMALL BUSINESS ADMINISTRATION—BUSINESS LOANS PROGRAM ACCOUNT'', strike '': *Provided further*, That during fiscal year 2004 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $10,000,000,000''.

Amendment offered by Mr. OTTER:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this act may be used to seek a delay under Section 3103a(b) of title 18 United States Code.

Amendment offered by Mr. MANZULLO:

At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting ''at least 65 percent'' for ''substantially all''; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting ''at least 65 percent'' for ''substantially all''.

Amendment offered by Mr. ROHRABACHER:

Page 103, after line 26, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

Amendment offered by Mr. HOSTETTLER:

Insert in an appropriate place the following:

SEC. . None of the funds appropriated in this Act may be used to enforce the judgment in Newdow v. U.S. Congress 292 F.3d 597 (9th Cir. 2002).

Amendment offered by Mr. HOSTETTLER:

Insert in an appropriate place the following:

SEC. . None of the funds appropriated in this Act may be used to enforce the judgment of the United States Court of Appeals for the Eleventh Circuit in Glassroth v.

Moore, decided July 1, 2003 or Glassroth v. Moore, 229 F. Supp. 2d 1067 (M. D. Ala. 2002).

Amendment offered by Mr. OSE:

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

Amendment offered by Mr. RUSH:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. ___. None of the funds made available in this Act may be used for the sentencing phase of any Federal prosecution in which the penalty of death is sought by the United States.

Amendment offered by Mr. WELDON of Florida:

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

Amendment offered by Mr. WELDON of Florida:

''None of the funds appropriated or otherwise made available under by this act may be used to approve a patent application for a human organism.

Amendment offered by Mr. FOSSELLA:

At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO CERTAIN UNITED NATIONS ENTITIES

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

Amendment offered by Mr. TANCREDO:

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to assist any foreign government in the development of consular identification cards.

Amendment offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for ''DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' may be used to assist any State or local government entity or official that prohibits or restricts any government entity or official from sending to, or receiving from, the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security information regarding the citizenship or immigration status of an individual, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

The SPEAKER pro tempore. Without objection, further reading of the amendments is dispensed with.

There was no objection.

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

There was no objection.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2799 and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 326 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. 2799.

□ 1225

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

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

Mr. WOLF. Mr. Chairman, I yield myself 10 minutes.

I am pleased to begin consideration of H.R. 2799, the Departments of Commerce, Justice, State, the Judiciary and related agencies appropriations bill for fiscal year 2004. This bill provides funding for programs whose impact ranges from the safety of people in their homes and communities, to the conduct of diplomacy around the world, to predicting the weather from satellites in outer space. The bill before the House today reflects a delicate balance of needs and requirements. We have drafted what I consider a responsible bill for fiscal year 2004 spending levels for the Departments and agencies under the subcommittee's jurisdiction. We have had to carefully prioritize the funding in this bill and make hard choices about how to spend scarce resources.

The bill before the House today recommends a total of $37.9 billion in discretionary funding, which is $700 million above the enacted level for fiscal year 2003 and $237 million above the President's request. For the Department of Justice, the bill provides $20.15 billion in discretionary funding, which is $1.15 billion above the request.

The bill includes funding for Federal law enforcement agencies to perform traditional law enforcement duties and fight terrorism. The bill also provides more than $1 billion above the request to support State and local law enforcement crime-fighting efforts. It includes $4.64 billion for the Federal Bureau of Investigation, an increase of $424 million above fiscal year 2003 and the same as the President's request. This funding will support almost 2,500 new agents and analysts in the FBI to improve counterterrorism and counterintelligence efforts and to continue fighting violent crime, drugs, corporate fraud, and cybercrime.

The bill includes $80 million for high-priority FBI technology needs and funding above the request for language translation and training programs. $2.16 billion is provided for the Drug Enforcement Administration, an increase of $237 million above fiscal year 2003 and $57 million above the comparable request to fight drug crime. The amount includes a transfer of the interagency crime and drug enforcement program under the DEA to consolidate drug law enforcement efforts, $25 million to establish a drug intelligence fusion center to allow agencies to share realtime investigative data, and funding above the request to support 939 new positions, including 434 new DEA and FBI agents. $3.5 billion is provided for proven State and local law enforcement crime-fighting programs, which is $1.2 billion above the request.

When combined with funding provided in the homeland security bill, the committee is providing more than $2 billion above the request for State and local crime control and domestic preparedness funding. The bill restores funds for programs that were proposed to be eliminated, including $500 million for the Byrne formula program, $400 million for the local law enforcement block grant program, and $400 million for SCAAP.

□ 1230

The bill also includes $179 million dollars for DNA backlog elimination and crime lab upgrades, which is very important to the administration; and $388 million for violence against women prevention and prosecution programs, and $462 million for juvenile delinquency prevention and accountability programs.

For the Department of Commerce, the bill provides $5.3 billion, a decrease of $475 million below the 2003 level, which is largely a result of the reduction of lower-priority spending in NOAA, and elimination of funding for the Advanced Technology Programs. The bill includes $319 million for the Economic Development Assistance Programs to assist communities struggling with long-term economic downturns, as well as sudden and severe economic hardship, the same level as 2003; $1.24 billion for the Patent and Trademark Office to reduce the growing backlog in patent processing, $57 million above 2003; $494 million for the international trade agencies to negotiate and verify free trade agreements, $38 million above 2003; $3.05 billion for the National Oceanic Atmospheric Administration, NOAA, including $786 million for the National Weather Service to improve forecasting.

The Judiciary: The bill provides $5.2 billion for the Federal Judiciary, $304 million over fiscal year 2003 and $236 million above the request, to process an all-time-high number of criminal and bankruptcy cases in and of offenders under supervision of probation officers. The bill continues funding for the renovation of the Supreme Court building and Judiciary's critical, vital security requirements.

For the State Department and the Broadcasting Board of Governors, the recommendation includes $8.4 billion, an increase of $570 million over 2003 and $223 million below the request. The committee's 2004 recommendation for foreign affairs agencies is $2.26 billion above the fiscal year 2000 level. This is an historic increase of 37 percent in just 4 years.

Within this total we are providing $1.5 billion, the full request, and $200 million above fiscal year 2003, for worldwide security improvements and replacement of vulnerable facilities. The Department is making great strides to expand and improve the worldwide security construction program, and that is good news for the safety and security of thousands of Americans and foreign nationals who represent us all in the diplomatic frontlines overseas. The bill also includes funding to support over 600 new positions to improve diplomatic security, border security, and diplomatic readiness.

For the related agencies, the bill includes $2.2 billion, $83 million above the current level; $746 million for the Small Business Administration, an increase of $14 million over 2003, for important lending and assistance programs for the Nation's businesses; $183 million for the Federal Trade Commission fully funding the Commission's National Do-Not-Call list to protect Americans from intrusive telemarketing calls; $338.8 million for the Legal Services Corporation; $841.5 million for the Securities and Exchange Commission to protect American investors and implement the Sarbanes-Oxley Act.

In closing, Mr. Chairman, this is a quick summary of the recommendation before the committee today. The bill gives no ground in the ongoing efforts to fight crime and terrorism and restores the needed help to State and local law enforcement and to address their most pressing needs. The bill also includes funds to protect our diplomats working overseas, increases funding for international trade agencies to negotiate and verify free trade agreements to protect American jobs. It is our best effort to make a difficult choices to match needs with scarce resources.

I want to personally thank the gentleman from New York (Mr. SERRANO), the ranking member, who has been very effective and a valued partner and colleague on this bill. I appreciate his principled commitment and thorough understanding of the programs in the bill.

I also want to thank members of the subcommittee for their help, the gentleman from Kentucky (Mr. ROGERS), the gentleman from Arizona (Mr. KOLBE), the gentleman from North Carolina (Mr. TAYLOR), the gentleman from Ohio (Mr. REGULA), the gentleman from Louisiana (Mr. VITTER), the gentleman from New York (Mr. SWEENEY), the gentleman from Illinois (Mr. KIRK), the gentleman from West Virginia (Mr. MOLLOHAN), the gentleman from Alabama (Mr. CRAMER), the gentleman from Rhode Island (Mr. KENNEDY), and the gentleman from Minnesota (Mr. SABO).

I also want to particularly thank the gentleman from Florida (Mr. YOUNG), full committee chairman, and also the gentleman from Wisconsin (Mr. OBEY), ranking member, for their help. The gentleman from Florida (Mr. YOUNG) has been as fair as one could possibly be, and quite frankly I think he has been an outstanding chairman of the full committee. No one can complain about his leadership.

I also want to thank the subcommittee staff for their relentless efforts in producing this bill. The staff did a fantastic job with what was a very difficult allocation, and we should commend them. I first want to say thanks to Mike Ringler, the clerk of the committee, who leads long nights and made sure everything flowed smoothly as the process went forward. I also want to thank his wife and his family for the time away.

I want to thank John Martens, whose wife recently had a baby and he was part of it, and is always running on full steam even though he has long nights and has been away from home during this period of time.

I also want to thank Christine Ryan Kojac, who has been instrumental in putting together the Commerce section of the bill. She has done a lot of work to help the country that most people will never even know about.

I also thank Leslie Albright, who has fought to make sure funding for the Department of Justice and FBI remains adequate to protect the country. Again because of her efforts, bad things will not happen; people may not know why, but it is because of good work that Leslie has done.

I also want to thank Anne Marie Goldsmith and Alan Lang, the subcommittee's detailees who have stepped into the subcommittee and done terrific jobs. Both have been able to use their backgrounds to significantly contribute to the subcommittee and have always had a good attitude.

I also want to thank Dan Scandling and Janet Shaffron, on my staff, and J.T. Griffin and Neil Seifring, in my personal staff, for their efforts.

Finally, I want to thank Rob Nabors of the minority staff who has been there with Mike every step of the way as the team has been working on this bill. Also David Pomerantz, Lucy Hand, and Nadine Berg from the Democratic staff who were willing to pitch in.

It is a good bill, Mr. Chairman, and I would urge all Members to support it.

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

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

Mr. Chairman, I would like to start off where the gentleman from Virginia (Mr. WOLF) left off, and that is thanking both staffs for the work they have done. This is a difficult bill. It is a bill that at times is loved by many and at times either disliked or feared by some.

So the staff, as we all know, day after day and night after night, put together the work that they do. The gentleman from Virginia (Mr. WOLF) has mentioned some names, and I want to just reinforce those names and thank both the majority staff and the minority staff for the work they do.

On my staff I would like to pay special tribute to Rob and David for the fact that they just, as the gentleman from Virginia (Mr. WOLF) said, in a relentless way never give up in making sure that things are done properly; and on my staff, Lucy, Nadine, Pete, and everyone else who is back in the office and works towards making this the product that it is to date.

I would also like to join my chairman in thanking the gentleman from Florida (Chairman YOUNG) for his leadership and his understanding and the gentleman from Wisconsin (Mr. OBEY), my ranking member, for the support he gives us in allowing us to go forward with this particular bill.

But this could not be done, none of this, if we did not have the kind of support that we have from the gentleman from Virginia (Mr. WOLF), who is such a shy guy that he actually left the floor so he would not hear me praise him, but he is back.

When we look at the way that we handle politics in this country, when we look at the way we legislate in this country, it is assumed by many people, especially in the media, that if we come from different parts of the country and if we have different political

philosophies that we will never get along and never work together. The gentleman from Virginia and I may be living proof that if we believe in fairness and honesty in dealing with each other, we can in fact work together; and I am here to thank him publicly for taking a very difficult, I believe and our side believes, allocation and meeting to a large extent the needs that our side had and the concerns that we had. He was able to reallocate dollars, to move dollars around, and to do it understanding that in order to have a bill that has bipartisan support, as I am sure this one will be at the end of the day, we do that by understanding the needs that he has and the needs that I have, which are representative of both sides of the aisle.

So I want to thank the gentleman for understanding that and for working with us on this.

The process, as I say, was fair and a fair distribution of very limited resources. I have to compliment the chairman especially for some of the work that we did such as the fully funded Federal Bureau of Investigations, FBI, which has been involved in a great part of our war against terrorism and has needed our support and has received our support.

On the other hand, because the FBI is engaged in the war on terrorism, it has unfortunately, unfortunately and I hope only temporarily, turned away from some of its other duties in the past, such as the fight on drugs. It is not fighting the drug war the way it used to in the past. And for that reason, I am also happy with the fact that we were able to fully fund and go $43 million above the President's request for the Drug Enforcement Administration, the DEA, to make up for the FBI's deemphasizing on illegal drugs.

The Office of Justice Programs, OJP, this bill restores $1.2 billion for key State and local law enforcement grant programs including Byrne grants, $650 million dollars; the local law enforcement block grant, $400 million; State Criminal Alien Assistance program, $400 million. In addition, those cultural and science and education organizations such as UNESCO and others that we deal with in the international community have been fully funded; and we, in fact, in some of these can once again join these organizations to play our role in the international community.

The international organizations, also, that handle peacekeeping and that are involved in peacekeeping efforts throughout the world, that has been fully funded at the request of $1 billion and $550 million respectively. Worldwide security programs, full funding of the request at $1.5 billion.

The Legal Services Corporation, I want once again to thank the chairman for caring for some of the issues that so many Members care for, and the Legal Services Corporation, LSC, is one of them. In the past, we were forced to come to the House to try to amend the bill to bring it back to last year's funding. The chairman has chosen in his tenure as chairman of the committee to make sure that we do not do that, that the bill is dealt with in committee, the agency is dealt with in committee, and in fact, this year with $10 million above the President's request; and I thank him for that.

Obviously, as we have said before, it has been a difficult allocation, and therefore there are some issues that are still pending and that are difficult. The most important one is the Community Oriented Policing Service, the COPS hiring program, which is underfunded this year. It has been funded properly in the past. It continues to be an important program, and part, Mr. Chairman, of what we are doing here today is hoping that with our support of this bill and our continuing working together with the chairman in a bipartisan fashion that as this bill goes to conference, some of the issues that are still not properly addressed will be addressed. I am confident that the COPS program enjoys a bipartisan constituency both here and in the Senate that will allow it to get the kind of dollars that it needs.

There are, and I can go on, some other issues that still need to be addressed, but on the whole, this bill, I believe, merits our support and this approach merits our support.

I am also happy at the fact that a key amendment that was important to all of us is in the bill, is protected by the rule and, I think, makes a serious statement about the bipartisan effort in our committee.

As I said before, I fully support this bill, and I would hope that at the end of the day, both sides of the aisle see it as the gentleman from Virginia (Chairman WOLF) and I do and give it their full support.

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

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

Mr. SERRANO. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member, the gentleman that I said gives us the kind of support that we need on our side to function.

□ 1245

Mr. OBEY. Mr. Chairman, let me simply say that I will be supporting this bill, and I appreciate the approach taken by the subcommittee chairman in putting the bill together. He has, I think, been most fair and balanced in dealing with all of the pressures that were on him, and he has certainly been fair with us.

Let me say, however, having said that, that I think the allocation provided to this subcommittee was totally inadequate. And as the House by now has come to understand, I have had a series of amendments trying to limit the size of the tax cut which will be going to people who make more than $1 million a year in order to free up some additional investments in programs such as education, health care and the like.

We tried to do the same thing on this bill, but again, the Committee on Rules refused to make that amendment in order. And so we will not be able to offer and have considered by the House the amendment that would have used a tiny portion of those revenue resources to folks who make over $1 million a year in order to fund a number of law enforcement activities that we thought were very important.

I do want to mention one provision which is in this bill, which was adopted on a bipartisan basis in the committee, which I am very pleased about. As I think most Members know, there is considerable controversy about just how much of the Nation's airwaves ought to be owned by the media giants of this country.

The existing regulations had provided that no single corporation could own television stations that reached more than 35 percent of the national audience. The FCC, the Federal Communications Commission, in my view ill-advisedly, changed that to increase the percentage of national viewership that could be reached by a single corporate entity in the broadcasting business to 45 percent.

There is a great deal of consternation about that across the country, and I think that consternation is rooted in the fact that the public is beginning to understand that five media conglomerates, Viacom, Disney, AOL Time Warner, Newscorp and General Electric now control a 70 percent share of homes that are watching during prime time.

There are 91 major cable networks, 80 percent of which are owned by the same media conglomerates. Cable news networks are all owned by AOL Time Warner (CNN), Newscorp (Fox News), and General Electric, which is MSNBC and CNBC. The top 20 Internet news sites are also largely owned by the same media giants.

So, in my view, that is a severe threat to democracy. I am pleased that the committee adopted on a 40 to 25 vote the amendment that would assure that we would return to the initial 35 percent limit, rather than expanding it to the 45 percent limit that the FCC tried to foist on the country.

I want to make clear, this amendment does not go beyond television ownership. It does not get into issues such as cross-ownership between newspapers and television. I personally wish it did, because I do not like any of it. But the fact is that we have to be disciplined in deciding how much we can choose to take on at the same time without losing the whole argument.

So we have chosen to confine ourselves to this, the most egregious portion of the FCC rules, in an effort to protect local values, in an effort to protect local diversity of media voices.

I am very pleased that the committee has taken this position, and I would hope very much that the House would

stand behind it as we move to conference with the Senate.

Mr. VITTER. Mr. Chairman, I rise to highlight a section of the Commerce, Justice, State, and the Judiciary bill that affects the citizens of LaSalle Parish, Louisiana. The bill contains provisions that separately direct the Office of Federal Detention Trustee and the Federal Bureau of Prisons to meet bed space needs using excess State and private prison capacity, if these facilities meet the agency's standards. In my home State of Louisiana, there is an empty private prison in Jena, that is located near the Federal Bureau of Prisons facilities at Oakdale and Pollock and near the U.S. Marshals Justice Prisoner and Alien Transportation System, which is commonly known as ''CON–AIR.''

I believe that Federal use of the Jena prison is a wise use of our government's resources. The folks in the LaSalle Parish are hard-working people that are committed to their community. Reopening this empty prison is of utmost importance to me, and I will continue to do everything within my power to see that it occurs.

Mr. BEREUTER. Mr. Chairman, this Member rises to express his support for H.R. 2799, a bill making appropriations for the Departments of Commerce, Justice, State and the Judiciary for FY 2004. In particular, this Member would like to thank the distinguished gentleman from Virginia (Mr. WOLF), Chairman of the Subcommittee and the distinguished gentleman from New York (Mr. SERRANO) for their hard work under difficult budget circumstances.

As a member of the House Caucus to Fight and Control Methamphetamine, this Member strongly supports the inclusion of $60 million for Methamphetamine Enforcement and Clean-Up, otherwise known as the ''hot spots'' program. These funds are critical in State and local efforts to combat the scourge of methamphetamine that is sweeping across our country.

This Member also appreciates the Subcommittee's commitment to Nebraska's efforts to fight a growing plague in Nebraska—the manufacture, trafficking and abuse of methamphetamine. The Nebraska State Patrol will continue the work began with the $500,000 appropriation from FY 2003, with an emphasis on funding for the cleanup of clandestine labs. In 1999, approximately 37 labs were discovered in Nebraska. By 2002, the problem had increased exponentially to 372 which in turn has placed a huge burden on Nebraska law enforcement. The Nebraska State Patrol will also use the funds for the State crime lab to investigate methamphetamine cases and to continue a drug treatment program for methamphetamine addicts.

Furthermore, this Member is pleased that $615 million is included in the bill for the popular and vital Byrne grant program. This appropriation is a top priority for Nebraska law enforcement. The Byrne grant program is critical in crime fighting efforts—and especially helpful to Nebraska law enforcement in fighting crimes related to drug use. Clearly, methamphetamine alone is the driving force behind the increase in crime in Nebraska.

The bill also includes important funds for the Juvenile Accountability Block Grants (JAIBG). These funds have been used throughout the State, and specifically assisted Douglas, Sarpy, and Lancaster counties in developing juvenile drug courts. Almost 50 young people have graduated from the drug courts over the last two years. In addition, Douglas and Lancaster counties have also utilized funds to develop computerized information systems and local graduated sanctions programs.

An additional program of importance to Nebraska law enforcement is the Regional Information Sharing Systems (RISS) program. This Member is pleased that funds are provided for this program. Nebraska is part of the regional Mid-States Organized Crime Information Center (MOCIC). The RISS program provides Nebraska law enforcement with a secure nationwide state-of-the-art information sharing system that uses web technology, allowing officers to access criminal activity information around the country in real time. Additional services include, but are not limited to, analytical assistance, high-tech surveillance equipment loans, intelligence publications, investigative funds, computer forensics and specialized training. As members of the MOCIC, many law enforcement agencies in Nebraska are able to share critical crime-fighting information that these agencies would otherwise not be able to access. As today's criminals become more mobile and technologically advanced, law enforcement's demands for RISS services continues to grow.

Mr. Chairman, in conclusion, this Member urges his colleagues to support H.R. 2799.

Mr. UDALL of Colorado. Mr. Chairman, I rise to state my disappointment with and strong opposition to this bill.

It is one thing to make government more lean; it is another thing to cut jobs year in and year out at facilities all over the country—not because there is fat to cut at these facilities, but because the Subcommittee allocation simply doesn't provide enough money to go around.

Under the bill as it stands, important scientific facilities in my district in Colorado—the National Institute of Standards and Technology and the National Oceanic and Atmospheric Administration—will see approximately 200 jobs lost, maybe more. NOAA's labs in Boulder will see a cut of 40 percent in funding in FY2004—that's nearly cutting its budget by half in one year! I don't have as precise information on NIST, but I am told NIST stands to lose roughly 300 jobs between its labs in Maryland and Colorado—fully 10 percent of its staff.

The bill doesn't fund mandatory cost-of-living increases for both NIST and NOAA—so funds for these increases come out of programs and out of the salaries of workers who are left without jobs. Further, the bill does not include funding for safety, maintenance and major repairs required at NIST's campus in Colorado. Without quality laboratory facilities, NIST cannot provide the standards and measurement support industry requires. The bill includes just two-thirds of base funds for NOAA's Space Environment Center in Colorado, which suffered similar shortfalls last year.

Perhaps most insulting of all—the bill would provide no funds for NOAA's facility in Colorado to pay its $4.5 million in rent. Conferees cut out funding for the rent in last year's bill at the last minute—which is maybe more understandable, as we all know that sometimes odd things happen in conference in the middle of the night. But this cut is far more egregious. It is one thing when programs are trimmed back—it is another when cuts in a bill literally take the clothes off our employees' backs. NOAA is a Federal agency. How can the Federal Government not pay its rent? How is NOAA supposed to meet this shortfall? Its workload remains the same, but NOAA's resources and workforce are getting progressively smaller.

I thought our goal is to create jobs! This bill will put hundreds of Federal employees out of work!

And the bill hurts the private sector too. It cuts by two-thirds the Manufacturing Extension Program, which assists thousands of small and medium-sized manufacturers across this country. This bill entirely eliminates the Advanced Technology Program, which helps small high-tech start-up companies bring research results to the proof-of-concept stage.

With manufacturing jobs being lost every month and high-tech companies struggling, now is not the time to turn our backs on the manufacturing community and our small high-tech entrepreneurs.

So, Mr. Chairman, I must completely oppose this bill. Unless the bill is greatly improved in conference, it will continue a pattern of bleeding these agencies dry—agencies that do so much to support our Nation's economy and the public's well-being. As the bill stands, it does not deserve the approval of the House.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 2799, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for Fiscal Year 2004. I am pleased to report that it is consistent with the levels established in H. Con. Res. 95, the House concurrent resolution on the budget for fiscal year 2004, which Congress adopted on April 10.

H.R. 2799 provides $37.9 billion in new budget authority [BA] and $40.989 billion in outlays for fiscal year 2004—a reduction of $1.287 billion in BA and an increase of $500 million in outlays from fiscal year 2003. Although budget authority in the bill declines by 3.3 percent from the previous year, it is $241 billion above the President's request.

The bill therefore complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

The bill contains $1.125 billion in BA savings—$1.095 in BA and $383 million outlays from changes in mandatory spending, and $30.5 million in rescissions of previously enacted BA. It does not designate any of the appropriations provided by this bill as an emergency.

In conclusion, I commend Chairman YOUNG and Subcommittee Chairman WOLF for their hard work and can appreciate the tough decisions that accompanied the crafting of this bill, especially given the current fiscal climate. It is my hope that Chairman YOUNG and Subcommittee Chairman WOLF will continue to weigh both the state of our economy and the safety of our Nation when they represent the House in conference with the Senate.

Mr. REGULA. Mr. Chairman, I rise in support of the Fiscal Year 2004 Commerce, Justice, State Appropriations bill and commend Chairman WOLF for a fair and balanced bill that funds the Justice Department, the Commerce Department, the Judiciary and the State Department.

I want to particularly commend the Chairman for a hearing that the Subcommittee held

on May 22, 2003 regarding the impact of Chinese imports on U.S. companies. As a result of that hearing the bill today includes funding increases for our trade agencies so that they can better enforce existing trade agreements. Many witnesses at the hearing testified that their businesses were being overwhelmed by low-priced Chinese imports that are causing them to down-size and lay-off workers.

The Commerce Department must be more responsive to U.S. companies, and particularly those small- and medium-sized businesses, who are being harmed by imports. In my district, I have heard from many small and medium-sized manufacturers who say they have had to lay-off workers because of Chinese imports.

According to a recent National Association of Manufacturers report, Ohio has lost 97,100 manufacturing jobs between July 2000 and December 2002. This represents an 8.9 percent decline in just over two years. Ohio had the third largest loss of manufacturing jobs behind California and Texas. I urge officials of our trade agencies to take notice of this manufacturing crisis in Ohio and in the U.S.

I will also work with the Chairman to seek restoration of funding for the Manufacturing Extension Program to last year's level as the bill moves forward. This program has been important in allowing small- and medium-sized manufacturers to modernize and remain competitive in the global marketplace.

I commend the Chairman further for the restoration of funds for State and local law enforcement efforts to fight crime in our local communities. This funding has allowed for the initiation of an important project in Stark County, Ohio to link the communications systems of all law enforcement agencies within the county. This will prevent the tragedy that occurred last year when an officer in one part of the county was shot even though agencies in the other part of the county knew an armed and dangerous man was on the loose.

I urge support of this important appropriations bill that funds our local, national and international security needs.

Mr. OSBORNE. Mr. Chairman, I rise in strong support of the Fiscal Year 2004 Departments of Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Act. I commend the gentleman from Virginia, Chairman WOLF and Ranking Member SERRANO for their hard work on this legislation.

This important spending bill provides critical funding for state and local law enforcement's crime fighting initiatives. I am particularly pleased that H.R. 2799 provides $500 million for the Byrne formula grant program. Byrne formula grants have long proven to be an important aid to law enforcement agencies and I know that Nebraska law enforcement officials have put this funding to good use.

In Nebraska, these funds support the multi-jurisdictional drug task forces that are invaluable in the state's efforts to combat the influx of methamphetamine (meth) in our communities. In addition, Byrne grants have enabled effective inter-agency and multi-jurisdiction cooperation, information sharing, and technology improvements.

According to the Nebraska Clandestine Lab Team, the number of methamphetamine labs busted in the state increased from 18 in 1998 to almost 250 last year. I cannot overstate the negative impact this dangerous drug is having on rural communities in my district. Given the vital role Byrne grants play in helping law enforcement officials fight meth production, I appreciate the committee's commitment to this important program.

As a Member of the Congressional Caucus to Fight and Control Methamphetamine, I strongly support the $60 million in funding for the Methamphetamine Enforcement and Clean-Up program included in H.R. 2799. This legislation sends a strong message to our local law enforcement agencies that the federal government is a partner in fighting the meth scourge in our communities.

Finally, I want to thank the committee for their commitment to the Nebraska State Patrol to carry out their comprehensive strategy for combating methamphetamine in Nebraska. These additional resources will enhance the efforts already in place in Nebraska to address the presence of clandestine labs, distribution of methamphetamine and the need for treatment.

I congratulate the Committee on bringing this legislation to the floor today, and urge my colleagues to support H.R. 2799.

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

Mr. WOLF. 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.

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.

Pursuant to the order of the House of today, no amendment to the bill may be offered except: pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendments printed in the CONGRESSIONAL RECORD numbered 1 through 13; the amendments that have been placed at the desk; and two amendments offered by the gentleman from Michigan (Mr. LEVIN), each regarding the United States Trade Representative and labor standards.

Each amendment may be offered only by the Member designated, or a designee, or the Member who caused it to be printed or placed at the desk, or a designee, shall be considered read, and shall not be subject to a demand for division of the question.

The Clerk will read.

The Clerk read as follows:

H. R. 2799

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, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $106,664,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided,* That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $10,172,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2003: *Provided further,* That not to exceed 31 permanent positions, 33 full-time equivalent workyears and $3,464,000 shall be expended for the Office of Legislative Affairs: *Provided further,* That not to exceed 15 permanent positions, 20 full-time equivalent workyears and $1,875,000 shall be expended for the Office of Public Affairs: *Provided further,* That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos: *Provided further,* That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further,* That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

IDENTIFICATION SYSTEMS INTEGRATION

For necessary expenses for the nationwide deployment of a Joint Automated Booking System and for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data, $20,677,000.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary expenses related to the design, development, engineering, acquisition, and implementation of office automation systems for the organizations funded under the headings ''Salaries and Expenses, General Legal Activities'', and ''General Administration, Salaries and Expenses'', and the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, the Bureau of Prisons, and the Office of Justice Programs, $30,136,000: *Provided,* That, of the funds made available under this heading, $22,000,000 shall not become available for obligation until September 15, 2004, and shall remain available until September 30, 2005.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $103,171,000, to remain available until September 30, 2005: *Provided,* That the Attorney General shall transfer to the ''Narrowband Communications'' account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further,* That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $1,000,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing

support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: *Provided,* That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: *Provided further,* That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $193,530,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service, $810,125,000, to remain available until expended: *Provided,* That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention; the management of funds appropriated to the Department of Justice for the exercise of any detention functions; and the direction of the United States Marshals Service with respect to the exercise of detention policy setting and operations for the Department: *Provided further,* That any unobligated balances available in prior years from the funds appropriated under the heading ''Federal Prisoner Detention'' shall be transferred to and merged with the appropriation under the heading ''Detention Trustee'' and shall be available until expended: *Provided further,* That the Trustee, working in consultation with the Bureau of Prisons, shall submit a plan for collecting information related to evaluating the health and safety of Federal prisoners in non-Federal institutions no later than 180 days following the enactment of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $56,245,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $10,609,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $620,533,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended, and of which not less than $1,996,000 shall be available for necessary administrative expenses in accordance with the Radiation Exposure Compensation Act: *Provided,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $128,133,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, not to exceed $112,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year 2004 appropriation from the general fund estimated at not more than $16,133,000: *Provided further,* That, notwithstanding section 1353 of title 31, United States Code, no employee of the Antitrust Division may accept, nor may the Antitrust Division accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Antitrust Division, or represents a person or corporation subject to regulation by the Antitrust Division, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,526,253,000; of which not to exceed $2,500,000 shall be available until September 30, 2005, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided,* That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further,* That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,113 positions and 10,298 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $166,157,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided,* That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further,* That, notwithstanding any other provision of law, $166,157,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further,* That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year 2004 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,205,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, $678,672,000; of which $17,403,000 shall be available for 106 supervisory deputy marshal positions for courthouse security; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall be available for development, implementation, maintenance and support, and training for an automated prisoner information system and shall remain available until expended; of which $2,000,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended; and of which not to exceed $1,371,000 is for constructing United States Marshals Service prisoner-holding space in United States Courthouses and Federal buildings: *Provided,* That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,240 positions and 4,074 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $156,145,000, to remain available until expended; of which not to exceed $8,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,526,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided,* That notwithstanding any other provision of law, upon a determination by the Attorney General that

emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,759,000, to be derived from the Department of Justice Assets Forfeiture Fund.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,454 passenger motor vehicles, of which 1,843 will be for replacement only; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, $4,576,730,000; of which not to exceed $65,000,000 for automated data processing and telecommunications and technical investigative equipment, and not to exceed $1,000,000 for undercover operations, shall remain available until September 30, 2005; of which $490,104,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not less than $153,812,000 shall only be for Joint Terrorism Task Forces; and of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: *Provided,* That not to exceed $250,000 shall be available for official reception and representation expenses: *Provided further,* That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 28,378 positions and 26,805 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

FOREIGN TERRORIST TRACKING TASK FORCE

For expenses necessary for the Foreign Terrorist Tracking Task Force, including salaries and expenses, operations, equipment, and facilities, $61,597,000.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $1,242,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and purchase of not to exceed 982 passenger motor vehicles, of which 886 will be for replacement only, for police-type use, $1,601,327,000; of which not to exceed $33,000,000 for permanent change of station shall remain available until September 30, 2005; of which not to exceed $1,800,000 for research shall remain available until expended; of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2005; and of which not to exceed $50,000 shall be available for official reception and representation expenses: *Provided,* That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 8,358 positions and 8,018 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

INTERAGENCY DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $556,465,000, of which $50,000,000 shall remain available until expended: *Provided,* That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further,* That any unobligated balances remaining available at the end of the fiscal year shall revert to the Drug Enforcement Administrator for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 605 of this Act.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $18,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $831,199,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau: *Provided,* That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further,* That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further,* That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further,* That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further,* That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to other agencies or Departments in fiscal year 2004: *Provided further,* That no funds appropriated under this or any other Act may be used to disclose to the public the contents or any portion thereof of any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of section 923(g) of title 18, United States Code, except that this provision shall apply to any request for information made by any person or entity after January 1, 1998: *Provided further,* That none of the funds provided in this Act or any other Act for the enforcement or implementation of section 923(g)(5) of title 18, United States Code, shall be expended in a manner that requires any records regarding the acquisition or disposition of a firearm by a licensee to be submitted to the Bureau of Alcohol, Tobacco, Firearms, and Explosives by the licensee unless the records are specifically required during a bona fide criminal investigation to (1) determine the disposition of one or more firearms which are the subject of, or attendant to, the investigation, or (2) identify an individual offender who is the subject or target of the investigation: *Provided further,* That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further,* That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: *Provided further,* That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further,* That subparagraphs (A) and (B) of 28 U.S.C. 530C(b)(2), are amended by inserting ''for the Bureau of Alcohol, Tobacco, Firearms and Explosives,'' after ''Marshals Service,'' in each subparagraph.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 838, of which 535 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,461,257,000: *Provided,* That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal

penal and correctional institutions: *Provided further,* That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further,* That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2005: *Provided further,* That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further,* That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $202,840,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided,* That labor of United States prisoners may be used for work performed under this appropriation: *Provided further,* That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), and the Victims of Crime Act of 1984, $209,131,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,640,861,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account): *Provided,* That all balances under this heading for programs to address violence against women may be transferred to and merged with the appropriation for ''Violence Against Women Prevention and Prosecution Programs'': *Provided further,* That funding provided under this heading shall remain available until expended as follows:

(1) $400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act and retroactive to October 1, 2000, Guam shall be considered as one ''State'' for all purposes under H.R. 728: *Provided,* That funding shall be available for the purposes authorized by part E of title I of the 1968 Act: *Provided further,* That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which—

(A) $80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104–294 (42 U.S.C. 13751 note): *Provided,* That funds may also be used to defray the costs of indemnification insurance for law enforcement officers;

(B) $20,000,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728; and

(C) $5,000,000 for USA Freedom Corps activities;

(2) $400,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act;

(3) $2,500,000 for the Cooperative Agreement Program for the improvement of State and local correctional facilities holding prisoners in custody of the U.S. Marshals Service;

(4) $13,000,000 for assistance to Indian tribes, of which—

(A) $8,000,000 shall be available for the Tribal Courts Initiative; and

(B) $5,000,000 shall be available for demonstration projects on alcohol and crime in Indian Country;

(5) $615,000,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which $115,000,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(6) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(7) $70,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(8) $892,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(9) $55,000,000 for Drug Courts, as authorized by Part EE of title I of the 1968 Act;

(10) $1,487,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(11) $1,982,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(12) $10,000,000 for a prescription drug monitoring program;

(13) $60,000,000 for implementation of prison rape prevention and prosecution programs; and

(14) $1,000,000 for a State and local law enforcement hate crimes training and technical assistance program:

Provided further, That funds made available in fiscal year 2004 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further,* That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses to implement ''Weed and Seed'' program activities, $51,811,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: *Provided,* That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further,* That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $682,993,000, to remain available until expended: *Provided,* That funds that become available as a result of deobligations from prior year balances may not be obligated except in accordance with section 605 of this Act: *Provided further,* That section 1703(b) and (c) of the Omnibus Crime

Control and Safe Streets Act of 1968 (''the 1968 Act'') shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.).

Of the amounts provided—

(1) $20,662,000 for community policing training and technical assistance;

(2) $25,000,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the 1968 Act;

(3) $30,000,000 to improve tribal law enforcement including equipment and training;

(4) $60,000,000 for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in ''drug hot spots'';

(5) $28,315,000 for Police Corps education and training: *Provided*, That the out-year program costs of new recruits shall be fully funded from funds currently available;

(6) $100,000,000 for a law enforcement technology program;

(7) $56,924,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(8) $174,353,000 for a DNA analysis and backlog reduction formula program, of which—

(A) not less than $35,000,000 shall be for increasing State and local DNA laboratory capacity; and

(B) $10,000,000 shall be for discretionary research, demonstration, evaluation, statistics, technical assistance and training;

(9) $5,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act (42 U.S.C. 3797j et seq.);

(10) $40,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local U.S. Attorneys offices;

(11) $13,504,000 for an offender re-entry program, as authorized by Public Law 107–273;

(12) $17,000,000 for a police integrity program;

(13) $45,000,000 for Project Safe Neighborhoods to reduce gun violence, and gang and drug-related crime;

(14) $41,105,000 shall be available to the United States Marshals Service, of which—

(A) $28,519,000 shall be for the District of Columbia Superior Court Office; and

(B) $12,586,000 shall be for fugitive apprehension task forces with State and local law enforcement; and

(15) not to exceed $26,130,000 for program management and administration.

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); $387,629,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''General Administration'' account), to remain available until expended.

Of the amount provided—

(1) $11,897,000 for the court appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $2,281,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $994,000 for grants for televised testimony, as authorized by part N of the 1968 Act;

(4) $183,334,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $5,200,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(B) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the Juvenile Justice and Delinquency Act of 1974; and

(C) $15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108–21;

(5) $64,503,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(6) $39,685,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) $4,957,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) $2,981,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) $9,935,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106–386;

(10) $39,740,000 for legal assistance for victims, as authorized by section 1201 of Public Law 106–386;

(11) $4,968,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40802 of the 1994 Act;

(12) $14,903,000 for the safe havens for children pilot program as authorized by section 1301 of Public Law 106–386; and

(13) $7,451,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106–386.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 66, line 4, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 34, line 21, through page 66, line 4, is as follows:

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the Act''), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $462,282,000, to remain available until expended, as follows:

(1) $7,000,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

(2) $90,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $40,000,000 for juvenile delinquency prevention block grants, as authorized by section 241 of the Act;

(4) $7,000,000 for research, evaluation, training and technical assistance, as authorized by sections 251 and 252 of the Act;

(5) $50,000,000 for demonstration projects as authorized by sections 261 and 262 of the Act;

(6) $92,282,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

(A) $12,500,000 shall be for the Tribal Youth program;

(B) $20,000,000 shall be for a gang resistance education and training program to be coordinated with the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(7) $25,000,000 for Project Childsafe;

(8) $20,000,000 for the Secure Our Schools Act as authorized by Public Law 106–386;

(9) $20,000,000 for Project Sentry to reduce youth gun violence, and gang and drug-related crime;

(10) $11,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(11) $100,000,000 for the Juvenile Accountability Block Grants program as authorized by Public Law 107–273 and Guam shall be considered a State.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); $4,000,000, to remain available until expended for payments as authorized by section 1201(b) of said Act and $3,500,000 for education assistance, as authorized by section 1212 of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in

sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated: *Provided further*, That rewards made pursuant to section 501 of Public Law 107–56 shall not be subject to this section.

SEC. 106. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 107. Section 114 of Public Law 107–77 shall remain in effect during fiscal year 2004.

SEC. 108. Authorities contained in the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273) shall remain in effect until the effective date of a subsequent Department of Justice appropriations authorization Act.

This title may be cited as the ''Department of Justice Appropriations Act, 2004''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $41,994,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c).

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $57,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $395,123,000, to remain available until expended, of which $13,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $46,669,000 shall be for Manufacturing and Services; $38,204,000 shall be for Market Access and Compliance; $68,160,000 shall be for the Import Administration of which $3,000,000 is to establish an Office of China Compliance; $217,040,000 shall be for the United States and Foreign Commercial Service of which $1,500,000 is for the Advocacy Center, $2,500,000 is for the Trade Information Center, and $2,100,000 is for a China and Middle East Business Center; and $25,050,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $68,203,000, to remain available until September 30, 2005, of which $7,203,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $288,115,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,565,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $29,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $75,000,000, to remain available until September 30, 2005.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $220,908,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2010 decennial census, $260,200,000, to remain available until September 30, 2005: *Provided*, That, of the total amount available related to the 2010 decennial census, $112,090,000 is for the Re-engineered Design Process for the Short-Form Only Census, $64,800,000 is for the American Community Survey, and $83,310,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $180,853,000, to remain available until September 30, 2005, of which $80,082,000 is for economic statistics programs and $100,771,000 is for demographic statistics programs: *Provided*, That regarding engineering and design of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this or any other Act under the heading ''Bureau of the Census, Periodic Censuses and Programs'' shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $14,604,000: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or

previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $2,538,000, as authorized by section 391 of the Act: *Provided,* That, notwithstanding section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, $15,402,000, to remain available until expended as authorized by section 391 of the Act: *Provided,* That not to exceed $3,097,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further,* That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further,* That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further,* That, notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,138,700,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2004, so as to result in a fiscal year 2004 appropriation from the general fund estimated at $0: *Provided further,* That during fiscal year 2004, should the total amount of offsetting fee collections be less than $1,138,700,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: *Provided further,* That an additional amount not to exceed $100,000,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2004, to remain available until expended: *Provided further,* That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2004 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology Office of Technology Policy, $7,822,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $357,862,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $39,607,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $62,590,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized, $2,180,454,000: *Provided,* That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further,* That, in addition, $79,251,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further,* That, of the $2,276,705,000 provided for in direct obligations under this heading (of which $2,180,454,000 is appropriated from the General Fund, $79,251,000 is provided by transfer, and $17,000,000 is derived from deobligations from prior years), $363,239,000 shall be for the National Ocean Service, $545,072,000 shall be for the National Marine Fisheries Service, $306,443,000 shall be for Oceanic and Atmospheric Research, $713,773,000 shall be for the National Weather Service, $146,334,000 shall be for the National Environmental Satellite, Data, and Information Service, and $201,844,000 shall be for Program Support: *Provided further,* That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity so that total National Oceanic and Atmospheric Administration administrative expenses shall not exceed $243,000,000: *Provided further,* That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act: *Provided further,* That none of the funds under this heading are available to alter the existing structure, organization, function, and funding of the National Marine Fisheries Service Southwest Region and Fisheries Science Center and Northwest Region and Fisheries Science Center: *Provided further,* That funding provided under this heading for ocean and coastal observing system grants shall require an equal match from other non-Federal sources: *Provided further,* That, hereafter, the Secretary of Commerce may enter into cooperative agreements with the Joint and Cooperative Institutes as designated by the Secretary to use the personnel, services, or facilities of such organizations for research, education, training, and outreach.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $794,059,000, to remain available until September 30, 2006, except for funds appropriated for the National Marine Fisheries Service Honolulu Laboratory and for the National Environmental Satellites, Data, and Information Service, which shall remain available until expended: *Provided,* That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further,* That none of the funds provided in this Act or any other Act under the heading ''National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $90,000,000.

FISHERIES FINANCE PROGRAM ACCOUNT

Funds provided under this heading for the costs of direct loans authorized by the Merchant Marine Act of 1936, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $59,000,000 only to finance fishing capacity reduction programs, individual fishing quotas, reconditioning of fishing vessels for the purpose of reducing bycatch or reducing capacity in an overfished or over-capitalized fishery, and the purchase of assets sold at foreclosure instituted by the Secretary of Commerce: *Provided further,* That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $44,662,000: *Provided,* That not to exceed 11 full-time equivalents and $1,621,000 shall be expended for the legislative affairs function of the Department.

OFFICE OF INSPECTOR GENERAL

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

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

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

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

SEC. 203. Hereafter, none of the funds made available by this or any other Act for the National Oceanic and Atmospheric Administration may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further,* That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided,* That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further,* That such fund shall be paid in advance from funds available to the Department of Commerce and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further,* That such fund shall provide services on a competitive basis: *Provided further,* That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2004 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further,* That such amounts retained in the fund for fiscal year 2004 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further,* That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further,* That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2004''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $55,360,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect as authorized by law, $10,591,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $20,665,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $14,068,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,004,176,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $3,293,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $613,948,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $53,181,000, to remain available until expended: *Provided,* That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $288,941,000, of which not to exceed $10,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $66,968,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $21,440,000; of which $1,800,000 shall remain available through September 30, 2005, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $25,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $700,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,600,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $12,746,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. (a) The Supreme Court shall establish a pilot program under which the Court may repay (by direct payment on behalf of the employee) any student loan (up to $6,000 per year) previously taken out by an employee serving as a full-time judicial law clerk for the Court.

(b) The Court shall promulgate such regulations as may be necessary to carry out such a program and notify the Committees on Appropriations of the regulations prior to implementing the pilot program.

This title may be cited as the ''Judiciary Appropriations Act, 2004''.

The CHAIRMAN. Are there points of order against provisions in that portion of the bill?

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would reserve a point of order, on page 47.

The CHAIRMAN. Does the gentleman make a point of order?

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would reserve points of order.

The CHAIRMAN. The gentleman may not reserve points of order.

Mr. TOM DAVIS of Virginia. Can I strike the last word?

The CHAIRMAN. If the gentleman were to offer a pro forma amendment, then the point of order would come too late.

Members are advised that any points of order in this portion of the bill which we are discussing must be enacted prior to any amendments being offered. Therefore, if the point of order is to be made, it must be made now.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I am not going to make any points of order in this section.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, two sections of this, on page 47 and page 55, lines 19 through 23, there are two sections here that are basically legislating on an appropriations bill over which our committees has jurisdiction. We have discussed these sections with the gentleman from Virginia and have come to an agreement that we will not at this point exercise a point of order, but want to work with the committee in the future as they draft these bills to work with our committee so that we can craft appropriate language to meet our mutual goals.

Is the gentleman in agreement?

Mr. WOLF. Mr. Chairman, reclaiming my time, I absolutely am. These are provisions that have been carried before. The gentleman is the new chairman of that committee. Before we do that next year, we will sit down with the gentleman.

Mr. Chairman, I thank the gentleman for bringing these to our attention and for not striking.

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

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,453,260,000: *Provided*, That not to exceed 69 permanent positions and $7,311,000 shall be expended for the Bureau of Legislative Affairs: *Provided further*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, $301,563,000 shall be available only for public diplomacy international information programs: *Provided further*, That, of the amount made available under this heading, not to exceed $48,000,000 shall be available for the Bureau of International Organization Affairs: *Provided further*, That of the amount made available under this heading, $3,000,000 shall be available only for the establishment and operations of an Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,371,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $646,701,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $142,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading: *Provided further*, That, of the funds made available under this heading, $84,000,000 is for worldwide infrastructure replacement only, which amount shall not become available for obligation until September 15, 2004.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $29,777,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $345,346,000, to remain available until expended: *Provided*, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $9,000,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $10,000,000, to remain available until September 30, 2005.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $532,935,000, to remain available until expended as authorized, of which not to exceed $15,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $861,400,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

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

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $18,782,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $134,979,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,010,463,000: *Provided*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the adopted budget for the biennium 2002–2003 of $2,891,000,000: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $550,200,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable) (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

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

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

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

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $25,668,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,500,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $8,944,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $16,989,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $10,376,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2004, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2004, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $42,000,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, and improvement of facilities for radio and television transmission

and reception to Cuba, $552,105,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $11,395,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

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

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

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

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2004''.

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107–273, $1,499,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

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

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

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

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,615,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

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

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,800,000, including not more than $3,000 for the purpose of official representation, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $328,400,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $278,958,000: *Provided*, That $269,000,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at $9,958,000: *Provided further*, That any offsetting collections received in excess of $269,000,000 in fiscal year 2004 shall remain available until expended, but shall not be available for obligation until October 1, 2004: *Provided further*, That, notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Federal Communications Commission may accept, nor may the Commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling a Commissioner or employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Commission, or represents a person or corporation subject to regulation by the Commission, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

□ 1300

POINT OF ORDER

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

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

Mr. UPTON. Mr. Chairman, on page 81, ''Federal Communications Commission, salaries and expenses,'' I believe that it is an authorization on an appropriations bill. It is not authorized.

The CHAIRMAN. Is the gentleman identifying the last proviso of the paragraph?

Mr. UPTON. Yes.

The CHAIRMAN. Is there discussion on the point of order?

Mr. WOLF. Mr. Chairman, there was an analysis of the FCC's travel paid for by non-Federal sources. They found that agency officials took more than 2,500 industry-sponsored trips between May of 1995 and February of 2003, costing $2.8 million. Each of the current commissioners took trips. One commissioner took 44 trips during that time frame, including trips to Las Vegas, Hawaii, and London.

When the issue came out, a member of the FCC staff said that it was because the Committee on Appropriations did not fund their travel. That is not accurate. And as a result of that, we wanted to do this.

One commissioner, who has only been a commissioner since July of 2001, took 12 trips valued at over $14,000. One career employee took 104 trips valued at $150,000, including to France, Japan, Singapore, the United Kingdom, and Sweden. That means the regulatees are paying for the trips of the regulator.

So the reason we are putting this in, I would say to my friend from Michigan, was that when this study came out, the FCC said the reason they had to do this was because they were not being adequately funded, which was not accurate and, therefore, they are adequately funded to travel. I think from a public interest point of view, to allow one person to take 104 trips valued at almost $150,000 to France, Japan, Singapore, the United Kingdom,

and Sweden was why the subcommittee did that from a public policy point of view.

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

The CHAIRMAN. The gentleman from Virginia may not yield in the debate on the point of order.

The Chair will hear each Member individually on the point of order.

Do other Members wish to be heard on the point of order?

Mr. TOM DAVIS of Virginia. Mr. Speaker, I wish to be heard. Let me just say this also falls under the jurisdiction of the Committee on Government Reform. I was coming over to also offer our objection to this section because this was put in without consultation with our committee, and this is under our jurisdiction.

However, after listening to the gentleman from Virginia explain the rationale put forward by both the Federal Communications Commission in defending the policy and looking at the wide array of special interest trips that have been paid for by special interests to employees of the FCC, this is probably an appropriate vehicle to try to stop that process and try to raise the regulatory regime there to make it freer from interest group influence.

Obviously, if somebody goes on a paid-for trip, is put up in a hotel, gets their golf game paid for, and it is paid for by an interest group that is regulated by the FCC, we should stop it.

So we are not going to exercise a motion to strike on this. I agree with the gentleman from Virginia. I appreciate him bringing this forward. I hope he will work with us during the next year as we craft these together so that we can keep these jurisdictionally a little bit clearer.

The CHAIRMAN. Does the gentleman from Michigan wish to be heard on his point of order?

Mr. UPTON. No. I think enough has been said.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this provision explicitly supersedes existing law. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

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

Are there amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $183,041,000, to remain available until expended: *Provided,* That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further,* That, notwithstanding any other provision of law, not to exceed $112,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further,* That $20,100,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year 2004 appropriation from the general fund estimated at not more than $50,941,000: *Provided further,* That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285): *Provided further,* That, notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Federal Trade Commission may accept, nor may the Commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling a Commissioner or employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Commission, or represents a person or corporation subject to regulation by the Commission, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

POINT OF ORDER

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

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

Mr. UPTON. Mr. Chairman, the final proviso under the heading ''Federal Trade Commission salaries and expenses,'' page 84, line 15 through 85, line 3 of the bill violates clause 2 of rule XXI of the rules of the House prohibiting legislation on appropriations bills.

This provision bans commissioners and employees of the FTC to accept payment or reimbursement of a non-Federal entity for travel and related expenses, and would apply towards travel to a convention, conference, or meeting. The only exception provided for in the bill is if the person or corporation paying is an organization exempt from taxation pursuant to 501(c)(3) of the IRS code of 1986.

In short, this language clearly constitutes legislation on an appropriations bill in violation of clause 2, rule XXI of the rules of the House, because it changes current law, and I insist on my point of order.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

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

Are there amendments to this portion of the bill? If not, the Clerk will read.

The Clerk read as follows:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $338,848,000, of which $319,548,000 is for basic field programs and required independent audits; $2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,300,000 is for management and administration; and $3,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2003 and 2004, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $1,856,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, $2,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $841,500,000; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided,* That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections:

Provided further, That not to exceed $738,500,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further,* That $103,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further,* That the total amount appropriated under this heading from the general fund for fiscal year 2004 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2004 appropriation from the general fund estimated at not more than $0: *Provided further,* That, notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Securities and Exchange Commission may accept, nor may the Commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling a Commissioner or employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Commission, or represents a person or corporation subject to regulation by the Commission, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $326,592,000: *Provided,* That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further,* That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

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

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,910,000, to be available until expended; and for the cost of guaranteed loans, $84,805,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2005: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That during fiscal year 2004 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $4,500,000,000: *Provided further,* That during fiscal year 2004 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further,* That during fiscal year 2004 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act*: Provided further,* That during fiscal year 2004 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $10,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, $72,665,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $117,585,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $108,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,085,000 is for indirect administrative expenses: *Provided,* That any amount in excess of $9,085,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

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

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $3,000,000: *Provided,* That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

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

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

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

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Virginia (Mr. TOM DAVIS), my good friend.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman for yielding. Again, section 603 puts a limitation on 5 United States Code section 3109 and restricts the use of temporary outside consultants and experts by the Departments of Commerce, Justice and State to contracts that are a matter of public record.

Because of exceptions to this section, it does not significantly restrict these outside consultants. But this again falls under the jurisdiction of the Committee on Government Reform. We have consulted with the chairman on this. He feels very strongly about this issue. We will not raise a point of order on this, but hope that in the future we can work together on these sections, exercising our joint jurisdictions for the public benefit.

Mr. WOLF. Mr. Speaker, reclaiming my time, we will do that, I can assure the gentleman.

The CHAIRMAN. Are there amendments to section 603?

□ 1315

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

Mr. Chairman, I yield to the gentleman from Illinois (Mr. MANZULLO) about an amendment that we are prepared, when we go to conference, to make sure it is not in the bill, which is what he desired. Since his time has passed, and in fairness to others who missed that time, rather than going back, and there may be an objection, I just want to assure the gentleman from Illinois (Mr. MANZULLO) that what he is offering, working with the gentleman from New York (Mr. SERRANO), we will accept that amendment and strike it when we go to conference, in fairness to the gentleman.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I appreciate the gentleman yielding.

Just to identify the amendment, it would be the amendment that occurs on .051, so the Clerk would know that to which we refer, dealing with the Small Business Administration Business Loan Program Account. And I would thank the gentleman from Virginia (Mr. WOLF) for making sure that this provision would go into the conference report.

Mr. WOLF. Reclaiming my time, I will do that and work with the gentleman from New York (Mr. SERRANO); and in order to protect the gentleman's interests, we will do that.

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

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

Mr. SERRANO. Mr. Chairman, we would agree with the chairman and be committed to doing that.

Mr. WOLF. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances

other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

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

Mr. Chairman, I yield to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the fiscal year 2004 Commerce-Justice-State appropriations bill. I want to thank the gentleman from Virginia (Mr. WOLF) and his staff for their efforts. I know this was a difficult bill to reconcile.

As chairman of the House Subcommittee on Environment, Technology and Standards of the Committee on Science, my subcommittee authorizes and oversees more than 70 percent of the Department of Commerce's budget through the National Oceanic and Atmospheric Association, known as NOAA, and the National Institute for Standards and Technology, known as NIST. While the gentleman from Virginia (Chairman WOLF) did the very best that he could for these agencies, I do have serious concerns, especially about funding for NIST laboratories. Much of the technology and standards that we use day to day comes directly from research by scientists at NIST. The work at the institute is vital to our efforts on cyber-security, building safety, voting standards and nano-technology to name just a few.

These laboratories are home to some of the Nation's best and most gifted scientists, including two Nobel Laureates. While the funding level for their laboratories is $800,000 more than last year, NIST needs about $3 million just to cover the 4.1 percent mandatory cost-of-living adjustments, leaving about a $2 million shortfall. This shortfall could result in about 50 scientists being let go. We cannot afford to lose their expertise and the vital work they do every day.

I pledge to work with the gentleman from Virginia (Chairman WOLF) as the bill moves forward to help find the resources to cover this shortfall in the NIST laboratory account.

Regarding NOAA, I am pleased that the gentleman from Virginia (Mr. WOLF) funded many of the programs that are important to the Committee on Science, such as weather satellites, climate change research and especially funding to upgrade the NOAA weather system to be a fully automated, all-hazard warning system, not just for weather emergencies, but for chemical spills and even terrorist attacks. This warning system truly helps to save lives every day. Those who have these radios can receive alerts 24 hours a day even when the radio is turned off or when people are asleep.

Again, I want to thank the gentleman from Virginia (Mr. WOLF) and his staff for working with me and the Committee on Science on these issues and I urge passage of this important bill.

The CHAIRMAN. Are there amendments to section 605?

PREFERENTIAL MOTION OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Vermont (Mr. SANDERS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 77, noes 335, not voting 22, as follows:

[Roll No. 402]

AYES—77

Ackerman
Allen
Baldwin
Ballance
Bell
Berry
Bishop (NY)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Cooper
Crowley
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Doggett
Dooley (CA)
Engel
Eshoo
Etheridge
Filner
Ford
Gordon
Grijalva
Hastings (FL)
Hinchey
Inslee
Israel
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Larsen (WA)
Lewis (GA)
Lipinski
Majette
Maloney
Michaud
Millender-McDonald
Nadler
Napolitano
Neal (MA)
Oberstar
Pelosi
Ross
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Sherman
Solis
Stark
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Waters
Watson
Watt
Woolsey

NOES—335

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English
Evans
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Isakson
Issa
Istook
Jackson (IL)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Saxton

Schiff	Spratt	Upton
Schrock	Stearns	Velazquez
Scott (GA)	Stenholm	Visclosky
Scott (VA)	Strickland	Vitter
Sensenbrenner	Stupak	Walden (OR)
Serrano	Sullivan	Walsh
Sessions	Sweeney	Wamp
Shadegg	Tancredo	Waxman
Shaw	Tanner	Weiner
Shays	Tauscher	Weldon (FL)
Sherwood	Tauzin	Weldon (PA)
Shimkus	Taylor (MS)	Weller
Shuster	Taylor (NC)	Wexler
Simmons	Terry	Whitfield
Simpson	Thomas	Wicker
Skelton	Thornberry	Wilson (NM)
Smith (MI)	Tiahrt	Wilson (SC)
Smith (NJ)	Tiberi	Wolf
Smith (TX)	Toomey	Wu
Smith (WA)	Towns	Wynn
Snyder	Turner (OH)	Young (AK)
Souder	Turner (TX)	Young (FL)

NOT VOTING—22

Andrews	Ferguson	Meek (FL)
Baird	Gephardt	Nussle
Ballenger	Gonzalez	Payne
Berkley	Hensarling	Peterson (PA)
Blunt	Hunter	Platts
Conyers	Hyde	Slaughter
DeLay	Jefferson	
Dunn	McIntyre	

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1343

Ms. ROYBAL-ALLARD, Messrs. SOUDER, OSBORNE and EMANUEL, Mrs. DAVIS of California, Mr. OLVER and Ms. MCCOLLUM changed their vote from ''aye'' to ''no.''

Ms. LINDA T. SÁNCHEZ of California changed her vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCINTYRE. Mr. Chairman, on rollcall No. 402, I was unavoidably detained. Had I been present, I would have voted ''aye.''

The CHAIRMAN pro tempore. Are there any amendments to section 605?

If not, the Clerk will read.

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

The CHAIRMAN pro tempore. The motion to strike the last word is not in order from the gentleman from Vermont.

If there are no further amendments to Section 605, the Clerk will read.

□ 1345

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Under the rule of the order of the House of today, the gentleman from Vermont (Mr. SANDERS) cannot strike the requisite number of words or any number of words. That privilege is accorded only to the subcommittee chairman and the ranking minority member.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent to have 2 minutes to address the House.

Mr. ISSA. Mr. Chairman, I object.

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

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

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

Mr. SANDERS. Mr. Chairman, I thank my friend.

First, I want to apologize to my friends for forcing them to vote. I have never done this before. It is not my style.

I had an amendment at the desk dealing with an issue of deep concern to tens of millions of Americans and, I think, a majority of the Members of this body, and that is to make an important change to the USA PATRIOT Act so that the FBI is not given carte blanche to go into our libraries or our book stores with no probable cause.

Now, I understand that there are Members who may disagree with that notion. I would tell my colleagues that we have 129 cosponsors, conservatives, liberals, progressives, and the support of the American Library Association, the American Book Sellers Association. What is disturbing me very much is the possibility that this important issue, and both sides of the issue, will not be allowed to be debated this afternoon in this legislation.

Mr. Chairman, I brought forth an amendment which is at the desk. We needed to make, upon advice from the Parliamentarian, some minor modification. I asked the chairman of the committee to give us unanimous consent to make a minor modification so that we could debate both sides of this issue, one of the most important civil liberties problems facing the United States of America, and the chairman refused that courtesy.

So let me be very clear. The American people have a right to read without the FBI looking over their shoulder. The American people have a right to have that issue debated on the floor, and I intend, with my colleagues, to do everything I can to make certain that that occurs.

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

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

Mr. ENGEL. Mr. Chairman, I absolutely agree with everything the gentleman from Vermont said. I support what he is trying to do about the PATRIOT Act.

I do not very often get up to complain about procedure here, but I want to just express my frustration in being a member of the Committee on Energy and Commerce, the authorizing committee. I had an amendment that I was going to introduce. As of 8 p.m. last night, we did not see a bill, so there was no way we could draft the amendment. And then this morning, with the UC agreed to, it effectively cut out members of the Committee on Energy and Commerce that had a bill that deals with our committee that had an amendment.

I just find it very, very frustrating that this UC was done, and had I been on the floor I would have objected.

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

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

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Anybody who knows me knows that I am not interested in promoting the Republican agenda. I think that is a safe assumption on both sides of the aisle. But I want to say that I want to defend the subcommittee chairman in this instance.

What happened today is that the schedule for these bills was changed suddenly, with the support of both sides of the aisle, and I appreciate the fact that the change was made. I think it was helpful. So this bill was brought up instead of the Foreign Operations bill. That meant that for us to proceed, we needed to have a unanimous consent agreement on the scope of amendments that would be considered by the House so that Members would have some idea of what the schedule would be.

So what happened is that our staff, understanding what we were trying to do, put together their understandings of what the amendments were, and that was included in the UC agreement.

The gentleman indicated that he had an amendment which is not in order under the rules and needed to be changed somewhat. My understanding is that he asked the gentleman from Virginia to agree to a unanimous consent request. The gentleman from Virginia, in essence, said I cannot do that for you without doing it for other people because then we unravel the whole UC agreement. I think the gentleman from Virginia, under the circumstances, was correct.

Now, I happen to support the content of the Sanders amendment, but I have stood on this floor and I have stood in the whip's meeting, and I have stood in the Democratic Caucus, and I have said to people time and time again, if you want us to protect your amendments, please at least give us adequate notice so that we can try to find ways to do that.

We cannot anticipate, Mr. Chairman. We cannot anticipate all of the amendments that Members want to offer if we have not been given enough lead time ourselves so we can work with those Members.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. WOLF) has expired.

(By unanimous consent, Mr. WOLF was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, will the gentleman continue to yield?

Mr. WOLF. I continue to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman.

Even when we do get notice, sometimes we screw up, and we may have screwed up in a couple of instances today. But all I can say to each and every Member is, we try to cooperate

on both sides of the aisle in protecting Members.

We protected three amendments from this side of the aisle today, with which I fundamentally disagree, and there are a number of other amendments that I do not think should be here either; but we put them all in because that is what we thought the universe was.

With respect to the Sanders amendment, all I can say to the gentleman is, if the gentleman had come to the committee and given us enough time to work with him, we probably could have worked this out. But I fully understand why the gentleman from Virginia thinks that he had to object. He is trying to be fair to both sides, and I think the gentleman owes us notice if he expects us to try to protect his amendments.

Mr. WOLF. Mr. Chairman, reclaiming my time, other Members have been in this situation. The gentleman from Illinois (Mr. MANZULLO) missed the opportunity and could not offer an amendment. The gentleman from Indiana (Mr. PENCE) missed the opportunity and could not offer an amendment, as did the gentleman from Illinois (Mr. SHIMKUS). And I think there were several over on that side. And once you have told them that they have missed their opportunity, to do this now, in essence, I would have to go back.

Also, there are a large number of other amendments that are subject to a point of order.

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

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

Mr. SANDERS. Mr. Chairman, in terms of the gentleman from Wisconsin (Mr. OBEY), what I would say with regard to his asking us to give notice, I did not have warning. I turned on the television and found this bill on the floor of the House. Nobody gave us warning this bill was coming to the floor of the House.

Second of all, this is a legislative body. I know the gentleman from Virginia (Mr. WOLF) is a fair man, and if other people have missed their amendments, presumably because this bill has moved so fast, maybe we should give them a chance to have their amendments discussed and debated. That is what we are supposed to do.

This is an enormously important issue. Let us have that debate. Let us have those votes.

But I have to tell my colleagues that on an issue of this importance, I am going to be fighting for it, and I am not going to give up. We are going to have a vote on this.

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

For my part, I would like to comment on what the gentleman from Wisconsin (Mr. OBEY) said. We take our responsibilities seriously. We have a chairman, we have a ranking member of a subcommittee, and we have a chairman and a ranking member of the full committee. Our intent at all times is to look out for our side, for our needs for the American people, and for the committee package and product in general.

We run into situations like we had today where the schedule was changed, where time ran against us, and we try to do the best possible work that we can do. But I think it would be unfair and perhaps improper to suggest that everyone somehow was involved in trying to keep one amendment or one change or one person from speaking, because that is not true and that is not the case.

What we have here today is the fact that we have a bill that deals with a lot of issues that we need to get out of the House. We have a bill that has a time in terms of making sure that these issues are spoken about prior to the August recess, so we can send the proper message to the State Department and the Justice Department and the embassy security people and the FBI and DEA and all the other people that we deal with. We are trying to accommodate everyone.

Members have to understand that there is one request that I make, and, listen, I get as angry as everybody else about things that happen around here, but one request, and that is, as the ranking member of a subcommittee, and my colleagues know that I am working on a bill for the last 6, 7, 8, 9 months, and this is from the beginning of the session, it is not too much to ask that 2 or 3 days before today to let me know what is going on so I can play my role in being protective, not giving me a general idea, but give me some specifics as to where we are going.

We have a unanimous consent statement and we have to live by it. But, please, let us do one thing, and this is where I join the gentleman from Wisconsin (Mr. OBEY) strongly today. The gentleman from Virginia (Mr. WOLF) is a fair man, and nothing he does is done improperly, and I want to make that clear.

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

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

Mr. OBEY. Let me say, Mr. Chairman, that the gentleman from Vermont indicated that he turned on the television set and discovered the schedule had been changed. I discovered that the schedule had been changed in the middle of the rule vote just minutes before the change was made. The clock runs as fast for managers of the bill on both sides of the aisle as it runs for any other Member.

So what we tried to do was to take the specific amendments that we knew of and tried to protect them. I know of several other instances in which general amendments had been described to me, but about which I knew nothing in terms of specific content.

We cannot protect concepts; we have to know what the specific amendments are. And that is why I repeat, if Members want us to protect their rights, and we have an obligation to protect their rights, they owe us the consideration of talking to us enough ahead of time so that when the schedule changes, nobody gets trapped. We cannot help if we do not know in time to help.

There are concurrent responsibilities. I think the Committee on Appropriations on both sides of the aisle meets those responsibilities pretty doggone well. I think we try to protect the interests of Members pretty doggone well. We need more of your help than we are getting sometimes if we are going to do that. That is all I want to ask.

If you want an amendment protected, you cannot come up to us 5 minutes before the bill is going to come up on the floor and say, ''I have an amendment, how about it?'' It has to be checked out, it has to be staffed out, and it has to be checked with the Parliamentarian.

Mr. SERRANO. Mr. Chairman, reclaiming my time, let me just add to the statement of the gentleman from Wisconsin (Mr. OBEY), this staff that we see around us, and this is not buttering anybody up, works 24–7, especially during the appropriations period, which for us starts in January with over 20-odd hearings. All I am asking as a ranking member, for both sides, is to give us the specifics a few days before. That is what the gentleman from Wisconsin (Mr. OBEY) asked for and that is all that we need so that we can be supportive to Members' needs.

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

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

Mr. WEINER. Mr. Chairman, I do not ascribe venal intent on the part of the gentleman from New York (Mr. SERRANO) or the chairman. This was switched at the last moment.

But given the idea that a UC is supposed to be something that is done by a consensus, and it is clear there were Members on that side that were shut out, Members on this side, including myself, and the gentleman from Vermont wants to make a technical correction, if the true intent was to create a consensus decision on limiting time, something that I support, perhaps the best way to do this is to do this: Now that everyone is on notice, have the committee rise, in the Committee of the Whole, and simply do a new UC.

Mr. SERRANO. Reclaiming my time, Mr. Chairman. We have an agreement on the floor, and we should live with that agreement.

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

If not, the Clerk will read.

The Clerk read as follows:

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric

Administration in shipyards located outside of the United States.

□ 1400

PREFERENTIAL MOTION OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Vermont (Mr. SANDERS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 319, not voting 31, as follows:

[Roll No. 403]

AYES—84

Abercrombie
Baird
Ballance
Bell
Berry
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Gordon
Grijalva
Hastings (FL)
Hinchey
Holt
Honda
Inslee
Israel
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kleczka
Kucinich
Lampson
Larsen (WA)
Lee
Lewis (GA)
Maloney
McIntyre
Michaud
Millender-McDonald
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Paul
Pelosi
Rangel
Rodriguez
Ross
Rush
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Sherman
Slaughter
Solis
Stark
Strickland
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Waters
Watson
Watt
Waxman
Woolsey

NOES—319

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Isakson
Issa
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—31

Andrews
Ballenger
Berkley
Cardoza
Carson (OK)
Conyers
Davis, Jo Ann
Dicks
Dooley (CA)
Edwards
Fattah
Ferguson
Gephardt
Hensarling
Hunter
Hyde
Istook
Kaptur
Kirk
Lipinski
Manzullo
Meek (FL)
Miller (FL)
Moran (VA)
Norwood
Payne
Peterson (PA)
Pryce (OH)
Scott (VA)
Tancredo
Wilson (SC)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1424

Mr. JOHN changed his vote from ''aye'' to ''no.''

Mr. HONDA changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 605?

The Clerk will read.

The Clerk read as follows:

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I make a point of order against section 607 (a) and (b) on the grounds that this section changes existing law in violation of clause 2(b) of House rule XXI. And it is therefore legislation included in a general appropriations bill.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The provision proposes to state a legislative position of the House and includes language imparting direction.

As such, the provision constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

PREFERENTIAL MOTION OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH).

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

RECORDED VOTE

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote and, pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

The Chair, in careful counting, counts 101 Members. A quorum is present.

Mr. KUCINICH. Mr. Chairman, I request a division of the House.

The CHAIRMAN. Does the gentleman withdraw his request for a recorded vote at this point?

Mr. KUCINICH. No.

The CHAIRMAN. The Chair will count for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 75, noes 307, not voting 52, as follows:

[Roll No. 404]

AYES—75

Ackerman
Baird
Ballance
Berry
Bishop (NY)
Blumenauer
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clyburn
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Doggett
Engel
Eshoo
Evans
Farr
Feeney
Filner
Grijalva
Hastings (FL)
Hinchey
Honda
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Kanjorski
Kaptur
Kleczka
Kucinich
Lampson
Larsen (WA)
Lee
Lewis (GA)
Majette
Maloney
Markey
McGovern
McIntyre
Meehan
Meeks (NY)
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Paul
Pelosi
Rangel
Rush
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Sherman
Slaughter
Solis
Stark
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Waters
Watson
Watt
Waxman
Woolsey

NOES—307

Abercrombie
Aderholt
Akin
Alexander
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Flake
Fletcher
Foley
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Isakson
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McHugh
McInnis
McKeon
McNulty
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Petri
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—52

Allen
Andrews
Baca
Bachus
Berkley
Bishop (UT)
Boucher
Carson (OK)
Clay
Conyers
Cubin
Delahunt
Fattah
Ferguson
Ford
Fossella
Gallegly
Gephardt
Gibbons
Hensarling
Hunter
Hyde
Janklow
Johnson, Sam
Jones (NC)
Jones (OH)
Kingston
Linder
Lucas (KY)
Manzullo
Marshall
McCrery
Meek (FL)
Miller (FL)
Miller (NC)
Ney
Nussle
Payne
Peterson (PA)
Pickering
Pitts
Reyes
Rogers (KY)
Royce
Sabo
Sanchez, Loretta
Scott (VA)
Souder
Tancredo
Velazquez
Wilson (SC)
Wynn

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1450

Mrs. CAPITO, Ms. HART, and Mr. GERLACH changed their vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, as my colleagues are aware, I had an amendment that would have been considered today that I am also offering today as freestanding legislation regarding the United Nations Reassessment Act of 2003, which would call for a conclusion of Congress, a sense of Congress, that the representative of the United States to the U.N. would seek an agreement to lower the assessment level of the United States for the regular budget of the United Nations when the U.N. Committee on Contributions considers the scale of assessments for member nations for the period 2004 through 2006.

Many Americans may not be aware, Mr. Chairman, that the United States' today's current percentage assessment to the United Nations' regular budget contribution spans fully 22 percent of the overall fund. Germany, another member of the Security Council, pays 9.8 percent; France, 6.5 percent; and China, just 1.5 percent of the regular budget contributions.

As we look at the extraordinary percentage that American taxpayers pay in the regular budget contributions of the U.N., I think it is important that we reflect on the history of recent events and that we think carefully about the months immediately preceding Operation Iraqi Freedom.

Some, even on the floor of this Chamber, Mr. Chairman, have said that during that period of time the President failed to lead America. They have said that diplomacy failed. But I, and I believe many millions of Americans, Mr. Chairman, believe that in fact the U.N. failed at that critical moment in history, not so much to take the will of the American people seriously, as to take itself seriously. There are 16 separate resolutions of the United Nations, over a period of a decade, challenging and cajoling and urging and attempting to enforce the unanimous decisions of the U.N. Security Council against the nation of Iraq; and again and again and again, the United Nations failed to take itself seriously.

And then, last fall, the Security Council, including Germany and France and Russia, unanimously adopted U.N. Resolution 1441, which required that Iraq immediately disclose the possession of all weapons of mass destruction and armaments in violation of previous resolutions; also, that Iraq would not only disclose those armaments, Mr. Chairman, but would submit to the destruction of those armaments, or it would face what were described as ''serious consequences.''

When history beckoned, Mr. Chairman, the U.N. failed. And as a result, the United States of America was required to lead a coalition of the willing to depose this tyrant, the mass graves which in Iraq speak volumes about the rightness of our cause.

President Kennedy, in referring to the United Nations as our last best hope in an age where the instruments of war have far outpaced the instruments of peace, challenged America in his first inaugural address to pledge our support to prevent the United Nations from ''becoming merely a forum for invective.''

As I pursue this legislation today, apart from my amendment, I want to assure my colleagues that it will be my aim not that we would abandon the United Nations, but that we would choose the opportunity on this day and future days to send a message by sending less American taxpayer dollars to

the United Nations; to send a message that we expect more of the United Nations; to truly make it a place that is the last best hope for mankind and not, as President Kennedy so prophetically stated, a forum for invective against our people and our intentions as we strive to confront tyranny in the world.

I thank the chairman for yielding and allowing me to comment on the United Nations Reassessment Act, and I look very much forward to working with the committee and my colleagues as we reconsider what the American taxpayers are being asked to provide to an institution that so woefully failed history in these recent days.

Mr. WOLF. Mr. Chairman, reclaiming my time, if I may, as the gentleman knows, under Helms-Biden, which passed in the year 2000, the contribution level was reduced from 25 percent to 22 percent.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I thank the gentleman for yielding for the purposes of a colloquy.

The House State Department authorization bill, H.R. 1950, included provisions that prohibited the elimination of the Voice of America and Radio Free Europe broadcast essential to Eastern Europe for another 2 years. While the authorizing level was 8.9 for fiscal year 2004, my amendment would have authorized $5.5 million for the funding of the international broadcast for the purposes of continuing Voice of America and Radio Free Europe to the newly emerging democracies in Eastern Europe, particularly Estonia, Latvia and Lithuania, and the other countries of Central and Eastern Europe.

This amendment we thought would have been a reasonable request because the authorization bill had $8.9 million. This would have asked for $5.5 million from various accounts in the appropriation process.

Despite new demands on the U.S. Government resources for expanded international broadcasts to other regions, we agree with both the chairman and the ranking member of the House Committee on International Relations who have agreed that these broadcasts to the Eastern European countries, the newly emerging democracies, is an important aspect of what we should be doing in foreign policy. It has only been 10 years since the Soviet military occupation ended in Lithuania, Latvia, and Estonia; and the last 50 years of Soviet-imposed communism distorted the social, economic, and political order of these countries.

□ 1500

Much has changed for the better in these three countries and the rest of Eastern Europe, but corruption is still pervasive and touches every sector of these young democracies. Even the European Union and NATO, which have invited these young countries to be members, have admonished these candidates for corruptive levels in their government that threaten the development of their democracies.

U.S. international broadcasting serves as a role model to indigenous media of Eastern Europe of what nonpartisan, fair and accurate new coverage should be and as a standard by which local audiences can measure their own media performance.

In small countries like the Baltics, U.S. international broadcasters also fill an important niche as a balanced source of international news, which local news operations, lacking in financial resources, cannot afford. To cease Voice of America and Radio Free Europe broadcasting to Eastern Europe including Estonia, Latvia, and Lithuania, most importantly would weaken the ability of these countries' media and civic societies to withstand the social, political and economic pressures of their transition to stable, democratic and free market states.

Let us not lose our investment in these valuable European allies. And I urge the chairman, as we move this bill forward, to really consider the risk of not having a fair, balanced voice in the media to these new, emerging democracies, one that can be dominated only by media that is coming out of Moscow.

Mr. WOLF. Reclaiming my time, I share the gentleman's concerns, particularly with regard to one of the countries mentioned, Romania, but as the gentleman knows, the President's request proposed the elimination or reduction to broadcasted nations that have either entered or are on the road to joining the European Union or have been invited into NATO.

And the International Broadcasting Bureau has additional money because the President's request prioritized money to the Middle East and the Muslim world, including Southeast Asia, to bolster the efforts of the war on terrorism.

So we do have report language to require the Broadcasting Board of Governors to closely monitor the situation in those countries and inform the committee of any changes that would alter the priorities.

But I understand what the gentleman is saying.

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

Mr. Chairman, first of all, I would like to make one technical request, and that is at certain times when the chairman speaks, someone should turn up the mike so we can hear ourselves.

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

Mr. ENGEL. Mr. Chairman, I thank my friend from New York (Mr. SERRANO) for yielding to me and at least giving me the opportunity to air my amendment and some of the grievances.

As I said before, I have no desire to frustrate colleagues; but a lot of us here are very frustrated over the quick change that was made with the unanimous consent and our inability now even to ask to strike the last word. The gentleman from New York (Mr. SERRANO) is one of my best friends. We have served together. We come from the same town.

I just want to say that my frustration is that last night at 8 p.m. this bill had not been introduced. A copy was not available to start the process of review or drafting of amendments. This morning we had the text of the bill on line, but not the accompanying report. And now we have a unanimous consent to limit amendments to ones that were preprinted in the RECORD, which for Members not on Appropriations is impossible, unless it is a simple limitation or ''to strike'' amendment.

I have an amendment which would move money from the National Telecommunication and Information Administration to the Public Telecommunication Facilities, Planning and Construction Program, which is called TFPC. Both of these are under the jurisdiction of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce, on which I sit. As a courtesy to the authorizing committee members, I believe we should have an opportunity to review the bill and offer amendments.

Even more troubling is that the Committee on Appropriations has provided $1.3 million more for NTIA than the President requested, while cutting PFTP by $40 million.

My amendment would simply move $1,310,000 to the PFTP from the NTIA. And I think the whole House should have an opportunity to vote on what the priorities for funding in this bill are.

I feel very strongly about public television. That is what my amendment would have done. I would like to have had the opportunity to be able to voice that and to have a vote. That is not going to happen; and in a desire for expediency, we have thwarted the democratic process. I share the frustration of my colleague from Vermont and other colleagues who do not have the opportunity.

Again, as a member of the authorizing committee, the Committee on Energy and Commerce, I believe that what went on here was wrong and should not happen again.

I thank the gentleman from New York (Mr. SERRANO) for giving me the ability to voice these problems on the House floor, and I would hope that as we negotiate this bill and continue to negotiate with the other House and the bill comes back that we will increase money for public television, we will increase money for the PFTP. And I would hope that on both sides of the aisle they look at that and can find more money for the very worthwhile programs of public television. I thank my colleague.

Mr. SERRANO. Reclaiming my time, I thank the gentleman from New York (Mr. ENGEL), my brother, his comments. We understand his frustration,

but his last comments were correct. As this bill goes along and continues to go into conference, it is the intention of both the chairman and I to continue to work on those areas that are deficient in the hope that they could grow as they should.

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

The gentleman from California (Mr. ISSA) is supposed to be here, but in the interim, just to briefly discuss the issues.

The bill provides, as people know, the funding for the programs whose impact ranges from the safety of people in their homes and community diplomacy. The overall bill today recommends a total of $37.9 billion in discretionary funding, which is $700 million above the enacted level of fiscal year 2003 and $237 million above the President's request.

For the Department of Justice, the bill provides $20.15 billion in discretionary funding, which is $1.15 billion above the request. The bill includes funding for Federal law enforcement agencies to perform traditional law enforcement duties and fight terrorism. The bill also provides more than $1 billion above the request to support State and local law enforcement crime-fighting efforts. That has been an issue that a lot of people have been deeply concerned about.

It provides $4.64 billion for the Federal Bureau of Investigation, an increase of $424 million above fiscal year 2003 and the same as the President's request. This will result in more than 2,500 new agents and analysts at the FBI to improve counterterrorism and counterintelligence and continue the fight on crime, drugs, corporate fraud and cybercrime.

Also, there is $80 million for high-priority FBI technology needs and funding above the request for language translation.

Mr. Chairman, I yield to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Virginia (Mr. WOLF) regarding a serious problem my constituents are facing with the Department of Justice. I had originally planned to file an amendment to limit funding for the Department of Justice by $1.5 million until they settled over 90 administrative claims that my constituents filed against the Department of Justice as a result of the destruction of their property during the Pines Fire of 2002.

In the summer of 2002, the Drug Enforcement Administration borrowed a National Guard helicopter to perform a marijuana search in Julian, California. The helicopter pilot made a mistake and clipped a power line causing a fire that destroyed 41 homes and thousands of acres of private property. The DEA took responsibility for the incident and agreed to give claimants fair compensation for their loss. About 200 claims were filed.

It has been nearly a year since the first claim was filed and the Department of Justice still has failed to settle over 90 of the largest claims. Some of my constituents have resorted to living in tents on their property because they do not have the money to rebuild their homes.

This morning I met with senior officials of Department of Justice and I believe that we are on the path to resolving this issue. I thank the gentleman from Virginia (Mr. WOLF) for working with me to ensure that the Department of Justice successfully settles every claim, and I look forward to putting this matter behind us.

Mr. WOLF. Reclaiming my time, I thank the gentleman from California (Mr. ISSA) for bringing this matter to our attention. We are confident that the Department of Justice will soon resolve the issue, and I will continue to work with the gentleman to make sure this happens.

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

Mr. Chairman, I understand that shortly the gentleman from Vermont (Mr. SANDERS) will be offering yet another motion to have the committee rise. Before that happens, I just want to make one point.

I recall last week when the gentleman from Vermont was sitting here on the floor, and I was kidding him about how it is that the only Socialist in the House has been able to pass more amendments to appropriations bills the past 2 years than any other Member. And he told me if I wanted to have a similar success rate, I should listen more to him. And perhaps I should.

And I want to point out that last week I worked with him and the committee worked with him and we were able to restructure an amendment that he had on weatherization so that the committee wound up accepting the amendments adding, I believe, $15 million to that appropriation. That happened because there were no procedural surprises, and we had the time to work out that amendment.

The schedule that we worked on today has been sort of a surprise to everybody. The gentleman from Virginia (Mr. WOLF) did not know that his bill was going to come up before the Foreign Operations bill. I did not. Those decisions were made in a rather disorderly fashion because we are trying to accommodate each other in the last week of the session.

I regret the fact that the amendment that the gentleman wants to offer is out of order, but I would simply point out that I have a personal track record of trying to work with the gentleman in trying to facilitate his amendments.

I think the committee has tried, in general, to help Members, whether they agree with their amendments or not, to see that they have an opportunity to have them discussed before the House. But in this instance we have now had two votes and shortly, apparently, are going to have a third because the gentleman is upset because somehow either the House or the committee is seen as being to blame for the fact that the gentleman filed last night an amendment which he knew was out of order.

And I, for the life of me, do not understand why the gentleman from Virginia (Mr. WOLF) or I or the gentleman from New York (Mr. SERRANO) or anyone else on the committee should be held responsible for the fact that the gentleman filed an amendment which he knew to be out of order when he filed it.

I would like to accommodate the gentleman as often as we can, but I do not think the House ought to be held at bay because the gentleman made a mistake in drafting his amendment.

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

Mr. OBEY. I yield to the gentleman from Vermont.

□ 1515

Mr. SANDERS. Mr. Chairman, let me review the situation and set the facts right.

Number one, historically, it has been my experience, and I think the experience of many Members, that when one files an amendment, when it is placed in the CONGRESSIONAL RECORD, that, in every instance that I can recall, when one asks for unanimous consent to make a minor modification, that unanimous consent is granted.

Mr. OBEY. Mr. Chairman, if I can take back my time to correct that, on two occasions in the past 3 or 4 years, I myself have tried to correct amendments; and I have been denied that opportunity.

Mr. SANDERS. If the gentleman would allow me to make the point.

Mr. OBEY. I would, but I want to make sure it is a correct point. Go ahead. I yield.

Mr. SANDERS. Mr. Chairman, the reality here is that throughout this country today, over 100 cities and towns have spoken out, including three States, with deep concern about various aspects of the U.S.A. PATRIOT Act. For many people, conservatives and progressives, the decline of civil liberties in this country and the ability of the FBI to go into libraries and bookstores is an issue of enormous concern. It is beyond my comprehension why that issue cannot be debated on the floor of the House.

Maybe my amendment would win. We have 130 cosponsors. Maybe it would lose, but when we talk about the democracy, how can we not debate an issue of enormous consequence regarding civil liberties, and that has been my simple request.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I would simply say, with all due respect to the

gentleman, the content of his amendment is not in question. I support the amendment. I would like to see the House vote on it, but the gentleman from Virginia is in a position where if he makes an exception to a unanimous consent agreement entered into for one Member, then he has to do it for everyone else; and the fact is that the gentleman himself, if he wanted the amendment considered, had some obligation to the House to have the amendment printed in a form that he knew was in order. He knew that the amendment was not in order when he filed the amendment.

Mr. SANDERS. Mr. Chairman, if the gentleman will yield, no, that is not correct.

Mr. OBEY. I am sorry, but everyone else knew it. I assume he knew it, too.

So, Mr. Chairman, we are obviously going to grind to a halt; and I am afraid that as a result of that, we will wind up going up to the Committee on Rules and adopting a far more limiting amendment which I do not believe we ought to do because I do not believe in shutting down the minority like that. But I do think you have to have some sense of responsibility on the part of all parties, including those who belong to no political party in this House, if we are going to make our way through this week; and with all due respect to the gentleman, who I regard as a friend and have a great deal of affection for, I do not believe that it is fair to hold the House hostage because the gentleman drew an amendment that was not in order.

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

I just want to say to my friend and gentleman from Vermont that I do not think anyone here is discussing the merits of the issue. At the risk of using an old phrase since September 11, perhaps since September 12, everybody on the Committee on Appropriations knows that I have made a career, if you will, of denouncing the abuses on civil liberties in this country. I think the gentleman knows that. I think all Members who have come in contact with me know that. I have become a broken record on the issue of what is happening to us as a Nation in terms of our civil liberties.

We are not discussing that at this very moment. We have a problem. We are charged with the responsibility of getting a bill through the House that, in addition to dealing with this particular issue that the gentleman speaks to, also deals with the security of our embassies overseas; that pays the salaries of the men and women who do the fighting against drugs in this country; and that goes across the way in putting together the kind of legislation that we call the Commerce, Justice, State, Judiciary and related agencies bill.

If nothing else is accomplished today, and it does look, as the gentleman from Wisconsin (Mr. OBEY), the ranking member, has said, like we are heading towards a very difficult rule coming out of the committee, if nothing else happens today, I think it is important for the gentleman from Vermont to know that nothing on this side, and I do not believe anything in the gentleman from Virginia's (Mr. WOLF) behavior had anything to do with the desire to shut down the discussion of civil liberties. I will never be part of that. On the contrary, I would fight for time to be involved in that fight.

This is about a process, a process that some people, somehow, did not become part of, did not alert us about, did not ask us to be involved in, to be of assistance; and now we have come to this point. I understand that.

In the past, I have engaged in behavior that says we have to get things done; but just for the record, this ranking member, this Member from New York, would never participate in an action to shut down a discussion on civil liberties because that, to me, is the strongest issue as ranking member of this committee; and I will not rest till I undo the harm that has been done to the people in this country. This was about a process, not about a shutting down of discussion.

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

Before I recognize the gentleman from Mississippi (Mr. WICKER), let me say I thank the gentleman from Wisconsin (Mr. OBEY) and the gentleman from New York (Mr. SERRANO) for the comment.

To the gentleman from Vermont (Mr. SANDERS), we have been very fair. In fact, we have been very fair to every Member in the House, on both sides of the aisle; and I think the gentleman from Wisconsin's (Mr. OBEY) points are well taken. There are other amendments that have not been made in order, and I am not going to get into a debate. If the gentleman wants me to yield, I will yield to him; but I think we have been fair, and I did just want to thank the gentleman from Wisconsin (Mr. OBEY), and I want to thank the gentleman from New York (Mr. SERRANO) for the comments.

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

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

Mr. WICKER. Mr. Chairman, I appreciate the opportunity to engage in a colloquy with the gentleman from Virginia (Mr. WOLF) about the valuable services provided by the Police Corps program, which is funded in this bill.

Mr. Chairman, the Police Corps program has had remarkable success in training and preparing our Nation's law enforcement officers. In just 5 years, 22 States have organized and implemented Police Corps programs, and five more States have been approved but await funding.

Over 1,000 Police Corps officers are already at work in various State and local agencies. Each of these officers receive a $30,000 college scholarship and 24 weeks of training in exchange for a 4-year service commitment. More than 85 percent of Police Corps officers remain on the job after their required service is complete.

I believe every member of this committee recognizes the important role the police officers play in the protection of our Nation and our citizens. I applaud the chairman and the rest of the CJS committee for the commitment they have shown to the Police Corps program.

The $28 million appropriation for Police Corps in fiscal year 2004 is greatly needed. This amount is almost double the $15 million appropriated in fiscal year 2003. However, due to the past underestimates in program costs, Police Corps is still struggling to fund its existing State appropriations and is not able to fund additional programs which have already been approved.

I would like to ask the gentleman from Virginia (Mr. WOLF) his view regarding the important training conducted by the Police Corps program, and I would ask if any additional support may be available for this much-needed program.

Mr. WOLF. Mr. Chairman, reclaiming my time, I want to thank the gentleman for his comments on the importance of the Police Corps. I have heard from several other Members on this issue, and I know that many of our colleagues would agree with the gentleman about the role this program has had in helping to provide an exceptional level of training for our Nation's police force.

I support the program. It is a good program, and I will work with the gentleman and the Senate to ensure the program is well funded in the conference.

Mr. WICKER. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman from Virginia (Mr. WOLF), and I look forward to working with him and other members of the committee to provide more funding for the Police Corps program.

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

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

Mr. SANDERS. Mr. Chairman, I thank the chairman for yielding, and I think the problem, Mr. Chairman, is when the gentleman indicates that other people are also impacted negatively by this process. It suggests that the process we worked on today, or that my colleague and others engaged in, was a faulty process. It is not my intention to bring this body to a halt, and I will not ask for another motion to rise; but I must say, nobody should be happy that the American people are not going to have a debate on one of the most important constitutional issues facing this country. This process was very, very faulty; and I think it is unfortunate that that occurred.

Mr. WOLF. Mr. Chairman, I thank the gentleman very much for his comments.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

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

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2004.

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

SEC. 612. Of the funds appropriated in this Act under the heading ''Office of Justice Programs—State and Local Law Enforcement Assistance'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 613. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 614. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2004.

SEC. 615. None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the immediate destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 616. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $625,000,000 shall not be available for obligation until the following fiscal year.

SEC. 617. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 618. None of the funds appropriated or otherwise made available to the Department of State shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the determination of the Secretary of State under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Secretary of Homeland Security has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

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

SEC. 621. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 622. The Departments of Commerce, Justice, State, the Judiciary, and the Small Business Administration shall each establish a policy under which eligible employees may participate in telecommuting to the maximum extent possible without diminished employee performance: *Provided*, That, not later than six months after the date of the enactment of this Act, each of the aforementioned entities shall provide that the requirements of this section are applied to 100 percent of the workforce: *Provided further*, That, of the funds appropriated in this Act for the Departments of Commerce, Justice, and State, the Judiciary, and the Small Business Administration, $250,000 shall be available to each Department or agency only to implement telecommuting programs: *Provided further*, That, every six months, each Department or agency shall provide a report to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs, and uses of funds designated under this section: *Provided further*, That each Department or agency shall designate a ''Telework Coordinator'' to be responsible for overseeing the implementation of telecommuting programs and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 623. The paragraph under the heading ''Small Business Administration—Disaster Loans Program Account'' in chapter 2 of division B of Public Law 107–117 is amended by inserting ''or section 7(b) of the Small Business Act'' after ''September 11, 2001''.

SEC. 624. None of the funds in this Act may be used to grant, transfer or assign a license for a commercial TV broadcast station to any party (including all parties under common control) if the grant, transfer or assignment of such license would result in such party or any of its stockholders, partners, members, officers or directors, directly or indirectly, owning, operating or controlling, or having a cognizable interest in TV stations which have an aggregate national audience reach, as defined in 47 C.F.R. 73.3555, exceeding thirty-five (35) percent.

SEC. 625. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives are released without adequate disclaimers regarding the limitations of the data.

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

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

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

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $24,122,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $6,378,000 are rescinded.

The CHAIRMAN pro tempore (Mr. TERRY). Are there amendments at this point?

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WELDON of Florida:

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

□ 1530

Mr. WELDON of Florida. Mr. Chairman, technology proceeds at a rapid rate, bringing great benefits to humankind from treatments of disease to greater wealth and greater knowledge of our world. However, sometimes technology can be used to undermine what is meant to be human, including the exploitation of human nature for the purpose of financial gain.

Several weeks ago, at a meeting of the European Society of Human Reproduction and Embryology in Madrid, Spain, it was reported that scientists had created the first male-female hybrid human embryos. The researchers transplanted cells from male embryos into female embryos and allowed them to grow for 6 days. This research was universally condemned as unnecessary and unethical.

Reuters reported that one member of the European Society condemned this research, saying there are very good reasons why this type of research is generally rejected by the international research community. Furthermore, the scientists who created these she-male embryos reportedly want to patent this research.

It is important that we, as a civilized society, draw the line where some rogue scientists fail to exercise restraint. Just because something can be done does not mean that it should be done. A patent on such human organisms would last for 20 years. We should not allow such researchers to gain financially by granting them an exclusive right to practice such ghoulish research.

Long-standing American patent and trademark policy states that human beings at any stage of development are not patentable, subject to matters under 35 U.S.C. section 101. Though current policy would not issue patents on human embryos, Congress has remained silent on this subject. Though this amendment would not actually ban this practice, it is about time that Congress should simply reaffirm current U.S. patent policy and ensure there is not financial gain or ownership of human beings by those who engage in these activities.

This amendment simply mirrors the current patent policy concerning patenting humans. The Patent Office has, since 1980, issued hundreds of patents on living subject matter, from microorganisms to nonhuman animals. It does not issue patents on human beings nor should it. Congress should reaffirm this policy, and this amendment simply accomplishes this by restricting funds for issuing patents on human embryos, human organisms.

Congress should speak out, and I encourage my colleagues to support this amendment.

I would like to add, Mr. Chairman, that this has no bearing on stem cell research or patenting genes, it only affects patenting human organisms, human embryos, human fetuses or human beings.

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

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

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

I think I heard the gentleman say this, but I want it repeated again so it is clear. Is the gentleman saying that this amendment would not interfere in any way with any existing patents with respect to stem cells?

Mr. WELDON of Florida. Reclaiming my time, Mr. Chairman, I would respond that, no, it would not. And I recognize that there are many institutions, particularly in Wisconsin, that have extensive patents on human genes, human stem cells. This would not affect any of those current existing patents.

The Patent Office policy is not to issue these patents, and there never has been one. The Congress has been silent on this issue. I am trying to put us on record that we support the Patent Office in this position that human life in any form should not be patentable.

Mr. OBEY. I appreciate the gentleman's clarification.

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

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

The amendment was agreed to.

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

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

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

Mr. WEINER. Mr. Chairman, I thank the distinguished ranking member of the subcommittee and the full committee for the work they have done on this bill. We stand ready to pass this appropriation bill that contains an egregious error that not only runs counter to a majority in this Congress, but it runs counter to the views of the Attorney General.

The Attorney General, when asked about the COPS program during his confirmation hearing, said, ''Let me say that I think the COPS program has been successful. The purpose of the COPS program was to demonstrate to local police departments that if you put additional people, feet on the street, that crime will be affected and that people will be safer and more secure. We believe that the COPS program demonstrated that conclusively.'' That was June 5, 2003, not at his confirmation hearing.

Well, in addition to Mr. Ashcroft, 224 Members of this body have signed on to legislation that I and others are cosponsoring to reauthorize the COPS program. The COPS program, quite literally, gets the Federal Government off the sidelines in the war against crime, the war against terrorism, and hires police officers in all our communities. This bill that we are about to pass contains zero money, zero dollars and zero cents, for the most important component, which is the hiring component.

There are a few dollars to keep the COPS office up and running to administer the last remaining contracts that are out there, but let us keep in mind what it is that the program has already accomplished: 110,000 cops are on the beat in more than 12,000 communities.

And this is the most democratic, with a small ''d'', of programs in that it is spread almost equally throughout the country. More than 82 percent of the grants under the COPS program have gone to departments serving populations of 50,000 persons or less. Three hundred communities around this country now have police departments that did not even have them until the COPS program was put into place.

Well, not only do those of us in Congress believe in this program, at least those 224 of us who have cosponsored the reauthorization of the COPS program, but the Fraternal Order of Police, the International Association of Police Chiefs, the International Brotherhood of Police Officers, the National Association of Police Organizations, the National Sheriffs Association and on and on.

This is our opportunity to fund that program. This is our chance to say that in addition to supporting it and cosponsoring the legislation, we also want to provide the funding for it.

Mr. Chairman, I have the strange suspicion that despite the great success of this program, despite the fact that every day our leaders are standing up and saying that homeland security begins in our hometowns, despite the fact that every day we have a red, a yellow, a fuchsia, a teal alert telling our officers at home they better be on alert, we are eliminating perhaps the most successful anticrime program in the history of the Federal Government. And, today, in this bill, we do precious little to breathe life into it.

I had intended to offer an amendment to move a few dollars, not a lot, but a few dollars into the spending program for the hiring of additional COPS police officers. It had the support of some of my colleagues on both sides of the aisle who were going to offer the amendment with me.

Let me say there is more that we should do than just reinstitute the hiring program. We should respond to some of my colleagues, particularly on the Republican side of the aisle, who

have had criticism of the program. They said that it provided hiring funding, and then it gradually faded away and some departments did not want to hire any more officers. That is why my reauthorization bill would allow them to use the funds under the COPS program to backfill existing officers.

Secondly, my amendment and the reauthorization bill, would it be passed, would allow them to invest in technology, in police scanners, surveillance devices, and the like.

This is one of those instances that, unfortunately, are not too uncommon in this body, where a majority, a strong majority of Members feel that something should be done and a small minority of Members prevent it from being done. This was our opportunity to do it, and I would have liked the opportunity to offer it.

I should point out that my colleague, the gentleman from New York (Mr. SERRANO), is a cosponsor of the bill to reauthorize it; my colleague, the gentleman from Wisconsin (Mr. OBEY), a cosponsor of the bill to reauthorize the COPS program. And were we to have the opportunity to have a hearing, a debate, and a vote on it in the Committee on the Judiciary, I am quite certain it would pass.

Our colleagues on the other side of this building, in the other body, they too have demonstrated their support for it. They have more than 50 cosponsors there as well.

Let this bill be heard. Let the COPS program live to see another day. This is neither a Republican nor a Democratic initiative. Police officers, I would point out, tend to in many, many cases be Republican voters. But that is not what this is about. This is about a program that worked, that had the misfortune of having President Clinton's name in front of it.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I just want to clarify something that the gentleman, my brother from New York, said. It was not that a majority wanted something and a small group stopped it. It was that we had a unanimous consent. And by virtue of its being unanimous consent, one could argue that it was the majority that made that decision, fair or unfair as it was.

And it was not the attempt of anyone here, not the gentleman from Wisconsin (Mr. OBEY), not I, to shut anyone down.

The CHAIRMAN pro tempore. Are there any further amendments?

AMENDMENT NO. 10 OFFERED BY MR. PAUL

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

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO UNESCO

SEC. ____. None of the funds made available in this Act may be made available for the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

Mr. PAUL. Mr. Chairman, my amendment is very simple and clear. It is to strike the funds for UNESCO. We have been out of UNESCO since 1984, since President Reagan took us out of UNESCO, and the proposal now is that we rejoin. And this strikes the funding, which I think is a good idea.

UNESCO was started with a bad idea. It became very corrupted, and it was almost unanimous that we get out of UNESCO in 1984, and actually I see no reason for us to rejoin.

Let me just mention a few things that UNESCO is involved in. They came across, when we were in there, as being very anti-American, certainly anti-freedom, and certainly anti-first amendment. UNESCO's main function is to mettle in the education affairs of individual neighborhoods, nations, by proposing global school curriculums; something that we hardly need.

In one of the publications put out from UNESCO it describes rather well what their intentions are. The publication is called Toward World Understanding. Let me just quote from that.

''One of the chief aims of education today should be to prepare boys and girls to take an active part in the creation of a world society. As long as the child breathes the poisoned air of nationalism, education and world mindedness can produce only rather precarious results. As we have pointed out, it is frequently the family,'' the family, it says, ''that infects the child with extreme nationalism. The schools should, therefore, use the means described earlier to combat family attitudes.''

Now, that is coming from a publication put out by UNESCO and states one of their goals. And I might just remind my colleagues of who the founding director general was, and that happened to have been Sir Julian Huxley. Huxley helped to write some of the goals set in the UNESCO, and he happens to be a believer in eugenics, but let me just quote from him what he thought this organization should do.

He says, ''The general philosophy of UNESCO should be a scientific world humanism.'' And those words have not been changed; they still exist in these documents. They have not repealed that concept.

He goes on to say, ''In its education program, it can stress the ultimate need for world political unity and familiarize all people with the implications of the transfer of full sovereignty from separate nations to a world organization.'' They are rather explicit in what the goal of UNESCO is through the educational process.

''It is also to help the emergence of a single world culture, even though it is quite true that any radical eugenic policy could not be passed now,'' they say, ''in time, the world will become ready for it.''

So I warn my colleagues about rejoining UNESCO, believing very sincerely that it is not in our interest. It costs us a lot of money. It does not represent the goals and the culture and the beliefs of Americans. We did get out because it represented us badly, and here we are about to get back into UNESCO. I urge support for my amendment.

□ 1545

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

The bill includes $71.4 million for the United States to join UNESCO. There was a vote, I believe, in the last Congress whereby this issue was voted on. I believe it was offered by the gentleman from Illinois (Mr. HYDE). This was an initiative that President Bush announced last year. The U.S. withdrew from UNESCO in 1984 when the organization was rife with corruption and an anti-Western bias. The organization was mismanaged and was not working with regard to the national interest. Since that time, the Bush administration believes that the organization has undergone a number of reforms and the current leadership is committed to sustaining these gains and is committed to fundamental human rights and democratic principles. The Bush administration believes that participation in UNESCO will allow them to be engaged with the international partners on a host of critical issues.

Therefore, I would urge my colleagues to stand with the Bush administration on this initiative and reject the gentleman's amendment.

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

I rise in opposition to the amendment. I think it is one of those issues where, instead of removing ourselves from involvement, we should be doing just the opposite and, that is, involving ourselves even more. UNESCO aims to promote peace and security through facilitating collaboration among member states in the areas of education, science, and culture. The following is a list of UNESCO's areas of activity and an example of its work in each area:

In the area of education, for instance. UNESCO promotes literacy and in post-Taliban Afghanistan by providing schooling materials and assisting with the reconstruction of institutions. In communication and information, it promotes press freedom and independent media in Afghanistan and Bosnia-Herzegovina. In the area of culture, it has encouraged countries to sign the World Heritage Convention to protect sites of cultural significance within their borders. In natural sciences, it provides assessment of ocean conditions and resources for preservation. In social and human sciences, it promotes research and developing educational materials on HIV/AIDS. So many different organizations throughout the world, from the arts, to scholars, to religious organizations support our involvement in UNESCO again.

The President has made a crucial first step toward U.S. reentry to

UNESCO by including $71 million for U.S. dues in his 2004 budget request. The State Department authorization bill currently authorizes this request and ''such sums as may be necessary'' to pay U.S. dues to UNESCO. Not only will this allow us this involvement but my understanding is that by doing it now, we get a seat on the board which then would allow us to move programs and behavior in UNESCO to our liking and to our needs. I rise in support of the gentleman from Virginia's comments of the President's request and desire to reenter UNESCO and in opposition to the amendment.

Mr. LANTOS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly oppose this attempt to overturn the President's decision to return the United States to membership in UNESCO. The gentleman from Texas offered a similar amendment during the markup of this year's State Department authorization bill in the Committee on International Relations. In an overwhelming bipartisan vote, his amendment was rejected. Last week the whole House voted resoundingly in favor of authorizing full funding to support U.S. entry when the State Department bill was passed. I strongly agree with President Bush that our reentry will support UNESCO's mission to advance human rights, tolerance, and learning.

Our national decision to rejoin UNESCO reflects our understanding in the Congress and in the administration that UNESCO has a critical role to advance U.S. foreign policy goals, such as facilitating the rewriting of educational materials to remove passages that incite racial hatred, violence, and intolerance. UNESCO will be a key to rebuilding Afghanistan's educational system, and it is critical for establishing educational programs on HIV/AIDS, malaria and other infectious diseases.

UNESCO has undertaken massive management reforms under the leadership of its Director General, Mr. Matsuura of Japan. The organization has achieved a huge cutback in its staffing, has held its budget to zero nominal growth for many years, and has eliminated what used to be a corrupt structure. It is critical that the United States, the one remaining superpower on this planet, resume its seat at the United Nations Educational, Scientific and Cultural Organization.

When UNESCO was founded, Mr. Chairman, at the end of the Second World War, its motto was, ''It is in the minds of men that war begins and it is in the minds of men that the defenses of peace must first be constructed.'' This was never more true than it is today. After a 20-year absence, we have now gotten consensus in the House, in the Senate, and with this administration that the time is now the right time to rejoin UNESCO.

I strongly urge all of my colleagues to vote against the amendment and to support the President's decision to return the United States to UNESCO. I earnestly hope that this issue can finally be put to rest.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. TERRY). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. PAUL. Mr. Chairman, let me mention once again that the amendment strikes all the funding for UNESCO. We have been out of UNESCO since 1984. President Reagan took us out of UNESCO, and that was a very popular move. The argument now is that UNESCO has made some reforms and therefore we should get back in. But their goals have not changed. I have already mentioned some of the goals of UNESCO, and they are not beneficial to us and they do not represent American ideals; it is an attack on American sovereignty. But during these 18 years since we have been out of UNESCO, it has only been the last year or two where they have talked about reforms. So over all these years, nothing has been done.

But more importantly, it is the goals of UNESCO. For instance, UNESCO's position on international taxation is that they would like to impose an international tax. If that is what the people want, if that is what the Congress wants, then you vote against my amendment. But if you think it is a bad idea for the U.N. and UNESCO to be leveling a worldwide tax, then you vote for my amendment.

I do not think the American people want that. I think the American people do not want to sacrifice their sovereignty and they would like not to have the United Nations and UNESCO interfering in our curricula. We have enough problems ourselves here to allow our States and our local communities to manage their schools with the interference of the Federal Government. And now here we are talking about an international organization designing a curriculum for our schools. Their goals are not American. Their goals are internationalist. I quoted just a little while ago from one of their pamphlets that says they do not even believe in nationalism, that it was a bad thing, that it was a result of families teaching children bad things, to believe in nationalism.

I do not believe that. I have not come around to that belief. Being a member in a world community does not mean that you have to sacrifice your sovereignty. Being a member of a world community means that we should get along with people, that we should not be fighting with people, we should be trading with people; but that does not imply the necessity of having an international government. This is what is implied here. In this day and age we go to war under U.N. resolutions; but here our children are going to war with the education system by the United Nations dictating to us educational standards.

But they do other things as well. UNESCO, for instance, has been fully supportive of the United Nations Population Fund in its assistance to China's brutal, coercive population control program. That is part of UNESCO. I do not believe the majority of the Members of Congress really believe that is a good expenditure. And you cannot control the money once it gets to UNESCO, believe me. We send the money, we send a larger amount of money than anybody else, we lose control of it and they do these things that I think are illegitimate as far as our Constitution is concerned.

UNESCO has designated already 47 U.N. biosphere reserves in the United States covering more than 70 million acres without congressional consultation. This project has led to the confiscation of private lands and restrictions. Because we do go along with the restrictions, it is somewhat like following WTO mandates. They come back with regulations and mandates, and we accommodate them by rewriting our tax laws. In the same way, they are moving in, with radical environmentism that originates from UNESCO and it filters into our grade schools as well as our kindergartens. UNESCO effectively bypasses congressional authority to manage Federal lands, including places like the Everglades, and it is done without congressional approval.

UNESCO's World Heritage Convention has taken treasured American public monuments to be designated world heritage sites. This is a movement away from the concept of national sovereignty. This means that there will not be control by the American people through their Representative. That makes every single one of us less significant, not only in the issue of war but now in the issue of schools and taxation. Yes, it moves slowly, it is not overwhelming; we still have a lot of control, but we are losing it gradually. And we do know that even those who objected to the war in Iraq would have been quite happy if only the United Nations would have passed a resolution that permitted us to go to war. I do not like that kind of a world. The only oath of office I take is the oath to the U.S. Constitution and UNESCO does not conform to that oath.

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

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

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

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

AMENDMENT OFFERED BY MR. HOSTETTLER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOSTETTLER:

Insert in an appropriate place the following:

SEC. . None of the funds appropriated in this Act may be used to enforce the judgment in Newdow v. U.S. Congress 292 F.3d 597 (9th Cir. 2002).

Mr. HOSTETTLER. Mr. Chairman, on June 26, 2002, in Newdow v. U.S. Congress, a three-member panel of the Ninth U.S. Circuit Court of Appeals ruled that a California school district's policy and practice of voluntary recitation of the Pledge of Allegiance was unconstitutional claiming that the use of the phrase ''one nation, under God'' violates the establishment clause of the first amendment to the Constitution. In February of this year, the Ninth Circuit, the full Ninth Circuit effectively upheld the decision of the three-judge panel.

Mr. Chairman, the founders of the United States set up a brilliant system of government consisting of three separate branches with unambiguous roles. The Congress legislates, the President executes, and the courts judge. However, as in any organization of institutions with potentially competing interests, one institution would be constructed to be the weakest. Alexander Hamilton made it very clear that the framers had relegated the judiciary to this distinction when he said in Federalist No. 78: ''It proves incontestably that the judiciary is, beyond comparison, the weakest of the three departments of power and it proves that as from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed or influenced by its coordinate branches.''

Hamilton laid out how practically this so-called feebleness manifests itself under what he referred to as the ''plan of the convention,'' or what we call today the Constitution of the United States of America, when he said once again in Federalist No. 78: ''The judiciary has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society and can take no active resolution whatever.

□ 1600

''It may truly be said to have neither force nor will, but merely judgment, and must ultimately depend upon the aid of the executive arm for the efficacy of its judgments.''

As Hamilton pointed out, the legislative branch controls the purse strings of this government, and the plan of the Convention set that out in article 1, section 9, when the Constitution states: ''No money shall be drawn from the Treasury but in consequence of appropriations made by law,'' which is the case for our being here today, Mr. Chairman.

When the legislative branch, that is, the Congress, believes the judicial branch to be in error, the Congress may refuse to fund actions to enforce the court's judgment by the executive branch agency that would execute those judgments or, in Hamilton's words, ''depend on the arm of the executive for the efficacy of its judgments.''

Specifically, the U.S. Marshals Service, an agency of the Department of Justice, executes and enforces all lawful writs, processes, and orders of the U.S. district courts, the U.S. courts of appeal, and the Court of International Trade, according to 28 U.S.C. 566(C), and I highlight that it enforces all lawful writs, orders, and processes.

I, Mr. Chairman, along with many of my fellow Members of Congress, believe the judgment in Newdow v. U.S. Congress to be in error. This was evidenced by the overwhelming support of H. Res. 132 on March 12, 2003. This resolution expressed the sense of the House of Representatives that the Newdow ruling is inconsistent with the first amendment and should be overturned. That is why, Mr. Chairman, I am offering this amendment to the FY 2004 Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

Mr. Chairman, I ask that my colleagues would say ''no'' to the decision of the Ninth Circuit Court of Appeals and support my amendment to stop the enforcement of that ludicrous decision.

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

We have a position from the Justice Department, and I will read a portion for Members. It says that ''The Justice Department asked the United States Supreme Court to reaffirm the right of Americans to recite voluntarily the Pledge of Allegiance. Two decisions of the Supreme Court have said without qualification that the Pledge is constitutional.'' And I, as I am sure most Members of this body are, am opposed to what the Court ruled and agree with what the Justice Department is saying here.

Two decisions of the Supreme Court have said without qualification that the Pledge is constitutional. No Justice has expressed any other views. Schools across America and hundreds of thousands of school children have relied on the Supreme Court's repeated assurance as they have started their day with the Pledge.

And they go on to say, and I agree, ''Our religious heritage has been recognized and celebrated for hundreds of years in a National Motto, 'In God we trust,' the National Anthem, the Declaration of Independence, and Gettysburg Address. As the Court has ruled again and again, our government and people can acknowledge the important role religion has played in America's foundation, history and character.

''The Justice Department,'' they go on to say, ''will vigorously defend our Nation's heritage and our children's ability to recite the Pledge.'' And I believe that Attorney General Ashcroft will do that.

The concern of the amendment is, and I will submit the full statement of the Justice Department in the RECORD, they end by saying this: ''Consideration of this legislation at this point would probably be premature. Congress,'' they say, ''should consider whether the Supreme Court should be given the opportunity to review the Ninth Circuit's decision without intervening legislation complicating its analysis and the procedural posture of the case. For example, part of the government's case before the Court involves demonstrating that there is real harm to the Ninth Circuit's ruling.'' And this is the case. ''So if the Ninth Circuit's ruling is gutted legislatively, the Justice Department might find it harder to make that claim and could strengthen the hands of our opponents' efforts to diminish or eliminate the Federal Government's role in defending the Pledge of Allegiance.

''Also, if the Justice Department prevails in the Supreme Court, there is a chance that opponents might try to construe this statutory language as limiting the Federal Government's ability to spend funds in a manner consistent with the Supreme Court ruling.''

I do not agree with the Court's ruling, and I understand, and I was with my colleague here, but I certainly do not want to do anything in this bill that does, as Justice Department said, if it is gutted legislatively, the Justice Department might find it harder to make that claim and could diminish the strength of the hands of the opponents' efforts to diminish or eliminate the Federal Government's role in defending the Pledge of Allegiance.

I think to do this on a legislative appropriations bill, we really have to go with the Justice Department, and I am going to rely on Attorney General Ashcroft to fight the Ninth Circuit's case and not do something that might, even though the meaning is good, work against the other way and result in something taking place that I certainly do not want to take place, the gentleman from Indiana (Mr. HOSTETTLER) and frankly, I do not think this House wants to take place; and I oppose the amendment.

The Justice Department asked the United States Supreme Court to reaffirm the right of Americans to recite voluntarily the Pledge of Allegiance. Two decisions of the Supreme Court have said without qualification that the Pledge is constitutional. No Justice has expressed any other view. Schools across America, and hundreds of thousands of school children, have relied on the Supreme Court's repeated assurances as they have started their day with the Pledge.

Our religious heritage has been recognized and celebrated for hundreds of years in the National Motto (''In God we trust''), National Anthem, Declaration of Independence, and Gettysburg Address. As the Court has ruled again and again, our government and people can acknowledge the important role religion has played in America's foundation, history and character. The Justice Department will vigorously defend our Nation's heritage and our children's ability to recite the Pledge.

The Newdow case was about whether the inclusion of the phrase ''under God'' in the Pledge of Allegiance violates the Establishment Clause of the First Amendment. Newdow sued both the United States and the Elk Grove School District to have the Pledge declared unconstitutional. The Ninth Circuit held that the Pledge is unconstitutional when its voluntary recitation is led by teachers in public elementary schools.

On April 30, 2003, the Justice Department joined the Elk Grove School District and asked the Supreme Court to overrule the 9th Circuit (Newdow has also sought to overrule the 9th Circuit for an even broader invalidation of the Pledge). The latest filling by the Justice Department was on July 14, 2003. Some time in October, we will know whether the Supreme Court has decided whether or not to take the case.

Consideration of this legislation at this point would probably be premature. Congress should consider whether the Supreme Court should be given the opportunity to review the 9th Circuit's decision without intervening legislation complicating its analysis and the procedural posture of the case. For example, part of the government's case before the Court involves demonstrating that there is a real harm to the 9th Circuit's ruling. So, if the 9th Circuit's ruling is gutted legislatively, the Justice Department might find it harder to make that claim and could strengthen the hands of our opponents' efforts to diminish or eliminate the Federal government's role in defending the Pledge of Allegiance.

Also, if the Justice Department prevails in the Supreme Court, there is a chance that opponents might try to construe this statutory language as limiting the Federal government's ability to spend funds in a manner consistent with the Supreme Court ruling.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

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

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

AMENDMENT NO. 2 OFFERED BY MR. HINCHEY

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HINCHEY:

At the end of the bill (before the title), insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act to the Federal Communications Commission may be expended to grant, transfer, or assign any license for any broadcast station if—

(1) the party (including all parties under common control) to which such license would be granted, transferred, or assigned directly or indirectly owns, operates or controls a daily newspaper and the grant, transfer, or assignment of such license will result in:

(A) the predicted or measured 2 mV/m contour of an AM station, computed in accordance with 47 CFR 73.183 or 73.186, encompassing the entire community in which such newspaper is published;

(B) the predicted 1 mV/m contour for an FM station, computed in accordance with 47 CFR 73.313, encompassing the entire community in which such newspaper is published; or

(C) the Grade A contour of a TV station, computed in accordance with 47 CFR 73.684, encompassing the entire community in which such newspaper is published; or

(2) as a result of such grant, transfer, or assignment an entity would directly or indirectly own, operate, or control two television stations licensed in the same Designated Market Area (DMA) (as determined by Nielsen Media Research or any successor entity), unless—

(A) the Grade B contours of the stations (as determined by 47 CFR 73.684) do not overlap; or

(B)(i) at the time the application to acquire or construct the station is filed, at least one of the stations is not ranked among the top four stations in the DMA, based on the most recent all-day (9:00 a.m.-midnight) audience share, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service; and

(ii) at least 8 independently owned and operating, full-power commercial and noncommercial TV stations would remain postmerger in the television market in which the communities of license of the TV stations in question are located and—

(I) count only those stations the Grade B signal contours of which overlap with the Grade B signal contour of at least one of the stations in the proposed combination; but

(II) in areas where there is no Nielsen DMA, count the TV stations present in an area that would be the functional equivalent of a TV market and count only those TV stations the Grade B signal contours of which overlap with the Grade B signal contour of at least one of the stations in the proposed combination.

Mr. HINCHEY. Mr. Chairman, this government, our government, derives its just power from the consent of the governed. Those words form the basic founding principle of this Nation: The government derives its just powers from the consent of the governed.

But in order for the governed to give their consent, they must be informed. It must be not an ignorant consent. It must be an informed consent. It must be a consent based on knowledge and accurate information and a multiplicity of voices and the opportunity for everyone to be heard. The marketplace of ideas in this country shall not be shut down. Otherwise, we lose the basic founding principle of our country.

But, unfortunately, the Federal Communications Commission in its decision on June 2 has gone a long way to doing precisely that, shutting down the marketplace of ideas. What they did was to weaken the rules governing cross-ownership of the media, newspapers, television, radio. What the FCC has done very quietly without any public hearings outside of Washington except for one, which they held in Richmond, Virginia, they have passed a rule which will shut down the ability for people to understand what is going on in this country.

We need to restore the previous rules, and we have an opportunity in this bill, through this amendment, to do precisely that in the next fiscal year. Restoring the previous rules is essential to preserving localism, diversity, and competition in our airwaves, standards that are needed for a vibrant democratic republic.

The FCC's decision, if we allow it to go forward, will permit one company to own the local newspaper, local television station, including the most popular, and several of the top local radio stations in any single market. It paves the way for one company to dominate a local community's flow of information.

The rule change makes it much more likely that a company based hundreds or even thousands of miles away will control a community's information and whatever information gets into that community.

Only large companies have the resources to purchase and operate a newspaper, TV stations, and radio stations. Competition, diversity of voices, and local control are at stake if this rule is allowed to stand.

The FCC's decision will allow broadcast television to be highly concentrated in the vast majority of markets as defined by the Merger Guidelines of the U.S. Department of Justice and the Federal Trade Commission.

Before the FCC changed the rules, one company could own two TV stations, or duopolies, in a single market as long as at least eight independent voices remained. This restricted duopolies to sizable markets. If the new rules are allowed, 95 percent of Americans could see duopolies in their media markets. These changes will greatly reduce the number of independent and local voices, and in many instances they will completely eliminate those independent voices. Democracy requires the widest possible dissemination of information, yet these new rules will restrict access to diverse voices.

This amendment that is offered by myself, the gentleman from North Carolina (Mr. PRICE) and the gentleman from Washington (Mr. INSLEE) would prevent the FCC from implementing its misguided decision and would leave in place the media ownership rules that have protected localism, diversity, and competition in our media, as well as preserving the basic principles of this democratic republic. We have an opportunity here to correct a mistake, a huge bureaucratic error, that works against the best interests of the vast majority of the people in this country.

I offer this amendment, and I ask for the Members' support.

Ms. WATSON. Mr. Chairman, I rise in strong support of the Hinchey-Price amendment to the Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies Appropriations Act.

This amendment will deny funding to the FCC for the purposes of implementing its new cross-ownership and

local TV ownership rules. I believe this amendment is just the first in a series of extremely important steps to ensure that diversity in the media, both nationally and locally, will not diminish further.

The FCC's newspaper-broadcasting cross-ownership rule and the local TV ownership rule will exacerbate the current minority ownership crisis. According to the newspaper-broadcasting cross-ownership rule, one company will be permitted to own a local newspaper and local TV and radio stations in one single market.

If this rule is allowed to stand, it is possible that all local print and broadcast news could be controlled by a single company. The new local TV ownership rule will allow one company to own two TV stations in the same market as long as there are three other independent voices within that same market. The new rule will make creating a duopoly easier for a large corporation, while greatly limiting the number of independent voices on TV, including those of minorities.

Minority owners' share of the commercial television and radio market is already at a historical low. At the end of the 1990s, minorities owned only 1.9 percent of the country's licensed television stations. In the year 2000, minorities owned only 4 percent of the Nation's commercial AM and FM radio stations. Many of these minority owners are single-station operators.

I believe their voices, as well as the voices of other independent operators, will be silenced as large corporations are granted virtually unimpeded access to media markets under the new FCC rules.

The American public supports a diverse and competitive media. Over 2 million Americans have contacted the FCC to voice their disapproval of the June 2 decision to ease the limits on media ownership. The newspaper-broadcasting cross-ownership rule and local TV rule will further stifle minority voices in the media.

Congress must respond and protect the public's access to diverse sources of information.

□ 1615

Please support the Hinchey-Price amendment to the CJS appropriations bill to protect diversity in the media and to allow dissenting voices, minority voices, small voices to be heard. The public owns the airways.

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

Mr. Chairman, I would like to explain to the House what is at stake this afternoon. The Federal Communications Commission has recommended a number of changes in ownership patterns for media across the country. One of the changes was to raise from 35 percent to 45 percent the percentage of the national TV audience that could be reached by any one media conglomerate. Another part of the FCC ruling would have expanded opportunities for cross-ownership of media outlets all around the country, so that newspapers could own even more television stations than is the case today.

I oppose everything the FCC did, but the problem is that you have to make an intelligent judgment about how much you can bite off and win. The fact is that the Committee on Appropriations adopted my amendment in committee by a 40 to 25 bipartisan vote, and that amendment essentially rolled back the Federal Communication Commission's decision with respect to the national cap on ownership.

It did not go the next step, and I hope we do not try to go the next step today in the form of the Hinchey amendment. I favor the substance of it very much, I am totally opposed to cross-ownership. I do not think a newspaper ought to be able to own a single TV station in the country, and vice versa. I believe in the widest possible diversity of opinion.

But the fact is that today, even in the committee approach, we are taking on the media giants of this country; and when you do that, you had doggone well better win, and we will not win if the Hinchey amendment is passed. The Hinchey amendment is not intended to be so, but it is a killer amendment. It will load up the camel, and it will break the camel's back.

What I think we ought to do is stick to the judgment the committee made and win that one and tie that one down first. We are in a terrible situation today, where five media conglomerates control a 70 percent share of homes that watch during prime time; 80 percent of the major cable owners are owned by the same media conglomerates; and we need to see to it that we do not allow that situation to get any worse.

The problem with this amendment is that if it passes, we will not be able to get enough votes on this bill to demonstrate to the White House that they should not veto the bill because of this provision; and I do not think the House wants to do that if it is interested in protecting local news values.

The reason I want to protect local news values is because I think that local owners are the only ones who are likely on occasion to preempt national network programming. And believe you me, if you want to see some examples of the kind of programming that I do not think we want in some of our communities, all you have to do is take a look at what happened in radio. In radio, the Congress totally deregulated a few years ago, and what do we have? We have total lack of the ability of local people to have control over news or to have any real say in their programming. No nationally owned television station has ever preempted a network TV program; only locally owned stations have sometimes done so.

I do not have anything against networks but I think we need diversity I think we need diversity of decision making, and that is why I sponsored the amendment that the committee adopted, with the support of the gentleman from Virginia and others.

If we adopt the Hinchey amendment, we will in essence ruin our ability to win what we have won so far, and I do not think that is a wise thing to do. I am not interested in symbolic statements here today. I want to win. I want to see to it that we roll back the FCC provision on national ownership. If the Hinchey amendment is adopted, we will not be in a position to do it, because this bill will get many fewer votes than it otherwise would have gotten, it will send the wrong message to the White House, and the net result will be that we will be crippled in conference in terms of trying to hold the provision in the committee bill. So I urge defeat of the Hinchey amendment.

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

Mr. Chairman, I completely agree with the gentleman from Wisconsin (Mr. OBEY), completely; and I would ask Members to vote against the Hinchey amendment. The Hinchey amendment would weaken the bill and we would end up with exactly what the gentleman from Wisconsin (Mr. OBEY) said.

This is an issue of values. This is an issue of values that Members on both sides of the aisle have to deal with. I know that there have been powerful lobbyists and interests that have been hired in this town to work against what the gentleman from Wisconsin (Mr. OBEY) is doing, and in essence they would come down here and ask you to probably support the Hinchey amendment. But it is an issue of values.

Many times there is such garbage on these TV shows that a locality cannot preempt them, ''The Millionaire,'' ''The Bachelor,'' ''The Bachelorette.'' They do not cover the issues with regard to the famine in Africa or issues like that. The gentleman from Wisconsin (Mr. OBEY) is right.

I would ask Members on my side of the aisle, this is an issue of values. If you look at those concerned with the expansion in allowing one network, one network that may not very well repeat and have our values, be able to do this, what the gentleman from Wisconsin (Mr. OBEY) said is exactly right. So I just second it. He said it better than anyone could.

I urge Members to defeat the Hinchey amendment, because it would do exactly what the gentleman from Wisconsin (Mr. OBEY) said.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise as a cosponsor of the Hinchey amendment. The FCC's decision of June 2 to loosen the rules on concentrated media ownership will lead to fewer voices controlling more of the news we watch, read, and listen to. It will undermine our access to the independent, unbiased local information that matters to our communities.

Last week, as the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Virginia (Mr. WOLF) have stressed, the Committee on Appropriations took an important step in voting on a bipartisan basis to suspend changes to the national TV ownership cap, a key part of the media ownership rules the FCC voted to relax on June 2.

The Hinchey-Price-Inslee amendment would finish the job by suspending the two remaining rules that the FCC weakened: the newspaper-broadcast cross-ownership rule and the local TV multiple ownership rule, which would open the way for more duopolies and even triopolies in owning and controlling local media.

These amendments, together, are the appropriations equivalent of H.R. 2462, introduced by the gentleman from Vermont (Mr. SANDERS) and cosponsored by a bipartisan group of 88 Members.

Restoring the previous rules is essential to preserving localism, diversity, and competition on our airwaves, standards basic to a vibrant democracy.

Mr. Chairman, the richness and diversity of community life in America has been recognized by observers since Tocqueville as one of our country's abiding strengths. The broadcast media emerged in the 20th century as critical in relating individuals and groups of individuals to each other and to the world beyond.

The term ''media'' suggests a linkage beyond the locality to the worlds of politics and economics and entertainment and culture; but it also suggests communication within and across a locality or a region, whereby isolated consumers of media have their identities as members of the community strengthened, their knowledge increased, their participation enhanced.

If the day comes, and I am afraid it is fast approaching, when local media are merely a conduit for nationally generated information and entertainment, or when a single or few companies monopolize broadcasting in most local communities, we will have lost a critically important component of community life.

There are those who say that the presence of 200 options on cable or satellite television renders the public interest criterion of diversity a moot concern. They could not be more wrong. It is competition among local broadcasters in offering news and public affairs, weather, sports and other programming that produces the kind of diversity and the kind of audience engagement that enhance community life.

The Hinchey-Price amendment also concerns concentrated power and influence. This concentration has already gone too far in radio. I cannot imagine why we would want to take television down the same path.

Regardless of one's political views, it is unsettling to hear of Cumulus Media banning a vocal group from the play list of all of its outlets on political grounds.

Then there is the example of a prominent Raleigh media executive who owns a Fox affiliate. He has been able to reject some network ''reality'' shows as inappropriate. He wonders with good reason whether the managers of Fox-owned and -operated stations would have that same discretion to respect community standards.

Mr. Chairman, in the history of media policy, there has never been a moment when the public was more engaged than they are right now. A recent poll demonstrates that half of Americans are well aware of this media concentration issue; and of those who follow the issue closely, 70 percent are opposed to the new FCC rules, while only 6 percent are in favor.

Our constituents see this issue quite clearly: this is big media companies and their allies in government squaring off against the public interest. The question is, how do we see it, and to whom will Congress listen?

Mr. Chairman, it is time to stand against an FCC decision that was taken with scant public input and in defiance of the public interest.

Colleagues, let us not get diverted by convoluted, tactical second-guessing. If Members favor the substance of our amendment and if they oppose the substance of the FCC decision, they should stand up for what they believe.

I ask my colleagues to reaffirm the core values of our country's media policy—localism, competition and diversity—and to support the Hinchey-Price amendment.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

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

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

Mr. Chairman, I rise in strong opposition to the backward thinking amendment that would reinstate antiquated local media ownership limitations. Republicans have long been awaiting a time to deregulate, since 1984, in fact; and the commission action on June 2 modifies all of its media ownership rules to comply with the Telecommunications Act of 1996, an act we all agreed upon, and the Court's interpretation of that act.

The FCC proceeding represents, in fact, the culmination of a deregulatory effort that had its birth in the Reagan administration. This amendment would stop in its tracks the reasonable deregulation of the new rules. It would bring back the outdated rules of the past.

In fact, under one interpretation of the Hinchey amendment, it would roll back existing exemptions that have been granted by the FCC over many years. Under one interpretation, for example, the exception that has been granted for satellite stations, where a station can own in joint ownership an unmanned TV station that is a satellite in a rural area, that exception would be rolled back and TV stations serving rural communities in America would have to shut down.

Under some interpretations of this amendment, assignments that have been made that were grandfathered for many years would be rolled back and companies would have to divest ownership they currently have in stations. In fact, under this amendment, the provisions of the FCC for so-called short-form assignments, what happens when companies reorganize themselves, would considerably be rolled back; and as a result, there could be divestitures argued under this amendment.

So this backwards-thinking amendment has the potential of even going back and undoing exemptions that have been granted by Democratic FCCs over the years to accommodate such things as the public interest requirements when a station goes bankrupt, becomes defunct, and has to be picked up by some other station.

Let me right the misconception that has been before this body and, unfortunately, pervaded the hearings at the Subcommittee on Appropriations. There are 1,340 television stations in America. Guess how many Viacom owns? The answer is 39; 2.9 percent. Guess how many Fox owns? The answer is 37, or 2.8 percent. Guess how many NBC owns? Twenty-nine, 2.2 percent. ABC owns 10, eight-tenths of one percent. In fact, if you combine all the network ownership of television stations, it comes to about 115, which is less than 10 percent of all the stations operating in America. You would think that the networks own them all, 90 percent of them, to hear the rhetoric around this debate.

The new rules that have been adopted by the FCC replace the old newspaper-broadcast-radio-TV cross-ownership rules, with the new set of rules that allow for different and targeted regulatory treatment, depending upon the market size.

□ 1630

It is a size system of regulation, replacing the old autocratic and, in many cases, arbitrary rules.

The new rules would allow economies of scale to be achieved on the local level, while ensuring a diversity of voices would be preserved by permitting, for the first time, common ownership of multiple stations in the largest markets or expanding the markets where duopolies are, in fact, permitted. But importantly, while it allows them to do this in the larger markets, it does not allow that to occur in the smaller markets. In fact, 73 markets enjoy no duopoly deregulatory relief whatsoever because they are the smaller markets in America. The FCC's extension record shows that co-owned stations competed more effectively with cable and satellite, improved the quality of the second station, and transitioned to digital quicker. All things said, the benefits flow to the public.

Remember, television stations do not compete against one another alone. They compete against pay-per-view cable and pay-per-view satellite; and if we weaken the capacity of over-the-air broadcast television to reach Americans economically and efficiently, we kill off one of the most important video outlets in America; and, therefore, we hurt, not help, over-the-air broadcasting.

Moreover, the amendment would prevent new markets from enjoying the clear localism and diversity public interest benefits. The commission found that their new rules will promote localism, because they increase the capacity of these stations to survive against these other important competitors.

The administration supports the FCC, and has urged Members to oppose efforts to roll back these rules that ensure that our Nation's free, over-the-air broadcasters can effectively compete against all of these new pay services. If all we want is pay services, the Hinchey amendment will take us there.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to urge my colleagues to protect the voices of the American people, to make sure that their voices, their opinions, and their concerns are represented on the Nation's airwaves by supporting the Hinchey-Price amendment, and add this amendment to the good amendment that the committee passed earlier.

How ironic that the United States went to war against a foreign regime whose oppression was based largely on control of information. And now, the FCC majority establishes a Saddam-style information system here in the United States. Have we learned nothing?

On June 2, the Federal Communications Commission approved a new set of media ownership rules that allow large conglomerates to devour more independent media outlets and impose the laws of the jungle on the marketplace of ideas. I support the Hinchey-Price amendment because it would essentially suspend the FCC's decision to weaken media ownership rules dealing with the cross-ownership and local TV ownership.

The Hinchey-Price amendment would preserve localism. It would preserve diversity and competition over our airwaves.

Information is not just any commodity like steel and textiles, Mr. Chairman. A vibrant democracy depends on rich intellectual exchange on the free flow of ideas from a variety of sources. This is a principle. It is a principle embedded in the first amendment on free press and reaffirmed by the Supreme Court.

But media consolidation stifles dissent and drowns out alternative voices, giving Americans a stale, uniform product that barely accounts for individual community values. The recent FCC rules will enrich moguls, discourage entrepreneurship, and diminish quality. Niche content like children's programming will suffer. Minority populations will go underserved. Music and entertainment would become homogenized, with large media interests also acting as the idealogical sensors. If you do not believe me, ask the Dixie Chicks.

The rules will further sever the critical bond between media outlets and their local consumers, as more journalists would answer to corporate bosses making news judgments from thousands of miles away.

If the day comes, and it had better not, that one corporation owns several radio and TV stations, the cable network, and the single newspaper in one town, we may not only have lost the freedom to speak, but the opportunity to be heard.

The airwaves belong not to the Rupert Murdochs of the world, but to the American people.

Mr. Chairman, I urge my colleagues to protect the voices of the American people by supporting the Hinchey-Price amendment.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

I too rise in strong opposition to the Hinchey amendment. I ask my colleagues about where they might have been in 1975. I know I had graduated from the University of Michigan and was on my way to Washington to work for a Congressman, David Stockman. Think about where you were, maybe sitting in your living room back in 1975. You might have been watching the ''Mod Squad'' for the first time or maybe the third season of ''M.A.S.H.'' In fact, someone told me that Strom Thurmond was only in his first or second term.

The original newspaper-broadcast ownership rules were adopted in 1975, at the same time when there was little cable penetration, if any, no local cable news channels, few broadcast stations, and no Internet. The rule was based on market structure that bears almost no resemblance to the current environment.

Without a doubt, there have been dramatic changes in the media marketplace since 1975 when the rule was adopted by the commission. When the rule was first adopted, there were 7,785 radio stations. There were 952 TV stations, three broadcast networks, cable television systems served 13 percent of television households, and direct broadcast satellite, DBS, providers were nonexistent, and the Internet was commercially not available.

Today, there are more radio stations, 12,900; 1,600 full-powered TV stations; 2300 low-powered TV stations; 230 Class A TV stations; four major broadcast networks, along with other emerging broadcast networks; and today, cable TV systems serve almost 80 percent of the television households across the country.

As required by law, the FCC factored the status of the current marketplace into the new rules. In addition to noting the dramatic transformation of the marketplace, it also noted that this type of business combination does advance the goals of localism and diversity.

A key study relied upon by the FCC for these rules found that broadcasters co-owned by newspaper companies provided more than 50 percent more local news and public affairs broadcasting of better quality than nonbroadcast network-owned stations, unaffiliated with a newspaper publisher.

I think about my own hometown. As I walk up to the post office in St. Joe, Michigan, there are almost a dozen different newspaper stands, whether it be the Wall Street Journal, the Detroit News, the Detroit Free Press, the local Herald Palladium, the South Bend Tribune, USA Today, and more. WGN owns the Chicago Tribune and Channel 9, which is broadcast over the air. The South Bend Tribune owns the local CBS affiliate in South Bend, Channel 22. The case has not been made that the local ownership has hurt the delivery of fair reporting by those news organizations.

The Hinchey amendment would take us back to 1975 when the media marketplace was a much different place. It is working today. I urge my colleagues to defeat the Hinchey amendment.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DINGELL. Mr. Chairman, I begin by expressing my great affection and respect for the authors of this amendment. They are fine men. On substance, they are right. I agree with them on what it is they had to say.

But they ignore one basic fact; and I want to speak to my colleagues on this side of the aisle particularly, and that is that the perfect good is the enemy of the good.

If we want to get some relief and we want to see to it that we do something to protect diversity of broadcasting, support the committee bill as it now is; and I will tell my colleagues why.

Very shortly, my good friend, the gentleman from North Carolina (Mr. BURR), and I will be making a major effort to bring to the floor of the House a piece of legislation which will address much more than the 35 percent, 45 percent limit. If my colleagues want to effectively address that matter, then I urge them to vote against the Hinchey amendment, not because it is bad, but because it is counterproductive in terms of achieving the purpose that it seeks to produce, and the result will be that we will lose the effect of the Obey amendment in delaying the going into place of the provisions of the order of the FCC with regard to television.

I have a long history, I would tell my colleagues, of having opposed the attempts of the FCC to constantly expand the ownership and the control by

certain broadcasters of the media, the spectrum, and the minds of the public. This is bad. It is dangerous. But I would also tell my colleagues that if we want to do it, then we must do this thing right. The Obey amendment enables us to begin to put a hold on the unwise actions of the FCC and to move us forward towards accomplishing the purpose which we really have of seeing to it that the interests of all of the people in the great national resource, the spectrum, is protected for the benefit of all.

The amendment offered by my good friend, the gentleman from New York, will have the practical effect of driving away most of the supporters of this legislation, particularly those who are active in the industry. There are better than 600 local broadcasting stations which support this, including Cox, Hearst Argyle, and Post-Newsweek, because they recognize that this amendment is in the interests of diversity in the use of the spectrum. It is supported by Consumers Union, Common Cause, the Christian Coalition, the American Family Association, Morality in Media, the National Education Association, the National PTA, the National Association of Black-Owned Broadcasters, and Children Now.

I would remind my colleagues who are in such haste to address this to work with those of us who have dealt with these questions over the years; and I would remind them of the wonderful story that is told of the two bulls, the young bull and the old bull. The young bull said, there is a bunch of cows down at the bottom of the pasture; let us run down and get one. The old bull said, son, let us walk down and get them all.

My advice is, follow the distinguished gentleman from Wisconsin. Let us proceed in an orderly fashion. We have better than 170 sponsors on legislation that will really do the job. I urge my colleagues to support us so that we can address this matter in that way. That is the way that the matter should be dealt with. Let us get them all. Let us not lose because we have blown an opportunity because we overreached, we reached beyond our grasp, and we defeated ourselves by the enthusiastic desire to do good in a way which was counterproductive.

I say with regret and with respect and affection for my friend from New York, defeat the amendment. Let us go forward to a better conclusion to the problem by the device of passing real legislation later on. The best that the House can do today is simply to hold up through a 1-year limitation on expenditure in this legislation. My prayer to my colleagues is let us leave ourselves in a situation where we have a chance of winning and getting this through not only conference with the Senate, through the House, but also to address the practical problem of seeing to it that we get the bill signed into law.

Mr. Chairman, I urge the defeat of the Hinchey amendment.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

The FCC issued its revised rules on media ownership, ending one of the most comprehensive and empirical reviews undertaken at the FCC, or by any other Federal agency, for that matter. Over a half a million public comments were received and numerous public hearings were conducted during this 20-month review. The Hinchey amendment will change all of that, all of that comprehensive work that the FCC did. As a result, we now have media ownership rules that reflect today's market: they balance competition and diversity with local community needs.

Mr. Chairman, there are two myths that I would like to dispel.

□ 1645

The first myth is newspaper-broadcast cross-ownership adversely impacts competition in the local markets. There are 40-plus grandfathered combinations, and they provide the best evidence that competition, the concern that some of my colleagues have, bears no fruit.

Mr. Chairman, in the past 20 years there have been no formal complaints filed against any of the 40-plus grandfathered combinations at the FCC, nor have there been any antitrust actions initiated by the Department of Justice, the Federal Trade Commission or any States Attorneys General during that time. So there has been no concern of these 40 grandfathered combinations.

The second myth is, the public did not have an opportunity to participate in the FCC decision-making process. At least with respect to the newspaper-broadcast cross-ownership ban, the public has had the opportunity to participate in four, not one, two, or three, but four separate FCC proceedings over a 6-year period. And furthermore, the Commission never published its rules in advance of their adoption; and, if so, it saw no reason to deviate from this practice in the media ownership proceedings.

Lastly, the FCC did not just remove the rules and move along, but they put in place cross-media limits that are designed particularly to protect viewpoints, diversity, by ensuring that no company, no group can control an inordinate share of media outlets in a local market.

So they have already put in place the cross-media limits. They provided due diligence. The FCC has done this. They put in cross-media limits, and I have given the two myths so that the people who are for the Hinchey amendment, to show that they are, indeed, myths.

So I urge my colleagues to defeat the Hinchey amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I must say that the gentleman presented the 5-minute or so speech I was planning to make. I want to associate myself with the gentleman's remarks.

I think with great foresight the gentleman has recognized that we have done a good deal of the job that had to be done a long time ago. There is no reason to move away from where we are today, indeed, in connection with this competition is having its effect and cross-ownership is highly overblown.

Mr. Chairman, there may very well have been a time when people were justified in their concern that ABC, NBC and CBS dominated the media world and controlled what we watched.

But it is clear that competition has changed that world in many and varied ways. Today we have cable and many other offerings that give us more choice than we have ever had.

Those who want to overrule the FCC rules entirely are concerned with what they consider to be inappropriate programming. But it is not just ABC, NBC and CBS that provide these programs. Today many broadcasters and cable programmers provide endless avenues of entertainment that our diverse American public can enjoy.

We cannot dictate the tastes of the American public. And we have learned that when we try to control the marketplace by federal dictate, we most likely end up having our quest for perfection become the enemy of the good. This amendment would not solve problems, it would create them, and should be opposed.

Mr. STEARNS. Mr. Chairman, I appreciate the approval of the senior distinguished member on the Committee on Appropriations.

Mr. BOUCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment that has been proposed here by the gentleman from New York. I do so because I think it would take us back to a regulation that makes little sense in today's media world. And further, could deny many communities better news and better information programming.

Under this amendment, in a market that has several newspapers and perhaps seven or eight local television stations, only the smallest of those newspapers would be prohibited from combination with the weakest of those seven or eight television stations.

Since January of 2000, in more than 40 markets around the Nation, television stations have either reduced or eliminated news and information programming. Had it been possible for them to combine with a local newspaper, perhaps, just perhaps, those unfortunate consequences could have been avoided.

There are benefits to be obtained by permitting cross-ownerships. And the example that I just noted, a common ownership of two struggling properties could strengthen both properties keeping additional voices alive in that particular market. An undeniable synergy

arises when television and newspaper, news gathering and reporting resources are focused on a single event with an improvement in the quality and depth of both the newspaper news product and the television new product.

Studies by the Federal Communications Commission have found that where cross-ownership has been permitted to continue under a grandfather provision, local television news is better, and more of it is provided by the cross-owned properties than by other local television stations in the same markets; and that is ample proof of the value of the synergies that are created when cross-owned properties have been permitted.

The Federal Communications Commission, in my view, got the balance right when it published its regulation on the cross-ownership rule in June.

Under the FCC's new rule, combinations are only allowed between a newspaper and a television station in the same local market when at the end of that combination there will be a sufficient diversity of voices remaining in that community to assure that many different and divergent views will be expressed with regard to local news. That is the right balance. Taking us back to a regulation that prohibits all combinations under all circumstances I think is counter-productive.

And so today I would urge that we confirm the recent judgment of the Federal Communications Commission and, in so doing, that we defeat this amendment.

Mr. BURR. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BURR. Mr. Chairman, I rise in opposition to the amendment. Clearly this is an issue that probably deserves more debate than it will receive here. But I have also, like the gentleman from Virginia (Mr. BOUCHER), my good friend from the committee, want to go back to the past, 1995, when for the first time since 1935, we thought it was time to update our telecommunications laws in this country. Hard to believe that we could go for so long believing that technology or society did not force us to review it, but we learned then just how politically difficult change was.

We made some bold changes, and because of that many of us receive the benefits of it today. We now have almost unlimited channels on cable. It is new competition. We have an array of new products through telecommunications that are the direct result of 1995 and congressional action.

One additional piece of the 1996 Telecommunications Act, though, was that we mandated that the FCC every 2 years would look at it. We never wanted to play this catch-up game again.

Now, let me make this clear for my colleagues: In the current appropriations bill we have already rolled back from 45 to 35 the ownership cap. So the Hinchey amendment is not about 45 to 35. It is about everything else that was in the FCC rule. When we talk about cross-ownership, you need not look very far; as the gentleman from Florida (Mr. STEARNS) said, there are 40 news companies that were grandfathered or received waivers that they concurrently have cross-ownership.

In Tampa, Florida, you can find an outlet where Media General owns a TV station and a newspaper. It is a model of what every other person who potentially gets into dual ownership should look like. It brings value to the community, and they have lived up to the waiver that they were granted. There are benefits to the FCC rule.

I believe that it was important, it was essential that we roll back from 45 to 35 the network ownership cap, if for no other reason than there was not a compelling reason on their part why it should be raised. But I felt strongly in 1995, when the gentleman from Massachusetts (Mr. MARKEY) and I came to this floor and, in partnership, we rolled it then from 50 percent out of committee back to 35 percent after the committee decided to raise it in 1996 Telecom Act from 25 to 35.

And it has worked pretty good. And the balance is correct. And we have got the right checks and balances between independent stations.

We spend a lot of time on the definition of localism. I have heard a lot of people mention localism today. I am not sure they had the in-depth debate that we did about what does it mean, really, localism.

Well, the independent stations have the ability, and we made sure in that act to look at the networks and say, I am not going to air that because there is no value to the community that I serve. If we tip the balance a little bit, will we dilute it enough that they will not have guts enough to do it? I believe so. But to get there, you cannot do it if you pass the Hinchey amendment.

I plead with my colleagues, if we want to roll back from 45 to 35, vote against the Hinchey amendment. The FCC does great work. It does not mean that we will always agree with everything they do. But understand that they have to do it because this Congress told them to do it every 2 years. They are obligated to review so that we do not wait 50 years again before we update our laws in this country as it relates to everything that they have oversight on.

Let me once again urge my colleagues, if Members support the rollback from 45 to 35, vote against the Hinchey amendment because it is a poison pill to our ability to maintain 35 percent for network ownership.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to do something that I have not done in 29½ years. And I know that got everybody's attention. What could I possibly have not done in 29½ years?

Well, 29½ years is how long I have known the gentleman from New York (Mr. HINCHEY). We were elected to the State assembly as so-called ''Watergate Babies'' in 1974. And I can still recall that that December when we first went up to Albany, nearly froze to death in typical Albany weather, I think I just lost a few Albany votes, and began a friendship that has lasted all this time.

Of that 29½ years I have never either privately nor in a public forum spoken in disagreement with anything he has said or proposed. And technically, at the expense of sounding like a politician, technically I do not disagree with him.

I do not disagree with the intent of his amendment. If it was up to me, the Obey amendment would have been far-reaching. But I disagree with his amendment today for the reasons that the gentleman from Michigan (Mr. DINGELL) and others have expressed. Because it is my understanding now, as I understand this issue and the politics of this issue, that his desire to do the right thing would jeopardize that which is in the bill already and that which we have accomplished.

Now, I told you a couple of seconds ago that it is the first time I have disagreed with him. So I hope that he, as my brother, that he understands that this is not the easiest statement for me to make. But I know how much he believes in this issue. I know how much the gentleman from Wisconsin (Mr. OBEY) believes in this issue. I know how much I believe in this issue. And I know how much we have accomplished.

I have to tell you that I was in shock at the bipartisan vote in committee for the Obey amendment. I was pleased. I was joyous. But I was shocked.

I know that people who oppose this language, people out there in the industry who are opposed to what we are about to do in this bill, are trying to figure out how to undo it. And I am convinced, as so many have said today, that the Hinchey amendment will allow many to get off supporting what we have done and, in fact, find a reason or an excuse to back off.

And so it is for that reason that I risk his slight wrath momentarily as I look over those 29½ years and promise the gentleman that I probably will never disagree with him again, but I have to rise in opposition to this amendment at this time; and I would hope that Members see it that way and vote against it.

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the gentleman from New York's (Mr. HINCHEY) amendment. I also opposed the gentleman from Wisconsin's (Mr. OBEY) amendment.

I want to cite two examples of companies that I think have been very good companies, good corporate citizens, companies that have done a good job in their communities. I know that

those of us in politics, and I am sure every Member, all 435, have a gripe about a television station. I do, too. Probably about a radio station. Probably a gripe with a newspaper. We all do.

But the idea that we are going to offer an amendment to somehow corral a decision or overturn a decision that was made by the FCC, I think is not right.

□ 1700

I represent Adams County in Illinois where Quincy, Illinois, is the largest community and there is a family-owned newspaper there. The Oakley family owns the newspaper, and they own at least one television station in that town and several other television stations around the country; and they are a good corporate citizen, and they do not dictate policy from one station to another. They do not dictate policy from their newspaper to their television stations. So I guess they are the exception to the rule that one can own a newspaper and own a television station, several television stations, and not dictate policy and still be a good corporate citizen.

The classic example, though, is the Tribune Company. The Tribune Company has been in operation for 150 years. It operates in 12 markets, and it owns the Los Angeles Times, the Baltimore Sun, the Chicago Tribune, Newsday. It owns Channel 9 and many other television stations, and the notion that they try and dictate policy or dictate opinion I think is not accurate. I know that they have established themselves as one of the best corporate citizens, certainly in Chicago and in many other communities.

So the idea that we are going to have an amendment to overturn a decision that was made by the FCC because somebody does not like it or that television stations are too big or might dictate policy, I think, is not a true reflection of at least two I know, one in Quincy, Illinois, and one in Chicago, that has many outlets in many different places.

For that reason, I wish we could have defeated the Obey amendment, which we did not; but I hope we can defeat the Hinchey amendment which is even worse.

The CHAIRMAN pro tempore (Mr. TERRY). The Committee will rise informally.

The SPEAKER pro tempore (Mr. COBLE) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The Committee resumed its sitting.

Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

I rise to oppose the amendment, and I agree with much of the substance of this amendment; but I am concerned about the provisions with regard to newspapers.

Mr. Chairman, there used to be a time in every major city in America where we had three, four, five vibrant newspapers. Today, what we are seeing is fewer and fewer newspapers across the country. We are seeing circulation of newspapers going down and the economic viability of newspapers reduced dramatically because of the inability of newspapers to compete economically.

I know something about this because my father worked at the local newspaper in my hometown for 43 years. He was not the publisher. He was not the editor. He was not even a reporter. He punched a clock as compositor for 43 years, and that local newspaper meant a lot to our community.

I believe that the provisions regarding cross-ownership for newspapers would do serious harm to the financial viability of local newspapers with disastrous consequences for journalism. In a world where 24-hour cable news and Internet have made news sources for information widely available, we still depend, and our democracy depends, upon newspapers to provide high-quality, in-depth coverage of local news events; but with the emergence of so many alternative sources of news and entertainment, newspapers are struggling to retain advertisers who want to reach a high-quality, fragmented audience of consumers.

Newspapers are getting hit from both directions because they are losing circulation, viewers, and advertisers to broadcasters and major news media. The FCC's decision to relax the cross-ownership rules with regard to newspapers was based on extensive evidence showing that when newspapers are allowed to participate in local broadcasting, consumers benefit.

Daily newspapers almost always have the most extensive and sophisticated news-gathering apparatus in their circulation area. So this should not be surprising. Newspapers have been used in classrooms across America to discuss local issues. So when co-owned broadcast stations are able to draw on the depth and breadth of newspaper expertise, the stations can produce better local news programming; and when newspapers make their pitch to advertisers, they can say that they reach consumers across their circulation area through radio or, in some instances, TV ads as well as print.

The FCC did not have to guess what would happen with the quality of local news under lax cross-ownership rules with regard to newspapers. Several local newspaper/broadcast combinations have been in operation since the 1970s under the grandfather rules. This experience shows that broadcast stations, co-owned with daily newspapers, are offering better local news and more of it.

Studies by both media owners and independent entities agree on these benefits. For example, a 5-year study by the Project for Excellence in Journalism at Columbia University, found that co-owned stations were more likely to do stories focused on important community issues and were more likely to provide a wide mix of opinion. Other studies show that existing newspaper/broadcast combinations do not coordinate the editorial views they express on important public issues.

The health of daily newspapers across this country is absolutely critical to the functioning of our democracy because newspapers offer by far the most extensive and consistent coverage of local political issues and public policy issues. That is why I believe the FCC's decision to allow more newspaper/broadcast cross-ownership is good public policy.

While I agree with many of the provisions in this particular amendment and also the gentleman from Wisconsin's (Mr. OBEY) amendment, the relaxation of a cross-ownership ban for newspapers will serve the public interest by fostering better newspapers and information; and I base that on my experience in dealing with local newspapers in my own district and my own family's involvement in 43 years.

I might also add, since there have been other issues such as overtime, when my father worked as an hourly employee for 43 years punching a time clock every day, whether or not we took a vacation that summer was determined by his ability to earn overtime at that newspaper. Fortunately, he was able to make the overtime payments because of the ability of that newspaper to provide a quality of life for the employees.

Mr. INSLEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support for this amendment for the simple reason that a monopoly of ideas is ultimately more destructive to American democracy than even a monopoly of money; and the American people understand this amendment should pass for two reasons, one philosophical and one practical. Let me address the philosophical one first.

In the words of Thomas Jefferson, who said, ''Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter,'' the overwhelming majority of American people have an understanding in their gut and in their bones and in their heads that if we loosen the rules on media consolidation, we will

get more media consolidation. It is not rocket science.

So let me address the practical issue that I have heard addressed on this floor today and argued on this floor that somehow if we vote for this amendment it actually means we are going to reduce the remedy we get against the FCC. Let me debunk that argument for this reason.

It is based on two faulty assumptions. It is based on the assumption the President will veto this bill if we give Americans what they want, which is less consolidation in the media. The President might have said that today, some of his political advisers may have said that today; but when this bill gets to the White House desk, that e-mail account and Web site of the White House is going to melt down. They are going to have to double the number of e-mails that they can recover, and the FCC, when they did this, they thought this would just go kind of quietly in the night. That is why they had one hearing in Virginia for the whole country about this issue. They thought they would just sneak this by them.

Let me tell my colleagues what happened when the American people found out about this. The U.S. Senate, or the other chamber, very quickly understood that it had to happen, the commerce committee had a good vote moving in this direction, and now it is up to my colleagues and me to keep this ball rolling. We do not know how far this ball is going to go unless we get the message to the American people; and let me suggest to my colleagues, that ball is going to go a lot further, which is total repeal of the FCC going backwards.

I am not alone in this, and I want to make sure the Members in this Chamber know this is just not a good governing issue. It is not just a good government issue. It is not just a consumers federation.

The labor community of the United States of America understands the consolidation of media voices is not good for democracy. That is why the Communication Workers of America are supporting this amendment. The Department of Professional Employees are supporting this amendment. The International Brotherhood of Electrical Workers are supporting this amendment. The Newspaper Guild is supporting this amendment. The people support this amendment.

So it is our job to push the envelope here. It is our job to make sure this does not get swept under the radar screen, and let me tell my colleagues why that is important.

These consolidation rules go much further than repealing the Sherman Antitrust Act. They allow consolidation that will increase the concentration over 20 times the level of local market control of what would trigger a Sherman Antitrust Act investigation. That is in a one-newspaper town. In a two-newspaper town, mergers allowed under this rule, without this amendment, would increase concentration nine times the level of concentration that would trigger antitrust concern.

I am standing here to say that our scrutiny of a monopoly of ideas should be every bit as vigorous as a scrutiny of a monopoly of money; and that is the reason we need to, in fact, pass this amendment.

I have heard it argued today that there is a lot of new channels, there is Internet Web sites, there is new cable channels and that is enough. To me, it is a little bit like saying we will just have sort of 20 hoses, we have got all these new hoses to give you water, but then you screw the hoses all into the same faucet, which is the corporate board of governors who control these markets, and that is the promise you effect, that we have got to guard against by, in fact, passing this amendment.

I will just make one closing comment if I can of those who may be thinking about this or my colleagues. I will say one thing that I think all of us as elected officials understand. This started as a very quiet, little modest regulatory issue; but it has turned into a firestorm of criticism, and there are two tsunamis. One has already washed over Congress, and that is the Do Not Call list. That finally got Congress' attention. The second one is this amendment. My colleagues vote against this amendment, they are going to have people with pitch forks and torches in front of their Chamber arguing that they should not get in bed with those who want consolidation of this industry.

Let us push the envelope and fight back for this amendment.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Hinchey-Price amendment, and I would like to speak to the substance of this amendment. It promotes diversity by preserving existing limitations on media ownership. It actually promotes democracy.

The recent FCC decision to adopt new broadcast ownership rules raising the national television ownership rules undermines the fundamental principle of diversity, fair play, competition, and exchange of ideas. It really does run counter to our notion of freedom of the press, the right to free expression, the right to be heard.

The overwhelming public reaction against this FCC move dramatically illustrates the very diversity in America that this ruling circumvents.

□ 1715

Groups as wide ranging as Common Cause and the National Rifle Association, the National Organization for Women, in fact, the National Association of Black-Owned Broadcasters actually support this amendment. All of these groups oppose this step toward greater monopolization of the Nation's airwaves.

If we fail to take action, it is possible that a single company could own a newspaper, a television station, and a local radio station. Do we want all local news controlled by one company now that is possible under the new FCC rules? These few monopolies would shut down the views and voices of millions of Americans.

Another likely result of this rule change will be the further silencing of minority voices. According to recent surveys, minorities own less than 2 percent of the country's licensed television stations and only 4 percent of the commercial AM and FM stations. These minority owners and other independent operators are in grave danger of being trampled on by the accelerated expansion of media conglomerates.

Millions of Americans have contacted the FCC to express their disapproval of raising the limits on media ownership. This amendment addresses all of these very important concerns. It prevents the implementation of this unwise and unsound rule change.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this rule, which this amendment would address, in my opinion is perhaps the most radical usurpation of the public interest in the history of regulation. But then again, the head of the FCC does not believe in regulation nor does he believe in public interest.

To quote him, he has called regulation ''the oppressor.'' And when asked about public interest, he said he has no idea. ''It is an empty vessel in which people pour whatever their preconceived views or biases are.''

And he went on to say, ''The night after I was sworn in as a commissioner,'' this is Michael Powell, the Chair of the Federal Communications Commission, ''I waited for a visit from the angel of public interest, I waited all night, but she did not come.'' So his conclusion is, if you believe in markets, part of the right price is determined by the give-and-take of consumers and producers, and ''Thou shalt not regulate,'' and that, in fact, is what he has done here.

Now, there is substantial agreement on this side of the aisle that what he has done is an extraordinary blow to our system in the United States of America, our system of governance of our democratic republic. But there is some disagreement over the tactics on how we fight back. Considering the fact that the Republicans control both Houses of Congress and the White House, I believe that we need to send the strongest possible message, and this amendment would, thus far, absent adoption of the Dingell legislation, which I believe the Speaker of the House, the gentleman from Texas (Mr. DELAY), and others will never allow to come to the floor of the House, but absent that, this is the strongest statement that we could send so far. We would be standing with more than 400,000 Americans who commented against this rule.

Now, the chairman of the committee got up to say, well, the benefits of this flow to the public, but he did not go on to say, they just do not realize it. Because almost every person who testified on the most-commented-upon rulemaking in the history of the United States of America said ''no.'' ''No.''

There was one hearing held in the distant realm of Virginia. That is how much public scrutiny this rule received. Why did it receive so little public scrutiny? Because they knew that more than 400,000 people would oppose it had they only known about it ahead of time.

Now we are hearing about a lot of red herrings. This place kind of smells a little bit. The waivers will go away. No, the waivers are preexisting in this rule. The waivers will not go away. They want to help the little guys that are doing good things with the waivers. That is the only reason they are supporting Michael Powell and total rollback of public interest and the total collapse of any idea of diverse media in this country and the total concentration of this system.

No, they are really for the little guys and the waivers and the exceptions and the grandfathers, and that is why we are really here.

Well, no, that is not why we are really here. We are really here because the big money and the big interests want to own it all. It will be great, the day we can go anywhere in America, turn on the tube, watch a local station and we will see exactly the same thing we would have seen at home. It will purport to provide local news.

Some people are getting puzzled when they see what is considered to be local news under the current system, which is already concentrated enough, which has nothing to do with where they live. Imagine what it will be like when it is totally one or two or three big companies dictating all the content across all the country, and not only the content of television but the content of newspapers and radio. It will be great. We will not have to be confused anymore by conflicting opinions.

God forbid we should even begin to discuss the concepts of fairness, which stood as the rule of this land for nearly three-quarters of a century under which we had a vibrant democracy. Fairness. Now it is whoever can own it can say whatever they want and the hell with fairness.

We do not have to have fairness. We do not have to have diversity of opinion. We afford it, we bought it, we can say what we want, we can exclude who we want, we can discriminate against the groups that we do not like that say things we do not like about our President or about anything else we disagree with.

That is the vision of Michael Powell and the majority in this House. That is the system they want.

That is wrong. It is wrong whether in the majority or the minority. It is wrong for the future of our Nation.

So, please, support this amendment. Send the strongest message possible. And if this passes by a big margin, if the worst thing that could happen in the conference committee with the Senate is that we bargain back a little bit toward the good work done by the gentleman from Wisconsin (Mr. OBEY), then, okay, that is the best we can do. I would love to see the President put in a position to have to veto something so much in the public interest that people care so much about.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Hinchey amendment, which is, in many ways, consistent with legislation that I introduced which has 90 cosponsors.

Mr. Chairman, I think Thomas Jefferson, Tom Payne, James Madison, and some of the other Founding Fathers of our country understood the issue that we are discussing today very well.

It is a problem in our society that in industry after industry fewer and fewer large corporations control those industries. I think that is a very serious economic problem for this country. But it is a very different and even much more serious problem when a handful of large corporations control what the American people see, hear and read.

This is not just an economic problem. This is a problem that gets to the root of American democracy.

How can we vote intelligently? How can we come to reasonable positions on all of the important issues facing America unless we hear a diverse point of view?

I think most Americans understand that there is something profoundly wrong. For example, one example, in a Nation which is politically divided, where Al Gore got more votes than George Bush, where if you turn on talk radio in America the only debate that you hear on corporate radio is a debate between the right wing and the extreme right wing. That is not, in my view, an accident.

I think that many Americans understand that some of the most important issues facing our country, the devastating loss of manufacturing jobs, the fact that the minimum wage has not been raised in many, many years, the fact that we have the most unfair distribution of wealth and income of any major country, the fact that we are the only major nation on Earth that does not have a national health care program, the fact that we have so little discussion about these important issues certainly is related to the fact that the people who own our television industry are, without exception, major multinational corporations.

We have General Electric owning NBC, Disney owning ABC, Viacom owning CBS, the right-wing millionaire Rupert Murdock owning Fox, Time Warner owning CNN. I would remind Members of Congress never to forget that in the waning days of the authoritarian Soviet Union, there was not just one television station or one radio station or one newspaper, there were hundreds of radio stations and television stations and magazines and newspapers. The only problem was that all of that media was controlled by either the Communist Party of the Soviet Union or the Government of the Soviet Union.

So the idea that we have many, many newspapers or magazines or cable television stations is meaningless when we understand that virtually all of them are owned by a handful of large corporations who have enormous conflicts of interest.

What the Hinchey amendment is saying, and I think the overwhelming majority of Americans agree with him, is that it will be a very dangerous day in this country when people who live in midsize cities find that one company owns their television station and their radio station and their local newspaper.

Is that, my friends, what American democracy is supposed to be about? I think most of us think that it is not.

Now, I have heard some discussion about political tactics, about how dangerous it would be to pass this amendment. I would suggest that those people who are talking that language are playing inside-the-Beltway baseball and they are forgetting about the heat and the passion and the concern that tens of millions of people on the outside feel about this issue.

I can only tell you of my own experience in Vermont. We held a town meeting with Michael Copps of the FCC, and 600 people came out. We held another meeting where 400 people came out. And I believe that this feeling of concern about growing media consolidation exists all over the country. When the FCC allowed for people's opinion to come forward, 750,000 Americans contacted the FCC and 99 percent said, do not go forward with more media consolidation.

In my own city of Burlington, we used to have a number of radio stations reporting local news. Today there is one. Let us support the Hinchey amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The time of the gentleman from Vermont (Mr. SANDERS) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. SANDERS was allowed to proceed for 2 additional minutes.)

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

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me say, Mr. Chairman, that in substance I agree with virtually every word the gentleman just said. He is coming from exactly the right place.

Here is my tactical problem. I want this bill to get 290 votes, so that when the White House looks at it, it knows

that there are enough votes here to override the veto, if they are ill-advised enough to veto the bill over this provision. And it is my considered judgment that if the Hinchey amendment passes, that there will be significant additional numbers of people who will vote against this bill, and that means we will send exactly the reverse signal.

So all I want to say is, I agree with where the gentleman is coming from, we simply have a different tactical judgment about how to get there. I think we need a two-step process and the gentleman wants one.

Mr. SANDERS. Reclaiming my time, Mr. Chairman, let me express my disagreement with my good friend, because let me tell him this. I want the President of the United States to go in front of the national media and say, I am vetoing this bill because I believe in more media consolidation. I think fewer large corporations should control what we see, hear, and read. I want the President of the United States to do that.

Mr. Chairman, I think he is smart enough not to do that.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

The Federal Communications Act of 1934 mandated that the electronic broadcasting industry operate in the public interest, convenience, and necessity. The idea behind the FCC Act of 1934 was that we the people own the airwaves and that we grant a license for people to operate in the public interest, but that the first claim on those airwaves belongs to the people.

□ 1730

How far we have come in America, to a position where we the people are begging corporate broadcast interests to allow us the right to free speech. How far we have come in America, to a condition where the Federal Communications Commission, which was created to make sure that the public interest is represented, instead has been captured by the very industry they are to regulate. It is a matter of public record. Indeed, it has been recorded by the Center for Public Integrity which examined the travel records of FCC employees that they have accepted over a period of 8 years 2,500 trips costing nearly $2.8 million and that these trips were paid for by telecommunications and broadcast industries which are regulated by the FCC. This on top of the trips that the taxpayers paid for.

There is no question that the Federal Communications Commission, which has been created to represent the public interest, represents instead the private interest. And so then the public's right to the airwaves, to control of the airwaves, and to access to the airwaves becomes diminished, damaged, and degraded by a system which has now been captured by media corporations. This then must be a cause of great debate in our democracy because we understand as wealth concentrates in fewer and fewer hands there is less democracy, and we understand as concentration in the media occurs and there are fewer and fewer independent media outlets, it is to the detriment of our democracy, it is a lessening of freedom of speech in our Nation.

If we are to remain one Nation, we cannot be one Nation and at the same time have one broadcast power, a private one. We have to ensure that there is a multiplicity of media outlets. We must ensure that the media responds to the public interest. We must regain what it truly means to have a public spirited debate in a democracy which can only occur if there are significant numbers of outlets in the media and that each community has the opportunity to have a balance of media interests.

When our Constitution was established and when our Bill of Rights was set in motion establishing freedom of speech, our founders did not countenance that freedom of the press would belong to the man who owns one. Our founders did not countenance that freedom of broadcast media or freedom of speech would belong to the broadcast media. The Hinchey amendment seeks to strike once again a balance on behalf of the public interest to set aside the FCC's action which resulted in a stunning ruling which permitted the country's largest media conglomerates to achieve a level of multiple ownership that could only be said to be totally against the interest of our democracy.

We stand here every day in debating the great questions of our time. How often those questions receive attention is a matter of the private interest. We need to regain the public interest here. That is why this amendment achieves a great amount of importance. The public needs to remember once again that they are ultimately the owners of the airwaves, that the airwaves do not belong to corporations. They do not have any primary right to those airwaves. Those airwaves are the product of a free Nation and those airwaves should always be regulated in the public interest. They are not being regulated in the public interest, and it is only this Congress which can rescue the public interest.

Vote for the Hinchey amendment.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

I have served on the telecommunications subcommittee for 27 years, and I can tell you that not only is the decision made by the Federal Communications Commission in this area of media consolidation the worst decision made during my 27 years overseeing them, it is the worst decision ever made by the Federal Communications Commission. Ever. First of all, Chairman Powell decided to have one public hearing, one, on an issue that goes to the fundamental question of what is the relationship between the American public and the media while they were considering the changes in 75 years of laws.

The public furor is totally understandable. And Congress in the Committee on Energy and Commerce, the committee with jurisdiction over this issue, we have yet to have a hearing on this issue. What did the FCC decide? Did it decide that they were going to expand the rules so that one newspaper could be owned by one television station? No. Did they decide that one cable company could own four radio stations in one community and expand the rules that way? No. Here is what they decided. Listen to this, ladies and gentlemen. Listen to the worst decision ever made by the Federal Communications Commission. In the largest metropolitan media areas where many, many of us come from, here is what is now possible. One company in your hometown, your metropolitan area, can own three television stations, three, in your hometown; eight radio stations at the same time; the biggest newspaper in town even if it is the only newspaper in town at the same time; and the entire cable system in your hometown even if it includes the all-news channel on cable plus all of the Internet news Web sites that attach to all of those sites.

So listen again, my friends. The FCC has decided in your hometown that one company can own three TV stations, eight radio stations, the only newspaper in town, and the entire cable system including the all-news cable channel. That is absurd. That is crazy. They did not decide that one company can own one TV station and one newspaper. No. That is not what this debate is about. If they had been more tailored, if they had been more restrictive, if they had expanded on some commonsense basis, we would not be out here right now. They did not do that. Every single industry that came in and asked them for something, they said ''yes'' to.

I am the author, in 1995, with the gentleman from North Carolina (Mr. BURR) and Sonny Montgomery, of the 35 percent rule. That is my amendment here. And so I am glad that that is included in the appropriations bill. But I think everyone should understand the consequences of what the FCC is doing and it is coming to your hometown soon. It just goes too far. No one should have that kind of power. The kind of power that one company is now going to have in your hometown will make Citizen Kane look like an underachiever. It is too much in one company at one time. It has to be tailored.

I am glad that this 35 percent rule was included. I think it is important that it was included. It is essential in having a better balance between the networks and the individual communities across the country. And I understand the debate which is going on as to what is the best tactical way of proceeding from here, and I have to respect the incredibly great work that the gentleman from Wisconsin (Mr.

OBEY) did and the gentleman from Michigan (Mr. DINGELL) and the gentleman from North Carolina (Mr. BURR) and the gentleman from New York (Mr. SERRANO) in getting the language in on the 35 percent rule. It is very important. Very important. But there are many other very important issues as well, and I outlined the worst-case scenario; and it is now the law, with one hearing, one hearing held in Richmond, Virginia, where all the lobbyists from Washington just got on the train and went down there for a day.

Personally, I am going to vote for the Hinchey amendment; but I hope you all understand that while it may not pass today that there are big stakes that America is facing as this change is made in American life.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. KING of Iowa:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to engage in negotiations respecting a trade agreement with another country which creates or expands a nonimmigrant visa category authorizing the temporary entry of professionals into the United States.

Mr. KING of Iowa. Mr. Chairman, I appreciate the opportunity to offer this amendment. I am going to do something slightly unusual and simply read it since it is short and it does describe what it does. It says, ''None of the funds made available in this Act may be used to engage in negotiations respecting a trade agreement with another country which creates or expands a nonimmigrant visa category authorizing the temporary entry of professionals into the United States.''

Mr. Chairman, this issue arises out of our U.S. Trade Representative's including nonimmigration status, created a whole new category; it was a ''W'' category that now we have changed into H–1Bs. It is being included now in at least discussions in other trade agreements across Central and South America. And so I rise today to offer an amendment to prevent the United States Trade Representative from negotiating changes to U.S. immigration law in trade agreements with other countries. Our Constitution in article 1, section 8, gives Congress, not the U.S. Trade Representative, plenary power over immigration.

Immigration policy does not belong in free trade agreements. My amendment provides that none of the funds appropriated by the bill may be used by the United States Trade Representative to negotiate trade agreements which create or expand a nonimmigrant visa category authorizing the temporary entry of professionals into the United States.

Recently, the U.S. Trade Representative has negotiated free trade agreements which contain immigration provisions that infringe upon the plenary power of Congress over immigration matters. The first draft of the implementing legislation for the Chile and Singapore free trade agreements included the creation of a new ''W'' category for visas for professional workers. Only after the Trade Representative received serious resistance from the Committee on the Judiciary did they agree to slightly change the immigration provisions to accommodate some, but not all, of the concerns of the Committee on the Judiciary.

The inclusion of immigration provisions in the Chile and Singapore agreements is especially troubling since the agreements will likely be used as a template for future free trade agreements, including those with Central America, Southern Africa, Australia, Morocco and others. The U.S. Trade Representative has negotiated these immigration provisions without any authority or decision to do so from Congress. With my amendment, Congress can reassert congressional primacy over immigration law.

The United States Trade Representative's practice of proposing new immigration law in the context of bilateral or multilateral trade negotiations usurps Congress' constitutional responsibility for immigration law. Trade Promotion Authority eliminates our ability to amend such proposals, taking the plenary power over immigration out of the hands of Congress. We cannot allow this to continue and must prevent the U.S. Trade Representative from agreeing to include immigration provisions in trade agreements.

The practice of including immigration provisions that usurp congressional authority is not limited to the Chile and Singapore trade agreements. The North American Free Trade Agreement and the General Agreement on Trade in Services both included such provisions. In NAFTA, the Clinton administration USTR agreed to a limitless professional worker visa category containing not even a prevailing wage requirement. In GATS, the USTR divested from future Congresses the ability to make possibly crucial modifications to the H–1B visa program.

I am not opposed to free trade agreements. In fact, I am a free trader. We need to make trade agreements with other countries, for example, to increase our agriculture exports. However, the Trade Representative does not need to change immigration law to achieve that goal. As Members of Congress, we often disagree as to what our immigration policy should be, but we are all united in the belief that the responsibility for crafting an immigration policy belongs to Congress, not the executive branch; and we take our duty seriously.

I ask Members to support my amendment.

Mr. WOLF. Mr. Chairman, I move to strike the last word. I understand the gentleman from Iowa is going to withdraw the amendment, and I appreciate that; but I think Members ought to understand that the gentleman raises a very, very valid and very, very important point. I voted for Fast Track. I voted for it without the administration asking me to vote for it. But he makes a very valid point, so I hope someone from the Trade Representative's Office is listening to what the gentleman is trying to say here.

We have a 6.4 percent unemployment rate in the country; and there are many of these workers, moms and dads, who desperately want to return to work. So I do appreciate the fact that the gentleman from Iowa is going to withdraw it. I know the gentleman from Illinois (Mr. CRANE) is going to address the amendment.

□ 1745

But the Trade Representative's Office ought to be paying attention to the King amendment and paying attention to what the gentleman from Iowa (Mr. KING) is saying, or else I think this issue will be dealt with later on.

So I thank the gentleman for offering the amendment.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment offered by the gentleman from Iowa. The international mobility of business professionals has become an increasingly important aspect of our competitive markets for both suppliers and consumers. Facilitating the movement of professionals allows trade partners to more efficiently provide each other with services such as architecture, engineering, consulting, and construction. TPA establishes that the principal negotiating objective regarding trade in services is to reduce or eliminate barriers to international trade in services.

Each trade negotiation the United States enters, like Chile and Singapore, is approached individually to determine if the conclusion of a temporary entry chapter will benefit U.S. trade in services, and if so, whether a section on temporary entry of professionals is needed in the agreement.

The Chile and Singapore Free Trade Agreements contain provisions allowing for the temporary entry of business professionals into the other party to facilitate trade in services.

This amendment would potentially limit our ability to discuss our current obligations under NAFTA, Chile and Singapore.

This amendment would also encourage other industries that would like their issues taken off the table in future negotiations to offer amendments.

The administration worked diligently to address concerns on temporary entry in the Singapore and Chile FTA, and it is very sensitive to Members' concerns regarding the inclusion of temporary entry provisions in free trade agreements.

USTR inherited a tradition of including such temporary entry provisions in trade agreements from prior administrations. These provisions are used to facilitate trade in services which is a predominant economic interest in the U.S.

My experience with Ambassador Zoellick is that he is very sensitive and responsive to congressional concerns, and I am confident that he will be in this regard as well.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from California for yielding.

Just a few quick points to make on the remarks made by the gentleman. First of all, it is Congress' authority to establish immigration policy, and when we open up and provide that opportunity to the U.S. Trade Representative to inject immigration issues into any and all trade agreements that they might make, that is voluntarily giving up congressional authority that is constitutionally vested in the United States Congress.

We have a responsibility to defend our oath of office, which is to uphold the Constitution of the United States; and once we move outside of that, our Founding Fathers knew better. That is why they put that in the Constitution.

We are not allowed to amend a trade agreement. So by not being allowed to amend a trade agreement, that means that they can inject immigration issues into a trade agreement and those of us who believe in free trade, but do not believe that we should set up the authority with a Trade Representative to bring in any limit of immigration, that puts us in a position of having to decide, devil's choice, are we for the trade or are we against immigration policy?

So it is Congress' authority.

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

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDMENT OFFERED BY MR. ROHRABACHER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROHRABACHER:

Page 103, after line 26, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

Mr. ROHRABACHER. Mr. Chairman, this amendment offered by the gentleman from California (Mr. HONDA) and me supports the rights of former American prisoners of war who were captured at the fall of Bataan, the Philippines, in 1942. They were used as slave labor by Japanese corporations during the rest of the Second World War.

These heroes survived the Bataan Death March only to be transported to Japan and elsewhere in infamous death ships. They were then forced to labor for Japanese corporations under the most horrendous circumstances one can imagine. Private employees of these corporations tortured and physically abused our American POWs while the corporations withheld essential medical care and even the most minimal amount of food. All of this, and when it was over, they were not even permitted to be compensated by the Japanese corporations that used them as slave labor.

Perhaps the worst part of this nightmare is that these American heroes have been thwarted in their efforts to secure for themselves just compensation and an apology, and they are being thwarted by our own State Department, which claims they have no right to sue.

My amendment to H.R. 2799 would prohibit any funds in the act from being used by the United States Government to prevent our POWs from seeking a fair hearing in civil court against the Japanese companies that used them as slave labor.

We are told, of course, that if the American POWs seek this compensation from these Japanese corporations, that it would be an insult to the corporate leaders in Japan who led these corporations or an insult to the Japanese people. Ironically, even while we are being told this, the Japanese have extended favorable reparation terms to other victims from other countries, and they continue to settle war claims for people of other countries. But, of course, those other countries have their governments fighting for the rights of their people rather than trying to undermine the rights of their greatest heroes.

Unfortunately, to date, our State Department continues to argue in court against our POWs, touting a ridiculously restrictive reading of the peace treaty between the United States and Japan. In that, our State Department is now betraying our own POWs in order to protect Japanese corporations that used them as slave labor during the war. If our State Department is doing that, it is wrong; and it is therefore up to this Congress to pass this bill to force our State Department to get out of the way of our POWs and let them have their day in court, because every time our POWs come forth to sue these Japanese corporations, our State Department is there arguing against them and tearing down their arguments.

This is not the first time that we have taken on this issue to try to prevent this from happening to our American heroes. On July 18 of 2001, this amendment passed in the House with a resounding vote of 395 to 33. It was also agreed to on September 10, 2001, in identical form by a majority in the United States Senate.

It is a disgrace that this amendment, after having been approved by both Houses of Congress in identical terms, was pulled out of the bill and did not make it into the conference report; thus, behind closed doors, our POWs were again betrayed.

Is this a democracy where if a majority of people in both Houses vote for something, it does not stay in the bill, that someone can just take it out? No. I think that we have got to try to correct this situation now; and if we stand up today, we send a message that this kind of behavior, making these kind of decisions behind closed doors, is unacceptable. And what better issue to draw the line against this practice than in protecting the rights of some of America's greatest heroes?

I would hope that we can once again put restrictions into this bill that will prevent the State Department from using any of these funds that we authorize or appropriate today to prevent our own POWs from suing Japanese corporations that used them as slave labor during the Second World War.

Which side are we on? It comes down to that. Which side are we on? On the side of America's greatest heroes or are we more concerned with the sensibilities of big Japanese corporations who used our heroes as slaves?

I urge my colleagues to join me in supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OTTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OTTER:

At the end of the bill (before the short title), insert the following:

Section . None of the funds made available in this act may be used to seek a delay under Section 3103a(b) of title 18 United States Code.

Mr. OTTER. Mr. Chairman, over 200 years ago when the formulation of this great republic was being put together, John Stuart Mill sat down and probably put the essence of this government in writing better than anyone could. ''A people,'' he said, ''may prefer a free government, but if from indolence or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; if they will not fight for it when it is directly attacked; if by momentary discouragement or temporary panic, they can be deluded by the artifices used to cheat them out of it; or if in a fit of enthusiasm for an individual, they can be induced to lay their liberties at the feet of even a great man, in all these cases, they are more or less unfit for liberty. And though it may have been to their good to have had it for a short time, they are unlikely long to enjoy it.''

The United States PATRIOT Act was well intentioned, Mr. Chairman, especially during a time of uncertainty and panic. However, now we have had a chance to step back and examine it objectively. The legislation deserves serious reevaluation. While I agree with some of the new powers granted to the Federal law enforcement authorities that may be, and I stress ''may be,'' necessary, many more are unjustified and are dangerously undermining our civil liberties.

We have the opportunity to revisit these sections of the USA PATRIOT Act and to correct these mistakes from those first frenzied weeks after September 11, 2001.

One provision, section 213, allows delayed notification of the execution of a search warrant. It authorizes no-knock searches of private residences, our homes, either physically or electronically. By putting off notice of the execution of a warrant, even delaying it indefinitely, section 213 of the USA PATRIOT Act prevents people, or even their attorneys, from reviewing the warrant for correctness in legalities.

These ''sneak and peek'' searches give the government the power to repeatedly search a private residence without informing the residents that he or she is the target of an investigation. Not only does this provision allow the seizure of personal property and business records without notification, but it also opens the door to nationwide search warrants and allows the CIA and the NSA to operate domestically.

American citizens, whom the government has pledged to protect from terrorist activities, now find themselves the victims of the very weapon designed to uproot their enemies.

It is in defense of these freedoms that I offer this amendment today to the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for the fiscal year 2004 bill. This amendment would prohibit any funds from being used to carry out section 213 of the USA PATRIOT Act as signed into law on October 26, 2001. Through the passage of this amendment, Americans would have reinstated a different kind of security, one giving them renewed confidence in their government in tirelessly protecting their individual freedom from unjustified and unnecessary intrusion.

Being secure at the expense of our freedom is no real security. Like many Idahoans who have come to me with their concerns about the USA PATRIOT Act and in passionate defense of their freedoms, we must continue to examine our actions to correct our mistakes to guard against the apathy or the indifference to safeguarding our liberties.

To these Federal agencies, it is a house, it is a building, it is a business; but to us, Mr. Chairman, it is our homes, and there is nothing more sacred than homes in America because it is the foundation on which we build our families. It is the arsenal in which the virtue and hope of every generation resides, and it is the fundamental primer of any free people.

□ 1800

We can, with the adoption of this first alteration to the PATRIOT Act, begin the reclamation of our title of a Nation as a people fit for liberty.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, without really knowing completely what it does. Let me just say if anyone from the Justice Department is listening, is there an office of legislative counsel down there who can give opinions? Hello, is there a policy office down there?

This would be a mistake, though. We are amending the PATRIOT Act, this is not an appropriations issue, on the floor of the House. The gentleman may very well be right, and he seems to have pretty good information, but he may not be. So for us to amend the PATRIOT Act in this bill, I think would be a mistake.

This is not an appropriate amendment for an appropriations bill. This is clearly for the authorizers; this is clearly for the Department of Justice to come up and sit down with the gentleman from Idaho (Mr. OTTER) and discuss this with him. This is clearly for the legislative counsel of the Department of Justice to address.

The gentleman from Idaho (Mr. OTTER) may very well be right. The gentleman from Idaho (Mr. OTTER) may not be right. But undoing a statute with a funding limitation at 6 o'clock at night without knowing what the ramifications are is not really the way to legislate.

So because of that, not because the gentleman from Idaho (Mr. OTTER) is wrong, I want to stress again he may very well be right; and then again, I want to stress he may not be, but I also want to stress that the Department of Justice is AWOL on this issue with regard to coming and sharing with the Congress, and with the gentleman from Idaho (Mr. OTTER), some of the concerns. But in an appropriations bill, I do not think it would be appropriate to amend the PATRIOT Act, without having extensive and deep debate.

So with that, I oppose the amendment. I would be glad, as I said, to set up meetings, should this amendment fail, with the Justice Department and the gentleman from Idaho (Mr. OTTER) so we can get to the bottom, to make sure whether what the gentleman from Idaho (Mr. OTTER) said is true or not true.

With that, I oppose the amendment.

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

Mr. Chairman, I rise in opposition to the amendment, and I would refer the gentleman to my earlier comments about civil liberties and the issues which are contained within the PATRIOT Act.

I may not totally end up on the side of disagreeing with the gentleman once some more research is done. My problem with the amendment is that lately we have been seeing a lot of amendments on this bill, both in committee and on the floor, where we fully do not know the full impact.

That may sound to some people as a contradiction to the fact that I would want to be the leader in changing and I would lead the charge in changing the PATRIOT Act. So I understand that, if there is concern, the gentleman has to be respected for that. But this is an issue that we really need to consult with many people on, and we just do not think it should be done on this particular bill.

With that in mind, not only would I oppose it, but I would hope the gentleman would reconsider and withdraw his amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from Idaho (Mr. OTTER) and am proud to join with him and the gentleman from Texas (Mr. PAUL) in cosponsoring it.

It has been said that Members may not know the impact of this amendment. This amendment seeks to deny funds which would be used to carry out section 213 of the PATRIOT Act, which allows for so-called sneak-and-peak searches. It has been said that Members may not know the impact of this amendment.

Let it be stated here that when this House passed the PATRIOT Act, most Members, as diligent as they are, nevertheless did not have access to see the very bill they were voting on, that, in fact, we were not voting on at 6 o'clock in the afternoon, we were voting on in the dead of night. In an atmosphere of apprehension and confusion and chaos, the Congress passed the PATRIOT Act, which has led to a destructive undermining of numerous provisions of the Bill of Rights. The amendment of the gentleman from Idaho (Mr. OTTER) is the first opportunity that we have had

in this House to correct something that has been a grievous assault on our Constitution.

We are offering this amendment to restore integrity to the fourth amendment by denying funds from being used to carry out section 213 of the PATRIOT Act, that section which allows for the sneak-and-peak searches. Common law has always required that the government cannot enter your property without you and must, therefore, give you notice before it executes a search. That knock-and-announce principle has long been recognized as having been codified in the fourth amendment to the United States Constitution.

The PATRIOT Act, however, unconstitutionally amended the Federal Rules of Criminal Procedure to allow the government to conduct searches without notifying the subjects, at least until long after the search has been executed. Let me tell you what this means. This means that under this law, this law which was passed by the Congress, the government can enter your house, your apartment, your office, with a search warrant, when the occupants are away, search through your property, take photographs, and, in some cases, even seize property and not tell you until later. This effectively guts the fourth amendment protections.

In response to questioning by the Committee on the Judiciary, the Department of Justice makes it clear that the fourth amendment is already in peril as a result of section 213. Listen to this box score of their activity: the Department of Justice reports that sneak-and-peak searches have been used on 47 separate occasions and that the period of delay for notification has been sought almost 250 times. I would suggest to you just once constitutes a threat to our Bill of Rights.

These secret warrants have been used in Federal criminal investigations not necessarily related to terrorist investigations.

Notice with a warrant is a crucial check on the government's power. It forces authorities to operate in the open. It allows citizens to protect their constitutional rights. For example, it allows subjects to point out problems with a warrant, for instance, if the police are at the wrong address or if the scope of the warrant is obviously being exceeded.

If, for example, authorities in search of a stolen car go into someone's apartment and rifle through a dresser drawer, search warrants rightly contain limits on what may be searched. But when the searching authorities have utter control and discretion over a search, American citizens are unable to defend their constitutional rights.

This assault on the fourth amendment is wrong, it is unconstitutional, it is un-American; and it must stop. I would ask my colleagues to recall the oft-invoked words of a great American, Benjamin Franklin, who once said: ''Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety.''

I say today that section 213 of the PATRIOT Act destroys an essential liberty. The Otter amendment restores it.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. PAUL. Mr. Chairman, I rise in support of this amendment. I want to compliment the gentleman from Idaho (Mr. OTTER) for bringing this to the floor.

When the PATRIOT Act was passed, it was in the passions following 9/11, and that bill should have never been passed. It was brought up carelessly, casually, in a rapid manner. The bill that had been discussed in the Committee on the Judiciary was removed during the night before we voted. The full text of this bill was very difficult to find. I am convinced that very few Members were able to review this bill before voting. That bill should have never passed. We certainly should continue to maintain the sunset provisions. But that is a long way off, and we should be starting to reform and improve this particular piece of legislation. This is our first chance to do so.

I have had many Members in the Congress come to me and on the quiet admit to me that voting for the PATRIOT Act was the worst bill and the worst vote they have ever cast; and this will give them an opportunity to change it, although this is very narrow. It is too bad we could not have made this more broad, and it is too bad we are not going to get to vote on the amendment of the gentleman from Vermont (Mr. SANDERS) to make sure that without the proper search warrant that the Federal Government would not have access to the library records.

But there is no need ever to sacrifice liberty in order to maintain security. I feel more secure when I have more liberty; and that is why I am a defender of liberty, because my main concern is security, both in the physical sense as well as the financial sense. I think the freer the country is, the more prosperous we are; and the freer the country is, the more secure we are.

Yet it was in the atmosphere of post-9/11 that so many were anxious to respond to what they perceived as demands by the people to do something. But just to do something, if you are doing the wrong thing, what good is it? You are doing more harm.

But my main argument is that there is never a need to sacrifice liberty in order to protect liberty, and that is why we would like to at least remove this clause that allows sneak-and-peak search warrants.

It took hundreds, if not thousands, of years to develop this concept that governments do not have the right to break in without the proper procedures and without probable cause. And yet we threw that out the window in this post-9/11 atmosphere, and we gave away a lot.

Yes, we talked about numbers of dozens of examples of times when our government has used this and abused it. But that is only the beginning. It is the principle. If they had only done it once, if they had not done it, this should still be taken care of, because as time goes on, and if we adapt to this process, it will be used more and more, and that is throwing away a big and important chunk of our Constitution, the fourth amendment.

Not only should we do whatever we can to reform that legislation, but we already know that there is a PATRIOT Act No. 2. It has not been given to us, the Congress; but the administration has it for the future. It is available, but we have only gotten to see it from the Internet.

In that bill there is a proposal that the government can strip us of our citizenship, and then anybody then stripped of their citizenship could be put into the situation that many foreigners find themselves in at Guantanamo before the military tribunals.

I see this as a very, very important issue, if anybody cares about liberty, if anybody cares about personal freedom and the rule of law and the need for probable cause before our government comes barging into our houses. It has been under the guise of drug laws that have in the past instituted many of these abuses, but this is much worse. This has been put into an explicit piece of legislation, and the American people and this Congress ought to become very alert to this and realize how serious the PATRIOT Act is.

I hope that the Congress and our colleagues here will support this amendment. It is very necessary, and it will be voting for the Constitution; and it will be voting for liberty if we support this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to congratulate the gentleman from Texas (Mr. PAUL) who just spoke. It is a cliche in this House that almost no speeches change people's minds, but I think this speech is one occasion when it has certainly changed mine, and I want to thank the gentleman for that.

Originally, when I first heard the amendment offered, I thought, well, this is not the right place for this, and it is not; and I thought there may be ramifications to this that we do not understand, and there probably are. But I have full confidence in the ability of the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) to see to it that that is fixed in conference if this amendment is adopted.

The reason I have changed my mind listening to the gentleman from Texas and the reason I intend to support this amendment is because of the history of the PATRIOT Act.

□ 1815

When the first act was brought to this House floor, I voted ''present'' because this House had no idea what was in it. We were asked to vote blind. And as a protest to doing that, even in the heat of 9–11, I voted ''present'' to signify that I did not feel that I knew enough about the contents of that bill to vote for it.

When it came back from conference, I very reluctantly voted ''yes,'' because I thought there were some things in it that, because of what I had learned in classified briefings, we needed to face. Things like being able to go after multiple telephones rather than just being able to target one telephone number of a suspected terrorist, for instance. So I assumed that given the unifying approach that the administration at that point had been taking after 9–11, I assumed the Justice Department would exercise those authorities with restraint. I was wrong.

I believe this Attorney General has far overreached legitimate boundaries. I often disagree with The Washington Post, but I have to congratulate their constant drumbeat of editorials in support of preserving the values of the Constitution that protect individual freedom and privacy. And when I see the Justice Department overreach, as it has, and when I see them assert the claim that they have a right to lock up anybody they want without any kind of court review whatsoever, I am appalled and chagrined and horrified.

So in my view, anything that can be done to push the Justice Department back a little bit closer to the Constitution, anything that can be done to reinforce Congress's determination to give PATRIOT II a far tougher scrutiny than it gave PATRIOT I, I am willing to do.

So I congratulate the gentleman from Texas (Mr. PAUL), because my first reaction was that we did not know enough about the effect of this amendment to adopt the amendment. But upon reflection, after hearing the gentleman, I conclude that we know far too much about how PATRIOT I has been used not to adopt this amendment. As I say, the gentleman from Virginia is correct, that there may be problems with this; but I really think we have the capacity to fix those problems in conference if there are problems.

Mr. Chairman, I want the Justice Department to have to come to us and assure us that the way they are enforcing the law that we have given them the authority to enforce is the correct way. I do not want us to have to go hat in hand to the Justice Department asking them to defend the Constitution.

So I would at this point simply say I think the gentleman is right. We ought to adopt this amendment if for no other reason than to send a message to the Justice Department that we want respect for law demonstrated by the Justice Department as well as average citizens of this country.

I thank the gentleman for his speech, and I thank the gentleman for offering the amendment.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find myself feeling good that once today I can agree with the gentleman from Wisconsin (Mr. OBEY), and that is that the gentleman from Idaho (Mr. OTTER) has brought forth a very important amendment which is addressing an issue that I believe millions of Americans from very different political perspectives, whether they are conservatives, like the gentleman from Idaho (Mr. OTTER), or progressives like myself, or people in between, are demanding a tough examination of, and that is the U.S.A. PATRIOT Act.

Everybody in our country knows that on 9–11, 2001, a dastardly attack took place against our country and 3,000 innocent people were killed. And every Member of this Chamber pledges to do everything that we can to protect the American people from other acts of terrorism and to do everything that we can to wipe out terrorism throughout the world.

But what some of us very strongly believe is that we should not be undermining basic American constitutional rights in the fight against terrorism. We have strong law enforcement capabilities in this country to fight terrorism, and we have to support our law enforcement officials to do that. But we can fight terrorism without denying the American people their basic constitutional rights, and that is the point that I think the gentleman from Idaho (Mr. OTTER) is making today.

As my colleagues know, I am very disappointed on a similar issue, section 215, which deals with the FBI going into libraries and book stores all over this country with virtually no probable cause. That issue is not being debated. But I applaud my friend from Idaho for demanding that this body begin, just begin to take a hard look at the U.S.A. PATRIOT Act, which passed so swiftly through this body where I think many honest Members will acknowledge that they really did not have the time to look at all aspects of that legislation.

So I rise in strong support of the Otter amendment, and I hope that it carries.

Mr. TANCREDO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is a lot of discussion as to whether or not this is an appropriate time or the appropriate place to debate this issue. Certainly there will be more debate to come. But this is as good a time as any, and as good a place as any, because it is a good amendment that definitely needs to be heard.

Mr. Chairman, I yield to the gentleman from Idaho.

Mr. OTTER. Mr. Chairman, I thank those who have engaged in the debate, whether one is for or against this amendment.

But there is one thing I must notice and bring to everybody's attention, Mr. Chairman, and that is that pound for pound, we have debated this amendment longer than we debated the PATRIOT Act. We passed the PATRIOT Act in 45 days. The smoke was still coming up out of the rubble in New York City and at the Pentagon, and who could not be torn by still hearing the cries and the pain of the victims and the families of those victims.

But now we have an opportunity to reflect back on what have we done. I have to tell my colleagues that the comments that have been made relative to, is this the proper time or is this the proper place, I am just so thankful that our Founding Fathers did not sit around and say that. It was the time. It was the place. And that is the legacy that they gave us; and that legacy demands that whenever the opportunity arises, we have an obligation to stand and to stand firm to make sure that the liberties of the American people are foremost. There is only one purpose for government, one purpose for government, and that is to defend us in the peaceful exercise of our liberties.

So I am hoping, once again, as my friend, the gentleman from Vermont (Mr. SANDERS), said, that this will be the first in the piece-by-piece taking back the freedoms and the liberties that we have, while leaving some of the PATRIOT Act in place. The proper role of government, the proper role of government is to defend us in the free and peaceful exercise of our liberties and in our homes, and not to take those away from us.

So I pray, I hope that today we begin that process, and I invite the gentleman from Wisconsin and all others who will want to participate in that to join me.

Mr. FEENEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, I want to rise to express a lot of empathy and sympathy with the concerns expressed on the Otter amendment. I think that they are very legitimate questions. I think some of the concerns about the rapidity with which the PATRIOT I Act was passed in the aftermath of a huge American historic tragedy are legitimate concerns. But the rapidity with which we are passing this amendment in some ways reflects the problems that some of the proponents of the amendment are suggesting the original PATRIOT Act is guilty of.

I will tell my colleagues that it is important to have deliberation and thoughtfulness as we go through the process of striking a new balance. I think all of us will recognize that the last time the mainland of the United States was attacked by a foreign power before September 11 was in 1812. All of us here are civil libertarians, but defining the balance between order and liberty is a constant struggle with new technologies, with new challenges.

When was the last time that we as Americans before September 11 literally thought about the terror of a potential biological, chemical, nuclear attack from a foreign power? This is a whole new set of balancing that we have to do within the great framework that the founders provided us in the Constitution. And I agree with the gentleman from Idaho (Mr. OTTER) and the proponents of this amendment that we need to have careful and thoughtful reflection, and we need to be constantly dealing with balancing these new issues.

But I do believe that the best place to do that is through the subcommittee process, in committees like the Committee on the Judiciary, which I serve on. We hear expert testimony from civil libertarians and law professors, from prosecutors and defense attorneys, from people throughout the country who have expertise in advising us, as the body that represents the people of the United States in a democratic fashion, but also in a fashion that respects the constitutional framework.

I personally am a huge civil libertarian, and there is much in the suggestion that the gentleman from Idaho (Mr. OTTER) and the proponents have of this amendment with which I hugely sympathize. But I will tell my colleagues this: in a new day when all of our children and all of our grandchildren are constantly under threat of biological, chemical, or nuclear terror, which was not true, 10, 15, 20, 30 years ago, the time for us has come to move into the 21st century in terms of preparing the defense of the homeland. That is why we created an Office of Homeland Security.

Now, let me address the merits of the amendment itself, because with all due respect, there is some suggestion that the PATRIOT Act radically changed the process of delayed notification. The question is when a subpoena is issued, are there times when actual prior notification to the recipient of the subpoena can be waived; and the answer is, it has always been true, or at least far before September 11, that in most circuits in the United States, Federal courts have allowed the delayed notification. But several things are required.

Number one, one would think from listening to some of the debate that any prosecutor or any sheriff or any law enforcement agent or any FBI agent could go in and subpoena records and tell people only after the fact that their records had been confiscated and reviewed by the government. That is a scary thought, but it is simply not accurate. The truth of the matter is that in all events, 213 requires that a judge make a decision. The authority is based on a court order and a court order alone. So a judge is going to review all of the potential evidence in the case to determine whether or not the delayed notification is warranted.

I want the people to understand throughout America when courts are in power, and the only time they are in power to approve delayed notification, courts can delay notice only when immediate notification, in other words, prior notification, might result in the death or physical harm of an individual.

Imagine the events leading up to September 11 and the intelligence we now know, if we had been better prepared to put it together, assimilate it, understand what it meant. Courts can only delay notification if the death or physical harm of an individual is impacted, or when there is flight from prosecution; and we had some 19 terrorists floating around America that we now know organized the September 11 events; evidence tampering, or witness intimidation.

Mr. Chairman, I would suggest that the Otter amendment raises concerns that I share, and those concerns are that we have to balance in a new technological world, in a world of new threats, liberty and order and security and homeland security. I would suggest that the issues raised here are appropriate to debate. We will be debating them for years, dare I say decades; but I do not think the place to debate them is in the appropriation bill of the gentleman from Virginia (Mr. WOLF).

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from Idaho (Mr. OTTER).

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

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

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

AMENDMENT OFFERED BY MR. TANCREDO

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for ''DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' may be used to assist any State or local government entity or official that prohibits or restricts any government entity or official from sending to, or receiving from, the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security information regarding the citizenship or immigration status of an individual, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

□ 1830

Mr. TANCREDO. Mr. Chairman, in 1996, this body passed the Illegal Immigration Reform and Immigration Responsibility Act. Other provisions of that act, it is noted in the amendment, state that ''Notwithstanding any of the provisions of Federal, State or local law, a Federal, State or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.''

Now, this was a good provision of law. I am glad it was passed and that President Clinton signed it. The only problem with this particular law is that there is no sanction should any State, local or any other agency choose to violate the law. So this amendment is similar to the one I offered during consideration of the Homeland Security appropriations bill.

Outrage is often expressed by Members of this House when corporations flee from the United States seeking some sort of tax haven off the coast of America, yet dare to seek Federal funds in the several appropriations and tax bills that we pass in this body. They are indignant; and I, by the way, share the feeling of indignation.

In that same vein, I think it is outrageous to have cities and States applying for law enforcement funds under this act when they passed laws and ordinances, which has been done in several cities and States around the country, that actually prevent the law enforcement agencies in those cities from sharing information with or obtaining information from the Immigration and Naturalization Service, or as it is now known, the Bureau of Immigration and Customs.

Unfortunately, there are cities in the United States that have disregarded the law. Recently, as a matter of fact, the City of New York rescinded an ordinance that it had on the books for 20 years that had prohibited police officers from communicating with the INS.

Mr. Chairman, there are several cities in the United States that have chosen to pass legislation, pass laws that in fact restrict the ability of their own police forces in many cases from sharing information with the now Bureau of Immigration and Customs. This is a violation of law, the law that we have on the books.

I am not trying to expand the law. I am simply trying to do something that would help us enforce the law.

It is a very simple amendment. It says that if you make that choice as a city or State to make America a more dangerous place by refusing to share data with or accept data from Federal immigration authorities, that you will forgo State and local law enforcement assistance funds. If a city or State makes an affirmative choice to thumb their nose at the Federal law, then they get no Federal money under the provisions of this particular act; it is as simple as that.

There are, in fact, right now we have, Lord knows, how many immigration

policies being operated in the country. And the question we have to ask ourselves is, how many should there be and who should be responsible for setting immigration policy? Is it not the position, is it not the sole responsibility of the Federal Government to set immigration policies? And yet we have it now happening all over the country that cities are determining their own.

Well, I guess if we cannot stop that from happening, at least what we can do is say, they cannot apply for Federal funds under this particular provision of the act. That is really all it does. It does not actually restrict any money from flowing to any city because all they have to do is, of course, abide by the law that is already on the books.

I guess I have to keep reiterating, because I know on the last discussion we had on the matter there was a lot of concern about whether or not we were creating a brand-new law. I repeat, this is not creating new law. It is simply asking for some sort of enforcement mechanism or sanction for a city that decides to actually violate the law. That is all there is to it.

It has no significance in terms of immigration policy. There was a lot of discussion about that, whether we were changing that. It is simply reinforcing the fact that the United States of America, the Federal Government, has the sole responsibility to set immigration policy. We cannot let States and cities do their own all over the country. Something has to be done to change that. This is my attempt to do just that.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Colorado (Mr. TANCREDO), is a good friend, and I appreciate all the good work he has done on Sudan and the Sudan Peace Act and other issues. It is painful to rise in opposition to this.

This amendment is exactly what we did before on the Homeland Security bill. There was a vote on the Homeland Security appropriations bill, the Rogers bill, it was 106 for the Tancredo amendment, 322 against. We are facing this issue again.

In this subcommittee we do not have jurisdiction over the Bureau of Immigration and Customs Enforcement. That is under the jurisdiction of Homeland Security appropriations and not this subcommittee.

Also, I understand the gentleman's amendment could result, or probably would result, in the States not being able to receive funding under State and local law enforcement assistance. It could have a devastating impact on resources made available to State and local law enforcement and to citizens that are involved. It could result in States losing tens of millions of dollars in programs such as the Byrne program. People are complaining that there is not enough money in here for the Byrne program; this amendment would reduce that.

The SCAAP program, the budget request has zeroed out SCAAP. We have it at $400 million. That would be impacted, drug courts, State prison drug treatment programs. So to punish the State and local law enforcement, I believe, is not the way. Also, this amendment really should have been offered as it was drafted and it is more appropriate for the Homeland Security bill. We do not have the jurisdiction over the Bureau of Immigration and Customs Enforcement.

So I oppose the amendment and would urge Members to vote no. This amendment is basically what we did several weeks ago, the amendment failed 322 against and 122 for.

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

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

Mr. OBEY. Mr. Chairman, I would just like to reiterate what the gentleman from Virginia (Mr. WOLF) said. Rather than taking a long time speaking against this amendment, I think Members should understand that the House has already turned this proposition down by a vote of 322 to 102.

We will have copies of that previous rollcall here at the desk if Members want to know how they voted on previous occasions.

I thank the gentleman for yielding.

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I listen to this debate, I think there is a point that needs to be clarified and that is what the gentleman from Colorado (Mr. TANCREDO) seeks to do is simply say that if you are a local government and you have passed an ordinance that prohibits your employees from cooperating with Federal law by providing information to, and this is the Federal law, specifically, the Illegal Immigration Reform and Immigration Responsibility Act of 1996. We have out here about a baker's dozen of major cities in this country that have passed an ordinance saying we are going to be a safe haven and we will not cooperate with the Federal entities or Federal law, and the ordinance says so.

So if we are going to have any linkage at all between Federal dollars and this rule of law that requires cooperation between all levels of government, we need to put some strings in here; and that is what we have done.

I was rather taken aback some years ago when the fairly new city of El Cenizo, Texas, precluded their employees from complying with Federal agents. I thought that was an anomaly; instead, it is becoming a standard.

With regard to the comment that there is no jurisdiction over the Bureau of Immigration and Customs in this committee, I do agree with that particular statement as far as the jurisdiction is concerned. But we need to have a hook in here. This is dollars, and it just says that if you have an ordinance that prohibits your people from complying with this Federal law, we are not going to allow the dollars to go then to that particular political subdivision or community.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, I rise in opposition to the amendment. Very briefly, this amendment runs the risk, as others have, of breaking down local relationships that law enforcement has tried to build with some communities.

Picture, if you will, the situation that a lot of police departments throughout this Nation have in large cities especially and in other communities where they are trying on a daily basis to build a relationship with folks that are just coming to the country. In many instances, and this we can attest to, whether you have been born here, whether you have just arrived here, whether you are a citizen or you are not, the whole idea of dealing with the Immigration Department is one that strikes fear in the hearts of many people and it is across the board.

Police departments, local law enforcement are aware of this and part of their relationship building has been the fact that they have always been seen as something other than the Immigration Department.

Now, to continue to try to force local law enforcement to, in fact, act as immigration officers just breaks down the ability of those relationships to be put together. So, therefore, if you take a situation where, and police have said this over and over again in other issues where they were asked to participate in these kinds of behavior where they said, look, if we need to know who committed a crime, if we need to know what is going on in a neighborhood, if we need to know how to go in and deal with issues of crime and other forms of abuse, we need the confidence of the community we are dealing with.

If they think in any way, shape or form that we are only dealing with immigration issues or that we are, in fact, immigration officers, we lose the ability to deal with this community, we lose the ability to have them as supporters of what we do.

Now, this amendment says, and if you choose to build those relationships and if you choose to act in that way and we find out, we will withhold from you dollars, very valuable dollars, that go to all the issues we have discussed here in the fight against crime and all the issues that we need to take care of locally.

So I really think that this is an ill-conceived notion. It was defeated before. As the gentleman from Wisconsin (Mr. OBEY) said, Members can come and look at their vote. It was defeated strongly in this House and it should be defeated again.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Colorado (Mr. TANCREDO) with this amendment declares war on Los Angeles and a number of other cities

throughout this country. He takes a city that is desperately trying to increase the size of the police force, using its own resources and utilizing State and Federal resources where they are available, to expand, to remove itself from the distinction of being one of the most under-policed cities in the country and says, You are no longer eligible for the Byrne program. You are no longer eligible for local law enforcement assistance block grants. You are no longer eligible for more than a billion dollars of funds appropriated by this bill to help local law enforcement around the country.

Why? Well, the gentleman would have you believe it is because the City of Los Angeles and other jurisdictions, State and local, around this country, have chosen to try to promote and protect undocumented immigrants who have come to this country. But the truth is very far from that.

The problem is, there are millions and millions of undocumented people in this country, and if they are going to report when they are the victims of rapes and robberies and assaults and other violent crimes that their immigration status will be referred to the INS, they are not going to report those crimes. And where witnesses know that if they come forward to report what they have observed in terms of violent crime, their names are going to be referred to the INS, they are not going to come forward. And local law enforcement in many jurisdictions has concluded that their mission of trying to deter and apprehend violent criminals and incarcerate them is going to be seriously impeded by the policy the gentleman seeks to advocate. They have undertaken their own policies to try to encourage people to come forward.

Now, to tell those cities and States and counties around this country that because they have undertaken those policies, they are ineligible for one dollar of any of the Federal grant programs to help local law enforcement to build up their ranks, provide the bulletproof vests, provide the technology and the crime labs to deal with any of these very important missions, they are ineligible.

This is a reckless and unfortunate amendment.

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

Mr. BERMAN. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, I would like to ask the gentleman, he has been here in the Congress for several years. Does the gentleman recall if he voted for the Illegal Immigration Reform and Immigrant Responsibility Act of 1996?

Mr. BERMAN. I know I opposed the bill that came out of the conference committee.

Mr. TANCREDO. I know that many of the gentlemen who have spoken here did, in fact, vote for it. I do not know if the gentleman did.

Mr. BERMAN. I am telling you how I voted.

Mr. TANCREDO. You opposed the bill?

Mr. BERMAN. I opposed the bill that came out of the conference committee.

Mr. TANCREDO. Then you have a right, of course, to argue with the concept. But many of the people who already argued against the bill voted for the original bill.

Mr. BERMAN. Reclaiming my time, I not only have a right, but I have a duty to try and protect the jurisdiction that I represent in this body from a Draconian, harsh, unjustified amendment which seeks to cut off all funding.

If the gentleman wants to promote this policy, let him introduce a bill. Let it go through the Committee on the Judiciary. Let it go through the regular process. But do not render L.A. and a number of other jurisdictions throughout this country ineligible for local law enforcement assistance in order to promote his very narrow and, I think, self-defeating ideological agenda.

□ 1845

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

Mr. BERMAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply say that all of us, regardless of how we voted on the original bill, have an obligation to determine whether or not this amendment will contribute to reduced effectiveness of law enforcement or enhanced effectiveness of law enforcement, and obviously 322 Members of the House the last time around recognized it would contribute to a lowered standard of law enforcement, which is what they ought to recognize on this amendment again tonight.

Mr. BERMAN. Mr. Chairman, reclaiming my time, just my final comment on this, the gentleman is absolutely correct. Policies are initiated not about philosophical positions on the question of how to deal with undocumented people in this country or illegal immigrants in this country. The question is how best for law enforcement to serve their local missions; and to have this body come in and seek to intrude on that process by shutting off the means that we have decided are worthy to help local law enforcement have the manpower and the technology and the resources to apprehend violent criminals, I think is just crazy; and I urge this body to defeat this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, one of Mr. TANCREDO's amendments would impose restrictions on the Department of Justice with respect to making funds available to assist State and local law enforcement programs. Such financial assistance would be denied to a State of local government that has prohibited its police forces or other government entities from providing information about the immigration status of aliens to the Department of Homeland Security.

In fact, State and local governments are already prohibited from imposing such restrictions on their police forces and other government entities by section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. § 1373(a). It is apparent, therefore, that the threat of losing financial assistance is not necessary. The conduct addressed by Mr. TANCREDO'S amendment can be stopped already on the basis of the fact that it is unlawful.

Mr. TANCREDO's other amendment would prevent the Department of State from receiving funds that would be used to assist foreign governments in the development of consular identification cards. It is not apparent why the State Department would be using funds for that purpose in the first place.

Nevertheless, if a foreign government requested such assistance, I do not believe that it would be improper to provide it. For instance, our government may be able to provide valuable assistance to some foreign governments with respect to such things as high security devices for preventing the creation of fraudulent consular identification cards.

I urge you to vote against both of these amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

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

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

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

AMENDMENT OFFERED BY MR. OSE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OSE:

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

Mr. OSE. Mr. Chairman, I rise before my colleagues today to offer an amendment to the Commerce-Justice-State and the Judiciary appropriations bill to prohibit funds to the Department of State for the issuance of visas to child abductors and their immediate family and agents who aid and abet these child abductors.

Despite an increasingly high level of congressional and public concern regarding the tragedy of international parental child abduction and wrongful retention of American children abroad, the plight of American children persists.

The State Department reports 1,000 international parental abductions of children annually. Between 1973 and 1991, about 4,000 American children were reported to the U.S. State Department as abducted by a parent and taken across an international border.

In fact, estimates of the actual total exceed 10,000 American children.

The House Committee on Government Reform, of which I am a member, has held numerous hearings on this matter, and I want to thank the gentleman from Indiana (Mr. BURTON) during his tenure for his guidance on that. I have heard heart-wrenching testimony from mothers and fathers who have lost their children through child abduction, and I have heard from children who have returned to the U.S. as victims of child abduction.

Under current law, we have remedies for returning children who are abducted to nations that have signed the Hague Convention on the Civil Aspects of International Child Abduction. However, for nonsignatory nations, there are few remedies.

One specific provision of current law denies visas for admission to the United States for child abductors, their immediate family or agents, who aid or abet a child abductor. Our amendment will prohibit funding to the State Department for any violation of this act. It is important for the State Department to utilize all available remedies for applying pressure for the return of these abducted children.

I again want to thank the gentleman from Indiana (Mr. BURTON) and want to add my appreciation and compliments to the gentleman from Texas (Mr. LAMPSON) and the gentlewoman from New York (Mrs. MALONEY) for their support of this amendment. I have had significant conversations with the gentleman from Virginia (Mr. WOLF) about this, and he is very attentive to this issue.

We are all too familiar with cases of abducted children. It is time for our foreign counterparts to take notice of the 10,000 American children who have been abducted overseas. This is a nonpartisan issue that none of us can afford to ignore any longer.

Mr. Chairman, if I may, there are two classes of countries. There are countries that have signed the Hague Convention, and there are countries that have not signed the Hague Convention. My limitation addresses those that have not signed the limitation; and it is consistent with 8 U.S. Code 1182, which is an existing law in the Immigration and Naturalization Act allowing the Secretary of State to deny visas to people who he has been notified have been involved in the abduction and retention of children in violation of a court order.

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

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

Mr. WOLF. Mr. Chairman, I just would say I strongly support the amendment and want to thank the gentleman from California (Mr. OSE) and the gentleman from Indiana (Mr. BURTON) and the gentleman from Texas (Mr. LAMPSON) and the gentlewoman from New York (Mrs. MALONEY) for this. This has been a real problem, and I think what the gentleman has done is going to force this to be addressed.

I know that the gentleman from Indiana (Mr. BURTON) has done an outstanding job with regard to the Saudi government. I saw the ''60 Minutes'' piece; and when we talk to these moms, these children have not been released.

So I will vote for the amendment, support the amendment. I think it is a great amendment; and with that, I want to again thank the gentleman from California (Mr. OSE) and the gentleman from Indiana (Mr. BURTON) and all the others.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

I want to thank the gentleman from California (Mr. OSE) for working on this. He has been a real leader in showing concern for these mothers who have had their children kidnapped to Saudi Arabia and elsewhere, never to be seen again or heard from again; and I want to thank the chairman of the committee, the gentleman from Virginia (Mr. WOLF). He has been a fighter for human rights for a long, long time; and this is another manifestation of his dedication to making sure that human rights are realized.

Let me just tell my colleagues one story, and then I will yield back my time. We had a young lady from Terre Haute, Indiana. She had three children. She was married to a Saudi who had gone to college over here. They were divorced, and he went back to Saudi Arabia.

The mother was very concerned when he wanted to visit the children for the summer, have them visit him, that he would take them to Saudi Arabia and she would not see them anymore. So she went to the judge and she told the judge of her concern, and the judge said, well, we cannot very well keep the father from seeing his children. However, we will tell the Saudi embassy of the divorce decree and that you have custody of the children and that they are not to be taken out of the country, and we will tell the father that he is not to take the children out of the country.

They told the father when he got the children he was not to take the children out of the country. He could have them for a couple of weeks in the summer and return them to the mother. He said he would. His passport and the passports of the children were surrendered.

He got the children. He went to the Saudi embassy in Washington, D.C. They issued passports for the children, even though there was a court order against it, and the mother had custody. He took the children to Saudi Arabia, three children; and the mother has not seen the children or talked to them since. Maybe she talked to them one time on the telephone.

This is just one example of the tragedy that has been taking place regarding these children who are being kidnapped to Saudi Arabia and other countries throughout the world, and the gentleman from California's (Mr. OSE) amendment will be a giant step in the right direction to put pressure on the Saudi Government to assist in returning these children to their rightful parent, the parent who has custody of them.

There are other issues regarding this sort of thing, women who have been kidnapped to Saudi Arabia, who cannot get back because of the Saudi laws and because men, in effect, own the women over there and the children. So we are continuing to try to put pressure on them, and the gentleman from California's (Mr. OSE) amendment is a giant step in the right direction in dealing with this, and I want to thank him and the gentleman from Virginia (Mr. WOLF) and all of the cosponsors of the bill.

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

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. OSE. Mr. Chairman, I want to clarify the critical piece on this 8 U.S. Code 1182 is a notification process for the Secretary of State to receive notice from the families that an issue involving the foreign alien and these children has arisen. The Secretary of State's office, in our conversation with them, will receive a fax, a registered letter, a phone call, an e-mail, all these things; and my purpose in bringing that up is to try and establish a legislative history that the Congress is comfortable with any one of those singular forms of communications as long as it can be substantiated in a court of law that the Secretary of State has been put on notice. So I thank the gentleman for yielding.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for that clarification.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of the Ose/Burton/Lampson/Maloney amendment.

This amendment speaks directly to the American children who have been torn apart from their parents and are being held against their will in a foreign country that does not observe the many rights American citizens enjoy in this country.

Between 1973 and 1991, roughly 4,000 American children were reported to the U.S. State Department as abducted by a parent and taken across an international border.

We have heard from the worst of these cases in the Government Reform Committee which include young children, American mothers, and Saudi fathers.

Saudi men wield an extraordinary amount of control and power over women and children in Saudi Arabia.

Children cannot travel without the approval of their father, often, the very person who kidnaped them to a foreign country.

Women are not allowed to drive a car.

They cannot walk outside without completely covering themselves with an abaya.

And, women are prohibited from studying certain subjects in school.

These are just a few examples of the breach of basic human rights that is at the root of the problem of child abduction.

Women in Saudi Arabia have very few rights and the result is the tragic child custody cases where families are broken apart and children are stripped from one of their parents.

The United States has long taken a lead in creating a mechanism for the return of children abducted internationally and was instrumental in the negotiation of the Hague Convention on the Civil Aspects of International Child Abduction.

The Convention provides a civil legal mechanism in the country where the child is located for parents to seek the return of, and access to, their child.

Since the Kingdom of Saudi Arabia is not a signatory to the Convention, these rules do not apply, and the result is that children suffer.

I remind my colleagues that we must not forget that we are talking about real people, real daughters and sons who are separated from a parent.

Each time a parent abducts, or wrongfully retains a child from his or her home, and prevents the child from having a relationship with the other parent, the trauma to the child is immediate and compounded each day the child is not returned home.

This amendment will provide a tool for the State Department to help American children reunite with their families.

It is the least we can do.

I urge a ''yes' vote on this amendment.

Mr. OSE's amendment would bar funding by the State Department to issue entry visas for anyone who violates U.S. child abduction laws and those relatives who aid and abet them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. OSE).

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

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

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 10 offered by the gentleman from Texas (Mr. PAUL); amendment offered by the gentleman from Indiana (Mr. HOSTETTLER); amendment No. 2 offered by the gentleman from New York (Mr. HINCHEY); amendment offered by the gentleman from Idaho (Mr. OTTER); amendment offered by the gentleman from Colorado (Mr. TANCREDO); amendment offered by the gentleman from California (Mr. OSE).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 10 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. The vote on the Ose amendment will be postponed to later this evening.

The vote was taken by electronic device, and there were—ayes 145, noes 279, not voting 10, as follows:

[Roll No. 405]

AYES—145

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
LaTourette
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McInnis
McIntyre
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Putnam
Rehberg
Renzi
Reynolds
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Wamp
Weldon (FL)
Whitfield
Wilson (SC)
Young (AK)
Young (FL)

NOES—279

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown, Corrine
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—10

Berkley
Brown (OH)
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Hensarling
Kelly
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1917

Ms. MCCOLLUM, Mrs. MILLER of Michigan and Messrs. WELLER, BOEHLERT and DEFAZIO changed their vote from ''aye'' to ''no.''

Ms. HART, Messrs. SHIMKUS, JANKLOW, GREEN of Wisconsin, PETERSON of Pennsylvania and CRENSHAW, Mrs. NORTHUP and Mr. HALL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PICKERING. Mr. Chairman, on rollcall No. 405 I inadvertently voted ''no.'' I intended to vote ''yea.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 307, noes 119, not voting 8, as follows:

[Roll No. 406]

AYES—307

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McNulty
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Wynn
Young (AK)
Young (FL)

NOES—119

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Blumenauer
Capps
Capuano
Carson (IN)
Case
Castle
Clay
Clyburn
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley (CA)
Emanuel
Eshoo
Evans
Farr
Filner
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind
Kolbe
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKeon
Meehan
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Snyder
Solis
Stark
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Wexler
Wolf
Woolsey

NOT VOTING—8

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Hensarling
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1926

Mr. GILCHREST changed his vote from ''aye'' to ''no.''

Mr. SWEENEY and Mr. PASTOR changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 254, not voting 7, as follows:

[Roll No. 407]

AYES—174

Abercrombie
Ackerman
Akin
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Capito
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Doolittle
Duncan
Dunn
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Gibbons
Gillmor
Gingrey
Green (WI)
Grijalva
Gutierrez
Gutknecht
Harman
Hayworth
Hill
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Kanjorski
Kaptur
Kelly
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (GA)
Lipinski
Lofgren
Lowey
Majette
Maloney
Markey
Marshall
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Northup
Oberstar
Olver
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Petri
Platts
Price (NC)
Rangel
Renzi
Rodriguez
Rogers (MI)
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Walsh
Watson
Watt
Waxman
Weiner

Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—254

Aderholt
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Edwards
Emanuel
Emerson
English
Everett
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kennedy (MN)
Kennedy (RI)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Meeks (NY)
Mica
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Payne
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—7

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1934

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OTTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho (Mr. OTTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 309, noes 118, not voting 7, as follows:

[Roll No. 408]

AYES—309

Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Burns
Burr
Calvert
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Forbes
Frank (MA)
Franks (AZ)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—118

Abercrombie
Aderholt
Ballenger
Bass
Beauprez
Blackburn
Boehlert
Bonilla
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Collins
Cox
Cunningham
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Feeney
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Harman
Hart
Hayes
Herger
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kline
Knollenberg
Kolbe
Lewis (CA)
LoBiondo
McInnis
McKeon
Miller (MI)
Miller (NC)
Miller, Gary
Murphy
Northup
Norwood
Nunes
Oxley
Pearce
Pence
Pitts
Platts
Quinn
Ramstad
Regula
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Simmons
Smith (MI)
Smith (TX)
Souder
Sweeney
Tauzin
Thomas
Thornberry
Tiahrt
Turner (OH)
Upton
Vitter
Walsh
Weller
Wilson (NM)
Wolf

NOT VOTING—7

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1942

Mr. FOSSELLA changed his vote from ''aye'' to ''no.''

Mr. BLUMENAUER changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 122, noes 305, not voting 7, as follows:

[Roll No. 409]

AYES—122

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bereuter
Bilirakis
Blackburn
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Camp
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeMint
Doolittle
Duncan
Emerson
Everett
Feeney
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hayes
Hayworth
Hefley
Herger
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Putnam
Ramstad
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)

NOES—305

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Ballenger
Bass
Beauprez
Becerra
Bell
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Calvert
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fletcher
Foley
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain on this vote.

□ 1958

Mr. CUMMINGS changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FOSSELLA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FOSSELLA:

At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO CERTAIN UNITED NATIONS ENTITIES

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

□ 2000

Mr. FOSSELLA. Mr. Chairman, I ask the body, what do Libya, Cuba, North Korea, Iraq, Iran, and other nations have in common, other than being oppressive, dictatorial regimes? Well, what they have in common is that at one time or another, they have served as Chair of commissions or organizations within the United Nations.

So what my amendment does, based on legislation introduced earlier this year, is it essentially blocks funding to organizations, commissions, or other bodies headed by nations on a terrorist watch list. Specifically, it would block U.S. taxpayer dollars from being disbursed to the United Nations if the money is used for committees headed by nations that have repeatedly provided support for acts of international terrorism.

Now, by way of example, I think a vivid example, I should say, is essentially what happened earlier this year with the Commission on Human Rights, or the Conference on Disarmament. These very commissions are dominated by nations opposed to the very concepts by which those commissions are named. Last month's outrage was Cuba. The dictatorship's brutal crackdown included the execution of three men for trying to escape Cuba and imprisoned dozens of others for daring to speak out. They have a vital role on the Commission on Human Rights. The U.N. said nothing about the crackdown, but Cuba was then elected to another term to serve on the panel. Ironically, the chairman, or the Chair country of that Commission on Human Rights, is Libya.

At the beginning of the year, Iraq was going to head the Conference on Disarmament. Iraq did not take over, but remained on the commission, the Commission on Disarmament. Iran

chaired the conference instead. Also on the Disarmament Committee is North Korea. I just think that this is symptomatic of a lot of carelessness at the United Nations.

There are many who think that the United Nations can play a pivotal and vital role in securing the world's peace. But from time to time, the only language it seems they understand is the power of the purse.

So all this amendment does is if one of these nations, and I think everybody in good conscience can look at these nations and say they represent not only what the brutal regimes are all about, but really are inconsistent with fundamental universal values, I would suggest that the money is withheld. Very simply put, I think it is common sense. After all, the U.S. provides almost 22 percent of the U.N. budget, which currently stands at about $222 million; and what we are suggesting is that if one of these nations on the State Department list of terrorist nations is heading one of these commissions, the money is withheld.

With that, I urge adoption of this amendment.

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

Mr. Chairman, the State Department has been in touch with the committee, and I want to share with the Members their position. They said that this is an amendment that they strongly oppose. They go on to say, we the State Department, have taken a hard stand against Libya, a country that supports terrorism and has a dismal human rights record in its election to chair the Commission on Human Rights. In calling for a vote, the State Department said that they forced members to take a stand on this issue, and everyone knew what the U.S. position was.

They end by saying that withdrawing support by withholding part of our assessed contributions, thus accumulating arrears and eliminating funding for U.S. participation in these bodies, weakens our effectiveness and would be counterproductive.

That is the position of the State Department.

This amendment would prohibit U.S. contributions for activities funded within the budgets of the U.N. or its affiliated agencies whose decision-making bodies (e.g., commission) are chaired by a member state which supports acts of international terrorism (as determined by the Secretary under section 6(j)(1) of the Export Administration Act of 1979).

The Administration fully agrees that U.N. bodies should not be headed or chaired by member states which sponsor or support international terrorism.

We have made these views abundantly clear over the past year.

We took a hard stand against Libya, a country that supports terrorism and has a dismal human rights record, in its election to chair the Commission on Human Rights. In calling for a vote, we forced members to take a stand on this issue, and everyone knew the U.S. position.

We also work hard to keep states that support international terrorism off the U.N. Security Council.

But we strongly believe that withholding funding for bodies chaired by such states will not help us achieve our policy goals at the U.N.

To effect change at the U.N., we need to remain fully engaged, which is our goal and our plan.

Withdrawing support by withholding part of our assessed contributions—thus accumulating arrears—and eliminating funding for U.S. participation in these bodies weakens our effectiveness, and would be counterproductive.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that my colleague from New York makes some very strong points. The problem with his amendment and the reason I rise in opposition to it is that I believe that while we may not be happy with some of the folks that make up some of the organizations that are part of the U.N. and other international organizations, for that matter, it is in the best interests of our country, it is in the best interests of our foreign policy to be engaged in these organizations, rather than withdraw from them and not support them.

So while his points are well taken, and I am sure that if we sat down around a table we would not disagree on some of the makeup of these organizations, to withdraw from them, not to be supportive, not to pay our dues is, in fact, one, to turn our back on the ability to do some good work by those organizations and secondly, and most importantly, if we sort of take our marbles or take our basketball and go home, we do not get to participate and, therefore, we do not get to speak about the same issues that the gentleman from New York is concerned about.

So for those reasons, I would join the chairman in opposing the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOSTETTLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOSTETTLER:

Insert in an appropriate place the following:

SEC. . None of the funds appropriated in this Act may be used to enforce the judgment of the United States Court of Appeals for the Eleventh Circuit in Glassroth v. Moore, decided July 1, 2003 or Glassroth v. Moore, 229 F. Supp. 2d 1067 (M. D. Ala. 2002).

Mr. HOSTETTLER. Mr. Chairman, in Glassroth v. Moore, the 11th Circuit Court of Appeals ruled that the Alabama Supreme Court Chief Justice Roy Moore violated the establishment clause of the first amendment to the Constitution by placing a granite monument of the Ten Commandments in the rotunda of the Alabama State judicial building in Montgomery, Alabama. In the court's words, ''The rule of law does require that every person obey judicial orders when all available means of appealing them have been exhausted.''

In this statement, Mr. Chairman, the court plainly shows that it believes itself to be the chief lawmaker whose orders become law. But, in fact, Mr. Chairman, this is inconsistent with both the Constitution and article I, section 8, and, in fact, Federal statute, which says that the United States Marshal Service shall execute ''all lawful writs, process, and orders of the U.S. district courts, U.S. Courts of Appeal and the Court of International Trade, 28 U.S.C. 566(c).

In reality, Mr. Chairman, the founders of this great Nation foresaw this problem and wrote about it. And when they developed our form of government, they said this, according to Alexander Hamilton in Federalist No. 78: ''Whoever attentively considers the different departments of power must perceive that in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in capacity to annoy or injure them.

''The executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment, and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.''

Mr. Chairman, given the fact that the judiciary has neither force nor will, it is left to the executive and the legislative branches to exert that force and will.

We have heard tonight that the executive branch wants to argue the Newdow case that was spoken of earlier and may hear that the executive branch wants to argue in favor of the display of the 10 Commandments in that case. We will allow, therefore, the executive branch to leave these decisions in the hands of the judiciary who, a few years ago, concluded that sodomy can be regulated by the States, but most recently said that sodomy was just short of a fundamental right that is enshrined in our United States Constitution.

But the framers of the Constitution never intended for the fickle sentiments of as few as five people in black robes unelected and unaccountable to the people to have the power to make such fundamental decisions for society. That power was crafted and reserved for the legislature, and one of the mechanisms that was entrusted to us was the power of the purse.

Mr. Chairman, time and again I am sure that our colleagues are asked about ridiculous decisions made by the Federal courts, and many of us say that there is nothing we can do. Mr. Chairman, today, we can do something. We do not have to put our faith in the faint possibility that some day five people in black robes will wake up and see that they have usurped the authority to legislate and will constrain themselves from straying from their constitutional boundaries.

Mr. Chairman, it might be suggested that we do not want this legislation to disrupt the judicial process in the interim between the Circuit Court of Appeals process and the Supreme Court. It is not my intention to do that tonight. In fact, I welcome the highest Court's review of this decision; and I say tonight that if they get it wrong, I will exercise the power of the purse again and defund the enforcement of that inane decision.

Mr. Chairman, today is a great opportunity for us to learn the powers of the legislature vis-a-vis the judiciary. After this vote, Mr. Chairman, and the vote to defund the Ninth Circuit's decision to effectively remove the phrase ''under God'' from the Pledge of Allegiance, sour constituents will ask us, Congressman, do we, your constituents, have a voice in these most fundamental decisions, and we do not need to wait on a new Supreme Court Justice who may or may not, today or tomorrow, inject common sense into the decisions of the Supreme Court?

Mr. Chairman, we will be able to tell them, Yes, you do have a fundamental say.

And it is for that reason, Mr. Chairman, that I have offered this amendment to the Commerce, Justice, State, and the Judiciary Appropriations Act. This legislation is where we find any funding in any executive agency that would enforce the 11th Circuit's judgment in this case. My amendment would prevent any funds within that act from being used to enforce that erroneous decision in Glassroth v. Moore. I ask my colleagues to support the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is a classic. In the long history of this institution, there have been many amendments offered on the floor of this Chamber. Never has an amendment been offered that did less than this amendment does tonight. It does not matter how people vote. No matter what side one is on on the question of separation of church and State or the Ten Commandments or anything else, it does not matter how one votes, because this amendment does not do nothing to nobody.

All this amendment does is to say that the Justice Department cannot enforce the decision that the gentleman does not like. The only problem is the Justice Department does not enforce this decision anyway. The Justice Department has already made quite clear that this is a ''let us pretend'' amendment. It pretends that we are doing something to protect the Ten Commandments.

I would suggest that rather than offering amendments that pretend to do that, if we want to protect the Ten Commandments, we will simply start by following them in our own lives and in our own careers. That will do a whole lot more than pretending that we are preventing the Justice Department from enforcing a decision which they would not be enforcing anyway.

So I could not care less how one votes on the amendment because it does not have any effect whatsoever. If the gentleman wants to take the time of this body to offer do-nothing amendments, be my guest; but I hope Members are not under an illusion.

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

Mr. OBEY. No, I will not. This is my time. The gentleman has had his time.

Mr. HOSTETTLER. I just asked the gentleman to yield.

Mr. OBEY. And I said no, and I do not intend to yield for the remainder of my time, okay?

Mr. HOSTETTLER. Is this in compliance with the Ten Commandments?

Mr. OBEY. Mr. Chairman, who has the floor?

The CHAIRMAN. The gentleman from Wisconsin has the time.

Mr. OBEY. Mr. Chairman, I suggest the gentleman from Indiana start following the Ten Commandments in terms of the way he treats people on this floor. This is my time. It is not funny.

Mr. Chairman, I would simply close by saying, vote however you want. This is a free vote. It is one of those votes that Members often offer in hopes that the public can be convinced we are actually doing something at 8:15 at night; but with all due respect on this amendment, we are not. So vote any way you want, just do not be under the illusion that when you do so, you are protecting the Ten Commandments. It does not. I could care less what the vote is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

RECORDED VOTE

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

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

□ 2015

AMENDMENT NO. 1 OFFERED BY MR. HINCHEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

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

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the debate on amendment No. 1 offered by the gentleman from New York (Mr. HINCHEY) and any amendment thereto be limited to 60 minutes to be equally divided and controlled by the proponent and myself, the opponent.

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

There was no objection.

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

Mr. Chairman, this amendment is a simple limitation that would prevent the Justice Department from using any of the funds appropriated to it by this bill to interfere with the implementation of State laws that allow for the use of marijuana for medicinal purposes under the supervision of a licensed physician.

During the past several years 10 States, Alaska Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon and Washington State, have passed laws that decriminalize the use of marijuana for medical purposes. With the exception of Hawaii and Maryland, all of these laws were passed by referendum and the average vote in each of those eight States was more than 60 percent approval. These State laws are not free-for-alls that open the doors to wholesale legalization as critics claim. Rather, in every case, they specify in great detail the illnesses for which patients may use marijuana for medicinal purposes, the amounts the patients may possess, and the conditions under which it can be grown and obtained. Most establish a State registry and an identification card for patients.

Federal law classifies marijuana as a Schedule I narcotic with no permissible medical use. Despite the difficulty of conducting clinical trials on such a drug, it has been highly effective in treating symptoms of AIDS, cancer, multiple sclerosis, glaucoma and other serious medical conditions. In fact, the Institute of Medicine of the National Academy of Sciences has recommended smoking marijuana for certain medical uses.

The AIDS Action Council, the American Academy of Family Physicians, the American Nurses Association, the American Preventative Medical Association, the American Public Health Association, Kaiser Permanente, and the New England Journal of Medicine

have all endorsed supervised access to medical marijuana.

Internationally, the Canadian Government has adopted regulations for the use of medical marijuana in that country to our immediate north. In addition, the British Medical Association, the French Ministry of Health, the Israel Health Ministry, and the Australian National Task Force on Cannabis have all recommended the use of medical marijuana.

Here at home, however, our Federal Government has been unequivocal in its opposition to the citizen-led initiatives in the States that I mentioned. After California voters approved Proposition 215 in 1996, the Clinton Justice Department brought suit against both doctors and distributors in an attempt to shut down the new California State law.

Federal courts upheld the right of doctors to talk to their patients about medical marijuana. The Supreme Court, however, ruled that it is a violation of Federal law to distribute marijuana for medicinal purposes. Despite State laws that protect patients from State prosecution, the Supreme Court cleared the way for the Federal Government to enforce Federal laws against those individuals, nevertheless complying with laws in their own States.

Attorney General Ashcroft has vigorously enforced this decision, choosing to prosecute patients and distributors, which makes passage of this amendment critical to the States that have enacted laws for the medicinal use of marijuana. This amendment would prevent the Justice Department from arresting, prosecuting, suing or otherwise discouraging doctors, patients and distributors in those States from acting in compliance with their State laws.

This amendment in no way endorses marijuana for recreational use, not in any way. It does not reclassify marijuana to a less restrictive schedule of narcotic. It does not require any State to adopt a medical marijuana law. It will not prevent Federal officials from enforcing drug laws against drug kingpins, narco-traffickers, street dealers, habitual criminals, addicts, recreational users or anyone other than people who are complying with the laws of their own State with regard to the medical use of marijuana.

By limiting the Justice Department in this way, we will be reaffirming the power of citizen democracy and State and local government. I urge my colleagues to vote ''yes'' on this amendment.

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

Mr. WOLF. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in very strong opposition to this amendment. The Grand Lodge of the Fraternal Order of Police wrote a letter and said, ''Dear Mr. Chairman'' to the gentleman from Indiana (Mr. SOUDER), ''I am writing to advise you of the strong opposition of the membership of the Fraternal Order of Police to an amendment to be offered today by Representative Maurice Hinchey to the appropriations measure on the Departments of Commerce, Justice, State which would effectively prohibit the enforcement of Federal law with respect to marijuana in States that do not provide penalties for the use of the drug for so-called 'medical' reasons.''

It ends by saying, ''The Hinchey amendment threatens to cause a significant disruptive effect on the combined efforts of State and local law enforcement officials to reduce drug crime in every region of the Nation.''

In the year 2001, the Supreme Court issued a notwithstanding rule and held that marijuana is a Schedule I controlled substance under the Controlled Substance Act. It has no currently accepted medical use and treatment in the United States. There are other drugs that now can take its place. It cannot be used outside the FDA-approved DEA-registered research.

Marijuana is the most abused drug in America. More young people are now in treatment for marijuana dependency and for alcohol than for all the other illegal drugs. Marijuana use also presents a danger to others beyond the users themselves. In a roadside study of reckless drivers who are not impaired by alcohol, 45 percent tested positive for marijuana.

It sends the wrong message. What a message it sends. I urge the defeat of the amendment which was, I might say, defeated in the full committee.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, July 22, 2003.

Hon. MARK SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to advise you of the strong opposition of the membership of the Fraternal Order of Police to an amendment to be offered today by Representative Maurice D. Hinchey to H.R. 2799, the appropriations measure for the Department of Commerce, Justice, State and the Judiciary, which would effectively prohibit enforcement of Federal law with respect to marijuana in States that do not provide penalties for the use of the drug for so-called ''medical'' reasons.

In these States, Federal enforcement is the only effective enforcement of the laws prohibiting the possession and use of marijuana. Federal efforts provide the sole deterrent to the use of harder drugs and the commission of other crimes, including violent crimes and crimes against property, which go hand-in-hand with drug use and drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals for methamphetamines, and in the State of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin on many of our nation's streets.

The Hinchey amendment threatens to cause a significant disruptive effect on the combined efforts of State and local law enforcement to reduce drug crime in every region of the country. On behalf of the more than 308,000 members of the Fraternal Order of Police, we urge its defeat. If I can be of any further help on this issue, please feel free to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS COALITION,
West Covina, CA, July 22, 2003.

Hon. MARK SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN SOUDER: I am writing to let you know of the strong opposition of the 60,000 state and local law enforcement officers in 40 states who are members of the NNOAC to an amendment to be offered today to the Commerce/Justice/State Appropriations bill that would effectively prohibit enforcement of federal marijuana law in states that do not provide penalties for the use of so-called ''medical'' marijuana.

Because even a modest amount of federal marijuana enforcement is now the only effective enforcement of the marijuana laws in several such states, it provides a strong deterrent effect to the use of harder drugs and other crimes, including violent crimes and crimes against property. Federal investigations of marijuana producers also serve to disrupt larger drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals for methamphetamines, and in the State of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin.

The Hinchey amendment threatens to cause a significant disruptive effect on state and local law enforcement of both drug laws and of other crimes affecting public safety in states where it would apply. We strongly encourage Members of Congress who support their local police officers and law enforcement to oppose this amendment.

Sincerely,

RONALD E. BROOKS,
President.

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

Mr. HINCHEY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR).

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

I am one of the cosponsors of this, and I would like to first point out that the last statement you heard by your distinguished chairman is not about the amendment. This amendment does not legalize marijuana. I repeat, it does not legalize marijuana.

It is a very straightforward amendment. It removes the Federal interference from local law, from local affairs where States have adopted through their legislative process or initiative process, a limited use of marijuana for medical purposes only. And in most cases, in all the cases I know, it has to be dispensed by a doctor.

And the reason this amendment passed in California is because the elderly community, oftentimes suffering from pain, felt this was a remedy for pain. And the voters of California said, you should not deny this as long as it is being used in the medical arena. That is all this amendment does.

It says, Federal Government, get off the back of those States that have used their legal process to have a limited use of marijuana for medical purposes. And those States are Alaska, California, Colorado, Maine, Nevada, Oregon, Washington, and the District of Columbia. The States of Hawaii and Maryland have also passed the laws through their legislatures.

This is not about legalization of marijuana. This is just saying, Federal Government, where those States have adopted those laws, just stay off their backs. The attorneys general of these States, the law enforcement in these communities, they support these operations.

I know, because in Santa Cruz County they were very, very upset and petitioned when the Federal Government came in and did a raid. It upset everybody.

So this process of not allowing States to go forward, I think, is wrong. This amendment provides States with voter-given authority to promulgate regulations to control the limited, limited, limited use of marijuana for medicinal purposes. It is an amendment about States' rights. It is about the sacredness of the electoral process and the sanctity of the citizens' votes. It is about treating people as if they have instructed their government to do so.

That is all this amendment does. A very narrow, limiting amendment. Please adopt it.

Mr. WOLF. Mr. Chairman, I yield 8½ minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, this amendment is not about what it purports to be about. It is bad amendment for so many reasons that I can barely touch on.

First, let me clarify that the FOP, the Fraternal Order of Police, exactly knows what amendment we are talking about. In fact, in their letter, echoed also by a letter we received from the National Narcotics Officers' Association Coalition says specifically this:

''Federal investigations of marijuana producers also serve to disrupt larger drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals, for methamphetamines, and in the State of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin'' on many of our Nation's streets.

These officers in California and Washington, these States, opposed the referendums. They warned the people about what was going to happen and what they see happening in many places in these States.

Let me reiterate a couple of basic points. It does not help sick people. First, this amendment is not about helping sick people. There are no generally recognized health benefits to smoking marijuana. We heard a false reference earlier to the Institutes of Medicine report where in it its verdicts said marijuana is not modern medicine. They issued a warning particularly against smoking marijuana in that report which, admittedly, was mixed, but did not endorse medicinal marijuana.

The FDA has not considered or approved marijuana for this use. Its active ingredient, THC, is available in an improved pill form for those who want to use it. In fact, as people have said, there are many dangerous products that have ingredients in them that can be helpful, but that does not mean that the carrier of it, such as marijuana, is in fact medicinal. It is something inside that.

In fact, I, as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources recently met with officials from The Netherlands and in their Office of Medical Cannabis, even that nation, which is generally recognized for its extremely liberal drug policies, specifically has rejected the use of smoked marijuana for so-called ''medicinal purposes,'' which these State referendums do not do.

The American Lung Association has said that marijuana contains 50 to 70 percent more of some cancer-causing tobacco smoke. This is very dangerous.

Furthermore, in a recent article by the Deputy Director of ONDCP, Andrea Barthwell called The Haze of Misinformation Clouds the Issue of Medicinal Marijuana, she eloquently wrote, ''Before the passage of the Pure Food and Drug Act in 1907, Americans were exposed to a host of patent medicine cure-alls, everything from vegetable folk remedies to dangerous mixtures with morphine. The major component of most 'cures' was alcohol, which probably explained why people said they felt better.''

What we are hearing now is the same kind of classic peddling on the street of remedies that, in fact, are not remedies, when there are legal remedies to address the same question. The compounds in marijuana plants may have some medicinal marijuana but that is not marijuana and can be gotten elsewhere.

Secondly, it makes no legal or governmental sense. In fact, it is fairly embarrassing we have this amendment on the floor. This amendment is premised on two extremely curious principles, first, that the Justice Department should not enforce a clear Federal law on the books; and as acknowledged by the sponsor of amendment and other supporters, the Supreme Court has ruled that States cannot usurp Federal law.

If the sponsor of the amendment believes that Federal law should permit the medicinal use for marijuana, he ought to go through the legislative process and change the law. But the Justice Department, the DEA, and Members of Congress, I might add, have sworn an oath to support and defend the Constitution of the United States which requires enforcement of the laws of the United States; and it is an incredibly dangerous precedent to retreat from that.

Second, to ask Federal law enforcement to look the other way in some States, but not others is unfair and probably unconstitutional selective enforcement of a law.

This amendment would only apply in certain States. So someone in Washington State would be exempt from enforcement of Federal marijuana laws if they claim it is for medicinal purposes, but someone in Indiana would not. What kind of law is this?

In fact, we fought a Civil War over this. It is called nullification. States do not have the right. How would the minority feel, those who are advocating this, if civil rights laws could be overturned at the Federal level, and we said we were not going to enforce Federal rights because State can nullify a Federal law?

If you want to change a Federal law, have the courage to change the Federal law. Do not try to nullify a Federal law.

□ 2030

It makes no police sense. In the States listed in the bill, the Federal Government is the only entity now doing effective marijuana enforcement. This bill would end that enforcement, even though the States in question are some of the most active drug States, and there are clear ties between marijuana traffic and ties in harder drugs, as well as marijuana traffic and other violent crime.

In the State of Washington, for example, streams of high-potency marijuana are selling for more in Indiana and New York and Boston than cocaine and heroin because its HTC content is not what we saw in the 1960s, 2 to 4 percent, but in the 18 to 30 percent range. That is extremely dangerous to individuals. This amendment would in effect prohibit DEA from enforcing marijuana laws if it claimed it was for medicinal purposes.

For that reason, State and local law enforcement officers have opposed this amendment, including the National Narcotic Officers and the FOP, Fraternal Order of Police.

Lastly, State medical marijuana laws are a sham.

Finally, we have seen these laws do not operate as intended. A State audit in Oregon found that many of those who obtained so-called medicinal marijuana have not provided documentation of their claims. A survey of many HIV patients who claimed to use marijuana for medical purposes found that 57 percent smoked marijuana for mental, rather than physical, reasons and that a third admitted outright that they had smoked marijuana for recreational purposes. Even in California, the State is trying to revoke the license of a physician who has written

7,500 marijuana recommendations for patients without conducting any medical exams.

Lastly, we heard that this was citizen-led. What a joke. What we have are people who historically, including some Members of this body, who favor drug legalization in general support this as medicinal marijuana. In fact, what they back more is legalization of marijuana, and this has not been a citizen-led effort.

A man named George Soros has poured millions of dollars into these referendums and the citizen groups have predominantly opposed them against an overwhelming number of ads masquerading behind a few herding individuals who have been given false promise by the modern-day medical hustlers, just like they did in the 1900s. This is embarrassing from a legal standpoint and embarrassing from a body that should be upholding the laws of the United States and to be fighting the terrorism on our streets where people are dying and here we are trying to give them cover for this pro-drug movement by acting like it is medicine.

It is not medicine. If my colleagues believe it is medicine, get it out of the main and into the people who need it. Do not hide behind marijuana and make it more available so more kids can die in my district and in my colleagues' districts as well.

Mr. HINCHEY. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. PAUL).

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

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

As a cosponsor of the amendment, I rise in support of this amendment and appreciate the fact that the gentleman from New York has brought it to the floor.

I would suggest that the previous speaker has forgotten some of the law; and to me, that would be the constitutional law of the ninth and tenth amendments. So changing the law is one thing, but remembering the Constitution is another.

This has a lot to do with State law; but more importantly, as a physician, I see this bill as something dealing with compassion. As a physician, I have seen those who have died with cancer and getting chemotherapy and with AIDS and having nothing to help them.

There is the case in California of Peter McDaniels, who was diagnosed with cancer and AIDS. California changed the law and permitted him to use marijuana if it was self-grown, and he was using it; and yet although he was dying, the Federal officials came in and arrested him and he was taken to court. The terrible irony of this was here was a man that was dying and the physicians were not giving him any help; and when he was tried, it was not allowed to be said that he was obeying the State law.

That is how far the ninth and tenth amendments have been undermined, that there has been so much usurpation of States' rights and States' abilities to manage these affair, and that is why the Founders set the system up this way in order that if there is a mistake it not be monolithic; and believe me, the Federal Government has made a mistake not only here with marijuana, with all the drug laws, let me tell my colleagues.

There are more people who die from the use of legal drugs than illegal drugs. Just think of that. More people die from the use of legal drugs; and also, there are more deaths from the drug war than there are from deaths from using the illegal drugs. So it has gotten out of control. But the whole idea that a person who is dying, a physician cannot even prescribe something that might help them. The terrible irony of Peter McDaniels was that he died because of vomiting, something that could have and had only been curtailed by the use of marijuana. No other medication had helped; and we, the Federal Government, go in there and deny this and defy the State law, the State law of California.

Yes, I would grant my colleagues there is danger in all medications. There is some danger in marijuana, but I do not know of any deaths that is purely marijuana-related. If we want to talk about a deadly medication or a deadly drug that kills literally tens of thousands in this country, it is alcohol. And how many people want to go back to prohibition? I mean, nobody's proposing that, and yet that is a deadly drug.

The whole notion that we can deny this right to the States to allow a little bit of compassion for a patient that is dying, I would say this is a compassionate vote. If we care about the people being sick, then we have to vote for this amendment. This will do nothing to increase the use of bad drugs. The bad drugs are there; and as a physician and a parent and a grandparent, I preach against it all the time, but the unwise use of drugs is a medical problem, just like alcoholism is a medical problem; but we have turned this into a monster to the point where we will not even allow a person dying from cancer and AIDS to get a little bit of relief.

I strongly urge support and a positive vote for this amendment.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in strong opposition to the amendment and in very strong disagreement with the last speaker.

The reality is his point would be well taken if indeed there were medical evidence that medicinal marijuana helped people, but there is none. In his entire testimony there was not a single citation to a study that showed medical marijuana, in fact, helps, as my colleague, the gentleman from Indiana (Mr. SOUDER), pointed out earlier where indeed the medical evidence is to the contrary. And that leads me to an important part of the case against this amendment I think it is very important for people to understand, and that is, how did we get where we are?

We got to this position because in a handful of States across the country, valiant initiatives have been raised to legalize medical marijuana. My State happens to be one of those States, but let me make it clear to my colleagues what happened in those campaigns in those States.

First, make no mistake about it, law enforcement agents in every single one of those States opposed the medical marijuana initiative. They did so for good and solid reasons: number one, there is no medical benefit; but, number two, marijuana is a precursor drug.

Make no mistake about it, today's marijuana is not the marijuana that we had 40 or 30 or 20 or even 10 years ago. The potency of today's marijuana is dramatically higher, shockingly higher than the marijuana that existed and was around in the 1960s. But what else happened in those campaigns?

The other important thing that happened in those campaigns is that the people were led astray by massive spending. My colleague, the gentleman from Indiana (Mr. SOUDER), pointed out that some proponents of this idea, including one who happens to be a resident of my State, have spent many millions of dollars advocating the legalization of marijuana; and they have outspent the opponents of these measures by two, three, four, five, 10 times. In my State of Arizona in two different campaigns the proponents of legalizing medical marijuana outspent the opponents by a dramatic amount of money. When we stack the debate, when only one side of the argument gets out, of course they are going to win.

Let us talk about what happens with this marijuana, and I disagree so strongly with my colleague who spoke just a moment ago. The reality is that in this Nation we have a serious drug problem confronting our youth, and why do we have that drug problem? We have that drug problem because of this very debate, because as a Nation we have not decided that drugs, illegal drugs, marijuana for one and many others, are bad. Indeed, we have leaders of the Nation saying, oh, it is all right, we are not really going to go against it; we are not really going to enforce these laws; we do not care about these laws. How do my colleagues think kids react to that?

I will tell my colleagues how I raised my kids. I raised my kids to see these are the rules, you violate these rules, you will be punished. You know what? My kids understood the rules because when they violated them, we punished them.

That is not what we do with drugs in America. We say if it is a drug we will

look the other way; we will let it go; we are not really committed to enforcing our Nation's drugs law. Now look at the hypocrisy, the outrageous hypocrisy of this proposal. Now we are going to say, yeah, we have Federal laws against these drugs; we have Federal laws against marijuana; we believe that those laws are valid and good and appropriate, but you know what, in some States we will not enforce them because in some States we do not want to enforce them.

So if the FBI is dealing with a person and they happen to be in Maryland, they get one set of rules; but if they happen to be in Arizona, they get another set of rules.

What about those States that border each other? What about New Jersey right next to New York? What about Arizona right next to California? What about all kinds of other border jurisdictions?

We want the laws of this Nation to say that in this State the Federal anti-drug laws on marijuana will be enforced, but right across the river in Kansas City, Missouri, versus Kansas City, Kansas, we are not going to enforce that law? Do my colleagues not think that will send a confused message to our kids about our Nation's policy on illegal drugs? Do my colleagues not think that will lead to more kids getting involved in drugs?

The most outrageous statement made on this floor on this House tonight was the statement that sending the message to our kids that some drugs are okay will not lead them to use those drugs or other drugs and will not lead to an increase in the use of illegal drugs. That is the most outrageous and absurd concept we can possibly embrace, and I hope this House will reject it.

We cannot afford to confuse our Nation's children. We cannot afford to tell them that marijuana is okay. We cannot afford to let them begin to use the dramatically more potent marijuana that is on the streets today and coming through my State of Arizona, to your State and your district by some confused policy that says, well, we think it is bad in some States, but we do not think it is bad in others.

The truth is, the gentleman who spoke before me believes we should legalize all drugs, and that is a valid and fair position; but take that issue directly to the substance of this Congress, propose it as a law, propose to amend the Federal laws that prohibit the possession and the use and the sale of marijuana and talk that debate straight up. Do not do it by subterfuge. Do not do it under the table. Do not do it by saying in one State we are going to enforce the Federal law and in another State we are not, because if we want to confuse a generation of America's children, that is the way to do it.

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

I just want to make it clear that we are not doing anything by subterfuge here. We are just saying that in 10 States of this Nation the people have decided that is a legitimate practice for people who have certain medical conditions. Twenty percent of the States have said so, and most of them by referendum; and 60 percent or more voted for that in those referendums.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

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

There is a context here which is worth reflecting on, and that is the law enforcement policies of an administration which cannot effectively meet the challenge of international terrorism, but is ready to wage a phony drug war, including locking up people dying of cancer simply because those poor souls seek relief from horrible pain.

I ask, can we truly be so lacking in compassion? This is not about legalizing marijuana. That is just a smoke screen. It is an amendment to end Federal raids on medical marijuana patients and providers in States where medical marijuana is legal. Despite marijuana's recognized therapeutic value, including a National Academy of Science Institute of Medicine report, recommending its use in certain circumstances, Federal law refuses to recognize the importance and safety of medicinal marijuana.

Instead, Federal penalties for all marijuana use, regardless of purpose, include up to a year in prison for the possession of even small amounts.

Let us reflect again on how cynical and how dark it is to even contemplate sending someone to prison for a year when they may not even have that much time left in their life; but since 1996, eight States have enacted laws to allow very ill patients to use medical marijuana in spite of Federal law. The present administration has sought to override such State statutes, viewing the use of medicinal marijuana for purposes in the same light as heroin or cocaine.

□ 2045

Last year, Federal agents raided the Women and Men's Alliance for Medical Marijuana, an organization that under California State law legally dispensed marijuana to patients whose doctors had recommended it for pain and suffering. Eighty-five percent of this organization's 225 members were terminally ill with cancer or AIDS.

This is about compassion. The Federal Government should use its power to help terminally ill citizens, not arrest them. And States deserve to have the right to make their own decisions regarding the use of medical marijuana. I strongly urge my colleagues to support this amendment.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time.

I had the opportunity in Congress some 2½ years ago to chair the Subcommittee on Criminal Justice, Drug Policy and Human Resources for some 2 years. During that time, I held the first hearings, really, in Congress on the question of legalization of marijuana; and I tried to approach the issue of the medical use of marijuana from an open standpoint.

We conducted hearings and brought in what we considered were the best medical experts, and we dug into all of the testimony. And, my colleagues, I can say here tonight that we did not find one scintilla of evidence that there was any medical benefit by consuming marijuana, whether an individual was healthy or whether they were ill, or terminally ill. There was no evidence to that effect.

It has become sort of a cause celebre to promote these initiatives with huge amounts of money. And at first blush, I think people support some of these as possibly being compassionate, as we hear here.

We have also heard here that the medical use of marijuana will relieve pain. Well, I can say also from chairing that subcommittee that that is not the case. In fact, anything that we do to encourage use, whether for this purpose or other purposes, will not relieve pain, it will cause pain. Certainly, I am sure if someone smoked enough marijuana or took enough crack or enough heroin or methamphetamines, they would not have any pain.

What we did learn in our testimony and what I have learned over the several years that I have served on that committee in the Congress is, we did learn this one thing. We learned that the marijuana that we have on the market today, and we have heard this from the previous chairman, the gentleman from Indiana (Mr. SOUDER) and others, who cited that today's marijuana is not the marijuana we had some 20 or 30 years ago. There is a several hundred percent increase in potency in what is on the market.

We also heard that marijuana is the greatest substance abuse of our teenagers, even exceeding, believe it or not, alcohol today. We also learned that there are more than 19,000 drug-related deaths in the United States, overdose deaths, which now exceed homicides. And everything we do towards trying to glorify or utilize marijuana for whatever use or whatever purpose does lead more of our young people to use this.

Marijuana is a gateway drug, and so we end up with a death toll that we have seen so painfully across this Nation.

So if the object here is to relieve pain, that is not what is being done. It will cause pain.

Almost every police group opposes the Hinchey amendment. Let me just read some of the folks that oppose it. The Fraternal Order of Police, the world's largest police union, made up of 300,000 members of State and local

enforcement officers nationwide, and the National Narcotics Officers' Association Coalition, with more than 60,000 members, have expressed strong opposition to the Hinchey amendment that would prohibit enforcement of Federal marijuana laws in some States but not in others.

Police groups oppose the amendment because Federal enforcement of marijuana helps deter use and trafficking in harder drugs and also in related crimes against property and some of our most violent crime.

Finally, some of those police groups that oppose the Hinchey amendment have said to us, we strongly encourage Members of Congress who support their local police officers and law enforcement to oppose this amendment. And we have letters from the National Narcotics Officers' Association Coalition and the Grand Lodge Fraternal Order of Police stating their clear opposition.

Again, I think the presentation of this amendment has been that this would relieve pain and be compassionate. My colleagues, this will cause pain, and there are many who confirm that.

Mr. HINCHEY. Mr. Chairman, may I inquire the remaining time?

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) has 16 minutes remaining, and the gentleman from Virginia (Mr. WOLF) has 11 minutes remaining.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of this resolution. I believe we should respect the State authority in regards to medical marijuana, and I remind my colleagues that we are not talking about illegal drugs, we are talking about medicinal marijuana, legally supported by 10 States.

As my colleagues know, in my home State of California, voters overwhelmingly passed Proposition 215, allowing the use of marijuana for medicinal purposes. Like my constituents, I believe that doctors should be permitted to prescribe marijuana for patients suffering from cancer, or AIDS, or glaucoma, spastic disorders, and other debilitating diseases.

The people that I represent from Marin and Sonoma Counties, Mr. Chairman, just over the Golden Gate Bridge, and my colleagues will not be surprised, it is a very progressive area in our country, but they want their doctors to be permitted to prescribe marijuana for their patients suffering from debilitating diseases; and they believe that the Federal Government should get out of the way. They should not butt in. And that is why I support this amendment, because it would stop the Justice Department from punishing those who are abiding by their State's laws.

Please join me in supporting this important amendment so that those who suffer from debilitating diseases can get relief without the fear of Federal interference.

Mr. Chairman, I call on all Members of this Congress, particularly those who believe in States' rights, to let States represent their voters. It is not okay to pick and choose where States can butt in and where they have the ultimate responsibility based on ideologies.

Mr. HINCHEY. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I am going to begin by reading from an editorial that appeared in the New York Daily News this past Sunday, written by a Richard Brookhiser, who is a senior editor of the National Review, a very noted conservative magazine founded by William F. Buckley.

He writes as follows: ''Earlier this year, the New York State Association of County Health Officials, as cautious a bunch as you will find in the medical community, urged New York lawmakers to pass legislation to legalize the medical use of marijuana. It is past time to remove patients fighting cancer, AIDS, and other scourges from the battlefield of the war on drugs.

''The legalization of medical marijuana would be a step forward for the health of all New Yorkers, the Association of County Health Officials declared. Marijuana has proven to be effective in the treatment of people with HIV/AIDS, multiple sclerosis, cancer, and those suffering from severe pain and nausea.

''I discovered,'' that is, he did; I am quoting the article. ''I discovered marijuana's benefits while receiving chemotherapy for testicular cancer in 1992. Part way through my treatment, the conventional antinausea drugs prescribed by my doctors stopped working. Marijuana was the only thing that kept my head out of the toilet.

''I was lucky. As a member of the media elite, I probably wasn't at huge risk for a drug bust. Living here, I was able to obtain my herb under the cover of urban anonymity. But people shouldn't have to depend on professional status or the luck of geography. Putting such patients in jail for the 'crime' of trying to relieve some of the misery caused by their illnesses is cruel.

''The consensus regarding marijuana's medical value grows every day. Just this May, The Lancet Neurology noted that marijuana's active components are effective against pain in virtually every lab test scientists have devised, and even speculated that it could become 'the aspirin of the 21st century.'

''Marijuana does have risks, but so do all drugs. Recent researchers documented that relatively simple vaporizers can allow users to inhale the active ingredients with almost none of the irritants in smoke.

''Ten States now have laws allowing medical use of marijuana with a physician's recommendation, and those laws have been successful. Last year, the General Accounting Office interviewed 37 law enforcement agencies in those States, reporting that the majority of those interviewed 'indicated that medical marijuana laws has had little impact on their law enforcement activities.'

''As a conservative, I am not surprised that common sense is bubbling up from the State level while Federal marijuana laws remain stuck in the 1930s. Federal law will change eventually, because science, common sense, and human decency require it.''

That is the article. Mr. Chairman, I am not a conservative, as most of my colleagues know. I am a liberal. But I certainly agree with this conservative writer and editor.

The fact of the matter is, we ought to let doctors prescribe the medicines they feel would be most effective for their patients. It is not up to us to stand up on the floor of this House and declare with the expertise of the politicians that we are that marijuana, or morphine, or tetracycline is not an effective drug. That is the job of the doctors and the medical professionals to make those judgments.

We can prosecute doctors or others who may abuse this privilege. We allow morphine's use for medical purposes. No one has legalized the general use of morphine, or heroin, from which it is derived. But for medical purposes, we use it as a painkiller all the time. Most of our drugs, if misused, are dangerous and even toxic, but we allow their use to heal the sick under a physician's supervision. Why should marijuana be any different?

Sure, it is a dangerous drug. I certainly do not deny that. But for certain diseases, for certain conditions, it can help people. It can make their lives bearable.

Let the doctors make those decisions, not the politicians. Let the doctors decide what will work for someone's illness, and let them be subject to the normal medical discipline procedures for the normal uses of the law for those who would abuse their ability to prescribe a drug.

Mr. Chairman, let marijuana be treated as a drug the way morphine is, the way other powerful drugs are. Let people be healed. Let them feel better. Let people with HIV or AIDS or cancer be able to hold their food. Let them survive longer. And let us fight the drug war on a different battlefield.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I thank the chairman for yielding me this time. I actually had not planned on speaking on this issue this evening, but after sitting in my office and hearing some of the other arguments, I felt compelled to come over and at least, if I could, perhaps provide some illumination on this subject.

The last speaker, in fact, talked about science, common sense, and human decency as dictating that we must make marijuana available to our sickest patients.

□ 2100

But why, indeed, would we want to make a substance available that is widely recognized as a gateway drug which could lead to greater drug use?

My friend from Arizona pointed out that drug use amongst our youth and our children is increasing at a rapid rate, and we need to do what we can to stop that. I do not believe that making marijuana generally available, even for medicinal purposes, is going to further that curtailment of drug use in children or young people.

But, Mr. Chairman, the fact remains that if we want to legally prescribe medication to deal with our patients' suffering, that is, anorexia, Marinol is available today; and I believe it is legal in all States, not just 10 states. What is Marinol? Marinol is a synthetic delta-9-tetrahydrocannabinol. Delta-9-tetrahydrocannabinol is also the naturally occurring compound of Cannabis sativa, or marijuana.

So you see, Mr. Chairman, our physicians already have the active ingredient in marijuana available to prescribe to their patients today; and, in fact, I will include for the RECORD the package insert from Marinol which details the double-blind placebo studies that show that Marinol has been useful as an appetite stimulant and an antiemetic, that is, it inhibits nausea and vomiting in individuals who are suffering from terminal HIV/AIDS and individuals who are undergoing chemotherapy. And perhaps the beauty of using Marinol is your patient does not have to be terminally ill, they just have to be ill, because Marinol can be used for a short term. In fact, that is what it is recommended, to be used over the short term to deal with those two adverse consequences of chemotherapy.

Mr. Chairman, compassionate care is available in this country. Our doctors are providing compassionate care. It is approved by the Food and Drug Administration. It is approved by the DEA.

MARINOL® (DRONABINOL) CAPSULES

DESCRIPTION

Dronabinol is a cannabinoid designated chemically as (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol.

Dronabinol, the active ingredient in Marinol® Capsules, is synthetic delta-9-tetrahydrocannabinol (delta-9-THC). Delta-9-tetrahydrocannabinol is also a naturally occurring component of Cannabis sativa L. (Marijuana).

Dronabinol is a light yellow resinous oil that is sticky at room temperature and hardens upon refrigeration. Dronabinol is insoluble in water and is formulated in sesame oil. It has a pKa of 10.6 and an octanol-water partition coefficient: 6,000:1 at pH 7.

Capsules for oral administration: Marinol® Capsules is supplied as round, soft gelatin capsules containing either 2.5 mg, 5 mg, or 10 mg dronabinol. Each Marinol® Capsule is formulated with the following inactive ingredients: FD&C Blue No. 1 (5 mg), FD&C Red No. 40 (5 mg), FD&C Yellow No. 6 (5 mg and 10 mg), gelatin, glycerin, methylparaben, propylparaben, sesame oil, and titanium dioxide.

CLINICAL PATHOLOGY

Dronabinol is an orally active cannabinoid which, like other cannabinoids, has complex effects on the central nervous system (CNS), including central sympathomimetic activity. Cannabinoid receptors have been discovered in neural tissues. These receptors may play a role in mediating the effects of dronabinol and other cannabinoids.

Pharmacodynamics: Dronabinol-induced sympathomimetic activity may result in tachycardia and/or conjunctival injection. Its effects on blood pressure are inconsistent, but occasional subjects have experienced orthostatic hypotension and/or syncope upon abrupt standing.

Dronabinol also demonstrates reversible effects on appetite, mood, cognition, memory, and perception. These phenomena appear to be dose-related, increasing in frequency with higher dosages, and subject to great interpatient variability.

After oral administration, dronabinol has an onset of action of approximately 0.5 to 1 hours and peak effect at 2 to 4 hours. Duration of action for psychoactive effects is 4 to 6 hours, but the appetite stimulant effect of dronabinol may continue for 24 hours or longer after administration.

Tachyphylaxis and tolerance develop to some of the pharmacologic effects of dronabinol and other cannabinoids with chronic use, suggesting an indirect effect on sympathetic neurons. In a study of the pharmacodynamics of chronic dronabinol exposure, healthy male volunteers (N = 12) received 210 mg/day dronabinol, administered orally in divided doses, for 16 days. An initial tachycardia induced by dronabinol was replaced successively by normal sinus rhythm and then bradycardia. A decrease in supine blood pressure, made worse by standing, was also observed initially. These volunteers developed tolerance to the cardiovascular and subjective adverse CNS effects of dronabinol within 12 days of treatment initiation.

Tachyphylaxis and tolerance do not, however, appear to develop to the appetite stimulant effect of Marinol® Capsules. In studies involving patients with Acquired Immune Deficiency Syndrome (AIDS), the appetite stimulant effect of Marinol® Capsules has been sustained for up to five months in clinical trials, at dosages ranging from 2.5 mg/day to 20 mg/day.

Pharmacokinetics: Absorption and Distribution: Marinol® (Dronabinol) Capsules is almost completely absorbed (90 to 95%) after single oral doses. Due to the combined effects of first pass hepatic metabolism and high lipid solubility, only 10 to 20% of the administered dose reaches the systemic circulation. Dronabinol has a large apparent volume of distribution, approximately 10 L/kg, because of its lipid solubility. The plasma protein binding of dronabinol and its metabolites is approximately 97%.

The elimination phase of dronabinol can be described using a two compartment model with an initial (alpha) half-life of about 4 hours and a terminal (beta) half-life of 25 to 36 hours. Because of its large volume of distribution, dronabinol and its metabolites may be excreted at low levels for prolonged periods of time.

Metabolites: Dronabinol undergoes extensive first-pass hepatic metabolism, primarily by microsomal hydroxylation, yielding both active and inactive metabolites. Dronabinol and its principal active metabolite, 11-OH-delta-9-THC, are present in approximately equal concentrations in plasma. Concentrations of both parent drug and metabolite peak at approximately 2 to 4 hours after oral dosing and decline over several days. Values for clearance average about 0.2 L/kg-hr, but are highly variable due to the complexity of cannabinoid distribution.

Elimination: Dronabinol and its biotransformation products are excreted in both feces and urine. Biliary excretion is the major route of elimination with about half of a radio-labeled oral dose being recovered from the feces within 72 hours as contrasted with 10 to 15% recovered from urine. Less than 5% of an oral dose is recovered unchanged in the feces.

Following single dose administration, low levels of dronabinol metabolites have been detected for more than 5 weeks in the urine and feces.

In a study of Marinol® Capsules involving AIDS patients, urinary cannabinoid/creatinine concentration ratios were studied biweekly over a six week period. The urinary cannabinoid/creatinine ratio was closely correlated with dose. No increase in the cannabinoid/creatinine ratio was observed after the first two weeks of treatment, indicating that steady-state cannabionoid levels had been reached. This conclusion is consistent with predictions based on the observed terminal half-life of dronabinol.

Special Populations: The pharmacokinetic profile of Marinol® Capsules has not been investigated in either pediatric or geriatric patients.

CLINICAL TRIALS

Appetite Stimulation: The appetite stimulant effect of Marinol® (Dronabinol) Capsules in the treatment of AIDS-related anorexia associated with weight loss was studied in a randomized, double-blind, placebo-controlled study involving 139 patients. The initial dosage of Marinol® Capsules in all patients was 5 mg/day, administered in doses of 2.5 mg one hour before lunch and one hour before supper. In pilot studies, early morning administration of Marinol® Capsules appeared to have been associated with an increased frequency of adverse experiences, as compared to dosing later in the day. The effect of Marinol® Capsules on appetite, weight, mood, and nausea was measured at scheduled intervals during the six-week treatment period. Side effects (feeling high, dizziness, confusion, somnolence) occurred in 13 of 72 patients (18%) at this dosage level and the dosage was reduced to 2.5 mg/day, administered as a single dose at supper or bedtime.

As compared to placebo, Marinol® Capsules treatment resulted in a statistically significant improvement in appetite as measured by visual analog scale (see figure). Trends toward improved body weight and mood, and decreases in nausea were also seen.

After completing the 6-week study, patients were allowed to continue treatment with Marinol® Capsules in an open-label study, in which there was a sustained improvement in appetite.

Antiemetic: Marinol® (Dronabinol) Capsules treatment of chemotherapy-induced emesis was evaluated in 454 patients with cancer, who received a total of 750 courses of treatment of various malignancies. The antiemetic efficacy of Marinol® Capsules was greatest in patients receiving cytotoxic therapy with MOPP for Hodgkin's and non-Hodgkin's lymphomas. Marinol® Capsules dosages ranged from 2.5 mg/day to 40 mg/day, administered in equally divided doses every four to six hours (four times daily). Escalating the Marinol® Capsules dose above 7 mg/mg² Capsules dose above 7 mg/m² increased the frequency of adverse experiences, with no additional antiemetic benefit.

Combination antiemetic therapy with Marinol® Capsules and a phenothiazine (prochlorperazine) may result in synergistic or additive antiemetic effects and attenuate the toxicities associated with each of the agents.

INDIVIDUALIZATION OF DOSAGES

The pharmacologic effects of Marinol® (Dronabinol) Capsules are dose-related and subject to considerable interpatient variability. Therefore, dosage individualization is critical in achieving the maximum benefit of Marinol® Capsules treatment.

Appetite Stimulation: In the clinical trials, the majority of patients were treated with 5 mg/day Marinol® Capsules, although the dosages ranged from 2.5 to 20 mg/day. For an adult:

1. Begin with 2.5 mg before lunch and 2.5 mg before supper. If CNS symptoms (feeling high, dizziness, confusion, somnolence) do occur, they usually resolve in 1 to 3 days with continued dosage.

2. If CNS symptoms are severe or persistent, reduce the dose to 2.5 mg before supper. If symptoms continue to be a problem, taking the single dose in the evening or at bedtime may reduce their severity.

3. When adverse effects are absent or minimal and further therapeutic effect is desired, increase the dose to 2.5 mg before lunch and 5 mg before supper or 5 and 5 mg. Although most patients respond to 2.5 mg twice daily, 10 mg twice daily has been tolerated in about half of the patients in appetite stimulation studies.

The pharmacologic effects of Marinol® Capsules are reversible upon treatment cessation.

Antiemetic: Most patients respond to 5 mg three or four times daily. Dosage may be escalated during a chemotherapy cycle or at subsequent cycles, based upon initial results. Therapy should be initiated at the lowest recommended dosage and titrated to clinical response. Administration of Marinol® Capsules with phenothiazines, such as prochlorperazine, has resulted in improved efficacy as compared to either drug alone, without additional toxicity.

Pediatrics: Marinol® Capsules is not recommended for AIDS-related anorexia in pediatric patients because it has not been studied in this population. The pediatric dosage for the treatment of chemotherapy-induced emesis is the same as in adults. Caution is recommended in prescribing Marinol® Capsules for children because of the psychoactive effects.

Geriatrics: Caution is advised in prescribing Marinol® Capsules in elderly patients because they are generally more sensitive to the psychoactive effects of drugs. In antiemetic studies, no difference in tolerance or efficacy was apparent in patients 55 years old.

INDICATIONS AND USAGE

Marinol® (Dronabinol) Capsules is indicated for the treatment of:

1. anorexia associated with weight loss in patients with AIDS; and

2. nausea and vomiting associated with cancer chemotherapy in patients who have failed to respond adequately to conventional antiemetic treatments.

CONTRAINDICATIONS

Marinol® (Dronabinol) Capsules is contraindicated in any patient who has a history of hypersensitivity to any cannabinoid or sesame oil.

WARNINGS

Patients receiving treatment with Marinol® Capsules should be specifically warned not to drive, operate machinery, or engage in any hazardous activity until it is established that they are able to tolerate the drug and to perform such tasks safely.

Mr. HINCHEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment, for two reasons. Number one, I believe in freedom. I believe in democracy and the democratic process. If the people of 10 States have voted, I guess eight of them have actually voted through referendum and two through their other legislative process to legalize the medical use of marijuana within those States, it is totally contrary to our way of life in the United States of America to say that those States, the people of those States, do not have a right to set their standards, their legal standards in those States.

There are dry counties, and there are wet counties. You can have a State that is right next to one State. That is no argument. You do not have to have one rule for the whole country. That is what federalism is all about. And what greater use of federalism or more important use of federalism than for people to control substances as they are consumed in their own area? I would suggest that in my State, for example, where the people did, by a large majority, vote for legalizing the medical use of marijuana that it is a travesty for the Federal Government to send police into my State and arrest people and throw them in a cage, in jail, for doing something that the vast majority of people in my State voted to make a legal practice. This is contrary to American tradition. This is not right. It has only been in this last 100 years that America has decided to go haywire and create this type of oppression which is contrary to the wishes of the majority of people in these areas.

Number two, let us just face it, it has not worked. The process that we have tried to use to prevent drug use has not worked. The drug war is a miserable failure. That does not mean we should give up. I am not advocating that. I do not advocate legalizing drugs, but I think that it is time to take a second look at what has been going on. It has not succeeded at all in preventing people from using drugs, and it has been a catastrophe in the black and other minority communities where young people get thrown into jail at an early age and their whole life is ruined. We need to take a second look at drugs in general and how we are going to try to convince young people not to use drugs.

By the way, I was Ronald Reagan's speech writer and I wrote almost every one of his speeches about drugs at a time when we convinced America's youth to stop using drugs and there was the greatest decline in the use of drugs during Reagan's administration as any time in our history. I can assure you in Ronald Reagan's speeches, he talked about just relying on law enforcement was not the answer. And it certainly is not the answer in dealing with medical marijuana that has been approved by the majority of people in various States. Lynn Nofziger, Ronald Reagan's adviser; William F. Buckley, the editor of National Review; Bob Ehrlich, the Governor of Maryland, all of these people understand what this is all about and understand that those people opposing this liberalization of the medical use of marijuana are living in a bygone era.

Let me just note this. My mother passed away about 4 or 5 years ago. One of the factors in my determination tonight to stand up here before you is that I remember when the doctor told me that she had lost her appetite and I was going to have to feed her. I was very pleased that I had voted for making the medical use of marijuana legal because I could not look at myself in the face knowing that I had done that to other people who were confronted by their mother. What are we doing to someone, and they do not have to be critically ill. What about an older person that has lost their appetite and their will to live? If a doctor thinks it is going to help them to use marijuana, it is immoral for us to try to put people in jail who are moving to alleviate that type of horror that people have in their own lives.

Are we compassionate or are we not? I suggest that we vote for compassion and freedom and support this liberalization.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, it is awful when your parents get older and have different struggles and we need to look and we have found drugs to give them to try to address this question. That is not what this debate is about. The gentleman from California and I have been friends for many years. We grew up in the same conservative youth organization, Young Americans for Freedom. We had these same disagreements when we were in YAF a long time ago on legalization of marijuana. We had a very close vote in the national organization. It was an organization founded by William F. Buckley. Richard Brookhiser came up through that same organization. What we called, and I was a more traditionalist conservative, the libertarians believed at that time, and in many cases still do, as we heard from the most consistent libertarian in the House, the gentleman from Texas (Mr. PAUL), that drug laws are wrong and that States can nullify Federal laws. I do not agree with that. I believe there are times when the elected representatives of the American people can make national policy and that is what we are debating right now. Does the Federal Government have a right to make a law by elected citizens all across the United States that will be upheld because they believe it protects the citizens of the United States in the best way?

Many States conceivably could pass different laws on civil rights to nullify some of the things we do here and other laws. We cannot operate that way. We heard earlier today that people said on the other side that we should support the first responders and our police forces. They are unanimous across the country as a whole saying

that they are against any weakening of the marijuana laws with the signals they are sending. This is a fundamental debate about what direction we are going in national drug law. This is a backdoor way to move in. It is not about compassion. We need to look for additional ways if Marinol does not solve it all, but it does and in the new, improved ways it actually appears to deal with vomiting.

People can promise all types of different things. We can feel the pain, but we should not change laws that are working. And if we want to change those laws on the national drug policy, you should come and change the national drug laws. It would be a travesty if this House in effect nullifies Federal law. This is not just nullifying Federal law. The case was brought to the Supreme Court. The Supreme Court ruled that the Attorney General and DEA have an obligation to enforce Federal law.

I believe that the courts too often have usurped State authority and taken the 10th amendment the wrong direction. This is not about that. This is about when Congress passed a law under the Constitution that said in interstate commerce, which narcotics move across interstate commerce, which was not a liberal interpretation of that clause but a strict interpretation of that clause from a conservative perspective, all except the more anarcho-libertarians, as we used to call them, believe that in drug laws the Federal Government historically has had the right to enforce a Federal law. The conservative movement is not divided. We have a few of the libertarian fringe who I respect for their opinions but strongly disagree just as we did when we were kids; now we are grownups, and we still have the same disagreement.

Mr. HINCHEY. Mr. Chairman, I yield 3 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 New York for yielding me this time.

Mr. Chairman, I respect the gentleman from Indiana (Mr. SOUDER) for the work that he has done. We have traveled together. I think anyone that comes to the floor of the House and discusses this issue obviously is not concerned about the political liability that the headlines will read that you stood on the floor of the House to support the free and open use of marijuana and the promotion of drug use in the United States of America. That is why I think it is very important to clarify the distinctive arguments that are being made on either side. In fact, I disagree with the interpretation of nullification when, in fact, it is an issue of States' rights that will not be harmful to others.

I believe the Federal law is relevant when the Federal law seeks to solve a problem that is, in fact, harmful overall to all Americans. The civil rights example that the gentleman from Indiana used was an issue where the United States wanted to fall on the side of what was right and end the most heinous of behaviors in the 20th century, and that was segregation, lynching; and so we wrote civil rights laws to give equality to all Americans.

This issue of the medical use of marijuana is a question of the patients asking and demanding relief. I guess there is no one that can stand in the shoes of a patient who is suffering from the horrible pain of cancer. No one, none of us who are standing here healthy today can understand the absolute pain of not being able either to eat or suffer through the treatment that might be provided by normal medical procedures.

My understanding of the States that have voted for the use of medical marijuana is, in fact, regulated processes; is, in fact, structures in place to ensure that this is not a situation of drug running. So I do not know why we have come to the floor of the House and not respect the amendment that the gentleman from New York has put forward, which is to cease the utilization of Federal funds for intervention in a process that has been accepted by States and regulated by States. Appropriately, I believe, the 10th amendment, leave-it-to-States, States' rights, should be the acceptable call of the day. That should be the law.

These nine or 10 States have opted to be able to choose in their regulated manner to allow for physicians and others to be able to prescribe marijuana for use to be able to help their patients and to stop the pain that they are suffering from. I cannot imagine that we would not want to be problem solvers on this issue and take the responsible route, which is to allow States who have been responsible in their own areas and suggested that medical marijuana is a vital and important use.

I would hope my colleagues would see this separately from the war on drugs when there is a great debate as to whether the war on drugs is effective. I too am not interested in legalizing drug use, but I am interested in making sure that the sick are taken care of and States' rights are protected in this instance.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding me this time.

Mr. Chairman, I again reiterate my opposition to this amendment. I would agree with the gentlewoman who just spoke that each side has an argument of merit in this debate. I compliment her for standing up and speaking out her views. But I would say I strongly disagree.

Let us start with this whole issue of States' rights. I yield to no one on the issue of States' rights. I have a piece of legislation I have introduced every year in this Congress which would have required every Member of Congress to cite in each bill they introduce the constitutional authority, the provision of the U.S. Constitution that gives the Congress the right to act in this area. The gentlewoman would suggest that medical marijuana is not an area in which the Federal Government has the right to legislate.

□ 2115

The implication there is that the Federal Government does not have the right to legislate in the area of drug policy.

I would suggest that our Nation's civil rights laws, which I strongly support, are based on the issue of interstate commerce and that discrimination affects interstate commerce, and therefore it is appropriate for the Federal Government to pass laws prohibiting civil rights conduct that is offensive, including discrimination.

By the same token, clearly our Nation's laws against drugs, marijuana and all of the others, are based on the same premise, and that is that they do affect interstate commerce. Indeed, drug use, illegal drug use by American workers, imposes a tremendous burden on our workforce and on our productivity.

But let us go beyond that. The argument I believe she tried to make was there is a distinction because these laws that do not have any negative effect, they do not do harm. I would suggest that even if medicinal marijuana did not harm anyone other than its user, an argument I will refute in just a moment, that premise would be wrong.

But let us look at the case cited earlier in this debate. There is a doctor in California who has taken advantage of that State's medical marijuana law to write 7,500 prescriptions for medical marijuana and has conducted in doing that not a single medical exam. The reality is, this is a fraud. The medical marijuana prescriptions which that doctor and other doctors have written are not written for medicinal reasons. The gentleman from Texas (Mr. BURGESS) gave, I thought, eloquent testimony here on this floor just a few moments ago in which he made it very clear that there are drugs available to doctors today with the exact same medical and medicinal properties as marijuana, that will relieve the pain or that will deal with the lack of hunger or appetite, that will deal with those issues.

I want to make another point. It was interesting that in this debate one of my colleagues on the other side said, Look, we already recognize certain painkilling drugs and we allow them to be legal in our system, and he cited a couple of those painkilling drugs. Why do we not allow marijuana? The answer is, there is sound evidence behind allowing certain drugs and there is no

sound evidence behind allowing marijuana to be used for the reasons for which it is argued.

I strongly urge my colleagues to oppose this amendment. It will, in fact, send an inconsistent signal to our children and do grave damage to the children of America.

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

Our Federal system reserves to the States all those powers that are not designated to the Federal Government in the Constitution. Ten States have decided that they want to alleviate the pain and suffering of their citizens who may be afflicted with AIDS or cancer or some other debilitating, killing disease, and make their last days on this Earth more comfortable by allowing them, under prescription from a licensed physician in those States, to use marijuana for medical purposes.

The Federal Government has said ''no.'' The Justice Department and this administration have said ''no.'' They are not going to allow people in those 10 States, fully 20 percent of the States of the Nation, to be relieved of the pain and suffering under the laws of those States. That makes no sense.

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

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

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has the right to close.

Mr. HINCHEY. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) has 2 minutes remaining. The gentleman from Virginia (Mr. WOLF) has 3 minutes remaining.

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

I want to thank everyone who participated in this debate. I think it is very important that issues like this be discussed on the floor of the House of Representatives. The fact of the matter here, in this particular amendment, is simply this: Are we going to continue to allow the United States Justice Department to stick its nose into the business of 10 sovereign States of this Union who have decided that they want to help people who are suffering and dying from debilitating disease, AIDS, cancer, and others, who suffer from ailments such as glaucoma and a whole host of other ailments that have been found by a vast majority of the highly respected medical associations of this country, they have found that people suffering in that way can be relieved by the prescriptive use of marijuana under the supervision of a licensed physician?

That is what this amendment would do. It does not open up anything else.

Some of the arguments that have been made against this amendment have nothing to do with what this amendment seeks to achieve. It is very narrow in its form and in its definition. It relates only to States that have decided in their own way, either by referendum, which eight of them have, or by laws passed by their State legislative bodies, to allow people to use marijuana for medical purposes to relieve the pain and suffering in the final days of their lives.

People talk about a gateway drug. Someone dying from cancer is not going to use marijuana as a gateway drug. They are using it to try to gain back a bit of their appetite so that they can maintain their strength and continue to live among their family and offer the aid and assistance of themselves to that family during the last days of their lives. Are we going to deny people that?

That is exactly what we are doing by the present law, and that is why this amendment is here, and I ask for its passage.

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

Mr. Chairman, this is really a cultural issue. That is what this is all about. It is about the culture, nothing else. The Hinchey amendment would mean that State medical marijuana laws are the supreme law of the land. This amendment would prevent Federal officials from enforcing Federal law in a manner contrary to State law.

Under this amendment anyone who manufactures, distributes, or possesses marijuana in purported compliance with State law would have immunity under Federal law.

I think it is a big issue and I think the gentleman from Arizona (Mr. SHADEGG) and the gentleman from Indiana (Mr. SOUDER) covered it very well. Medical marijuana laws send the wrong message to our youth, too many of whom do not recognize the dangers of marijuana and continue to experiment. It is a cultural issue. It has taken the culture in the wrong direction, and I urge defeat of the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

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

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

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2738, UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT, AND H.R. 2739, UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–229) on the resolution (H. Res. 329) providing for consideration of the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement, and for consideration of the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement, which was referred to the House Calendar and ordered to be printed.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 326 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2799.

□ 2124

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a request for a recorded vote on amendment No. 1 offered by the gentleman from New York (Mr. HINCHEY) had been postponed.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used to destroy or conceal physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to members of the Texas Legislature for the period beginning May 11, 2003, and ending May 16, 2003.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I propose this amendment to the Committee on Appropriations for the Commerce, Justice, and State for, I think, a very direct and important reason. The American people have a right to believe that their Federal agencies and Federal resources are used appropriately for the mission statement and the legislative directive upon which these agencies are organized.

This amendment is simple. It states: ''None of the funds made available by this act may be used by the Department of Justice to destroy or conceal physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to members of the Texas legislature in the period beginning May 11, 2003, and ending May 16, 2003.''

The purpose of this amendment, Mr. Chairman, is to prohibit the use of funds by the Department of Justice to destroy or conceal any documents related to that use of Federal agency resources in the Texas redistricting controversy in May of 2003.

During the Texas redistricting controversy in May of this year, there were numerous published reports that Federal law enforcement resources were used to conduct surveillance, attempt to locate, or otherwise track the location of Democratic members of the Texas legislature who left Texas to break a quorum. Included in the reports were accounts of the Federal Bureau of Investigation being contacted to locate Democrats.

United States Marshals received phone calls to arrest Texas Democrats and Federal resources were being used to track airplanes belonging to Texas Democrats.

In the wake of the redistricting controversy and the allegations of the misuse of Federal resources, there have been numerous attempts to obtain documents related to the misuse of Federal law enforcement resources. Democratic members of both the United States House of Representatives' Committee on the Judiciary and Select Committee on Homeland Security have repeatedly requested documents. Such documents have not been forthcoming. The many requests have either been ignored, or the information received has been redacted.

In addition, Mr. Chairman, the other body has requested information.

This amendment is simple on its face, to ensure as this process moves forward that no documents will be destroyed.

Mr. Chairman, this is another issue that I think is very important. Might I offer visually to my colleagues that when we requested information, this redacted document was the kind of document that we received, and I am going to have this document submitted into the RECORD. It is a statement from the United States Department of Homeland Security, Office of the Inspector General.

This issue is beyond the isolated and defined issue dealing with the Texas redistricting saga. It has to do with dignity, it has to do with civil rights and civil liberties. It is an outrage that we would have Federal officials using Federal resources to track civilians who perpetrated no crime. It is an outrage that we have as a statement regarding the use of a U.S. Attorney something noted by a reporter, reported elsewhere, that a spokesperson for the U.S. Attorney's office in San Antonio had no official comment, but a source confirmed that an unidentified person had called to inquire about federalizing the arrest warrant, that is, regarding a Texas legislator. This was reported in the Fort Worth Star-Telegram, May 14, 2003.

I believe we already had another article saying that the elected official here in Washington, the gentleman from Texas (Mr. DELAY), already had a United States attorney in Texas researching how to employ Federal resources. This was Hugh Aynesworth, Washington Times, May 14, 2003.

This is not pointed at any particular individual, per se, as much as it is a horror about not being able to determine whether resources were being used adversely against civilians. This is, as I said, a question that this House should take up.

So my amendment is simple. It allows or says that no funds should be used to allow the Department of Justice to destroy any documents that may be relevant to this particular issue. It is out of the issue, out of the basis of transparency, out of the idea that the American people, no matter what the situation may be, are owed a responsible answer and responsible actions as relates to their Federal resources.

And then I would say, Mr. Chairman, in this time when we are fighting terrorism and using all of the resources that we might, Department of Justice, Department of Transportation, Homeland Security Department, all of these departments should be focused singularly on one purpose. That is, all the Federal might and resources to fight the war against terrorism.

□ 2130

I would hope my colleagues would support this amendment so that we can find out the truth and ensure that transparency always prevails in the United States Government.

U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE OF INSPECTOR GENERAL—INVESTIGATIONS—MEMORANDUM OF ACTIVITY

(Type of Activity: Personal Interview. Case Number: IN03–0IG–LA–0662. Case Title: Air and Marine Interdiction Center.)

On May 22, 2003, . . ., Texas Department of Public Safety (DPS), Austin, Texas, . . . or . . ., was interviewed by the Department of Homeland Security (DHS), Office of Inspector General (OIG) regarding allegations that the Bureau of Immigration and Customs Enforcement (BICE), Air and Marine Interdiction Coordination Center (AMICC), DHS allegedly misused DHS resources in the search of missing Texas state legislators, specifically, by looking for a missing airplane. Others present during this interview were . . ., DPS, Austin; . . ., DPS, Austin; and . . ., . . ., DPS, Austin. During the questioning of . . . the DHS–OIG was consistently interrupted and challenged by DPS participants that questions were not within the scope of the DHS–OIG investigation. The DPS asked the OIG if . . . would be given Miranda warnings The OIG advised the DPS that . . . would not be given Miranda warnings since . . . was only a witness regarding a DHS–OIG investigation. The DHS–OIG advised that . . . was not under criminal investigation. . . . provided, in substance, the following information:

. . . has worked for the DPS for . . . said . . . knew that USCS tracked airplanes. . . . said . . . was unaware that this USCS California office was part of the DHS.

. . . said . . . called the USCS about a missing airplane on May 12, 2003, between the hours of 6:45 p.m. and 7:00 p.m. . . . said . . . asked for the ''TX Desk'' which . . . said referred to the Texas area.

. . . was questioned as to who instructed . . . to make an inquiry regarding the missing airplane. . . . said several individuals requested . . . to look for the airplane. At that point in the interview . . . asked . . ., and . . . it . . . had to answer the question regarding who requested . . . to look for the airplane. . . . advised . . . that this question was outside the scope of the DHS–OIG investigation. The DHS–OIG informed . . . that this question was pertinent to the investigation; however, the DHS–OIG could not compel . . . to answer. . . . declined to answer the question.

At the direction of unnamed individuals, . . . said . . . called the USCS to locate the airplane since it was past its travel time and missing. . . . said . . . identified . . . and told the USCS call center employee that . . . needed to locate a missing airplane. . . . said . . . did not recall speaking with . . . at the USCS. . . . advised that there were legislators on board the aircraft; however, . . . did not know their identity. . . . said . . . provided the USCS with the airplane's tail number and advised them that . . . did not have the airplane's flight schedule. . . . said . . . could not remember the exact details of who was contacted to look for the airplane's tail number . . . asked USCS if they could assist . . . with locating the missing airplane. . . . said the USCS advised that they would research the matter and call . . . back . . . said . . . was called back by the USCS and advised that the Federal Aviation Administration (FAA) followed the flight plan from Ardmore, Oklahoma, to Mineral Wells, Texas.

. . . said the airplane departed Ardmore, Oklahoma, at 5:00 p.m. and was scheduled to arrive in Georgetown, Texas, at 6:13 p.m. . . . said the airplane's flight time was approximately one hour and thirteen minutes. . . . said the airplane's tail number was N711RD, which was registered to Hale Center, Texas. . . . stated . . . did not know to whom the airplane belonged. . . . said . . . checked with Austin Flight to verify if there was a flight plan from Ardmore, Oklahoma, to Georgetown, Texas, prior to calling USCS.

. . . said at approximately 8:00 p.m. . . . spoke with the USCS to check on the status of the missing airplane. The USCS advised . . . that they had been unsuccessful in locating the airplane in Mineral Wells, Texas, and that the next step would be to contact the FAA, Forth Worth, Texas. . . . said the USCS advised the only thing left to do was a search and rescue . . . said the USCS provided . . . with the telephone number for the FAA Fort Worth tower.

. . . said . . . called the FAA, identified . . . and requested assistance related to some

missing legislators. . . . did not recall who . . . spoke with or the time of the call to the FAA. The FAA advised . . . that the missing airplane traveling from Ardmore, Oklahoma, to Georgetown, Texas, went off the FAA radar in Bridgeport, Texas. . . . said . . . was told that the Bridgeport, Texas, and Mineral Wells, Texas, airports would be checking for the missing airplane.

. . . said when . . . contacted the FAA Forth Worth tower for the second time . . . could not recall what time it was or who . . . spoke with . . . said the FAA told . . . that they did not locate the missing airplane and that the next step was to check some more airports in the area for the missing airplane. . . . said the FAA told . . . that Possum Kingdom, Texas, Graham, Texas, and Weatherford, Texas, were in the Bridgeport, Texas, area. . . . said . . . asked the FAA how to conduct a search and rescue. . . . said the FAA explained that a search and rescue involved checking airports and looking on the ground for the missing airplane.

. . . said . . . spoke with the FAA three different times with the third discussion informing the FAA that the missing airplane had been located by the DPS in Graham, Texas. . . . said . . . did not know who at DPS located the airplane . . . said . . . had no recollection of the specific times during the night that . . . spoke with the FAA. . . . opined that the calls were made after 8:00 p.m. and prior to midnight on May 12, 2003.

. . . was questioned regarding any notes taken regarding the missing airplane. . . . said . . . notes from . . . conversations regarding the missing airplane with the USCS were shredded . . . said . . . did not shred the notes. . . . said . . . does not recall who . . . gave the notes to for shredding.

. . . opined that the total time utilized by DHS to assist . . . with the missing airplane was fifteen minutes related to some telephone calls made.

Mr. Chairman, I propose this amendment to H.R. 2799, the Commerce, Justice, State, Appropriations Act of 2004.

The amendment states, ''None of the funds made available by this Act may be used by the Department of Justice to destroy or conceal physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003.''

The purpose of this amendment is to prohibit the use of funds by the Department of Justice to destroy or conceal any documents related to the use of Federal agency resources in the Texas redistricting controversy in May 2003.

During the Texas redistricting controversy in May of this year, there were numerous published reports that Federal law enforcement resources were used to conduct surveillance, attempt to locate, or otherwise track the location of Democratic member of the Texas Legislature who left Texas to break a quorum. Included in the reports were accounts of the Federal Bureau of Investigation being contacted to locate Democrats, the United States Marshals receiving phone calls to arrest Texas Democrats, and Federal resources being utilized to track airplanes belonging to Texas Democrats.

In the wake of the redistricting controversy and the allegations of misuse of Federal resources, there have been numerous attempts to obtain documents related to the misuse of Federal law enforcement resources. Democratic Members of both the U.S. House of Representatives' Judiciary Committee and Select Committee on Homeland Security have requested documents. The many requests have either been ignored, or the information received has been redacted.

This amendment is designed to prevent the Department of Justice from destroying or concealing any documents related to the Texas redistricting controversy. It is imperative that these documents be released so that Members of Congress can determine if Federal resources were misused.

Mr. Chairman, as America continues to fight a war on terrorism and attempts to protect our communities from crime, it is critical that every possible Federal resource is used for its intended purpose. The misuse of Federal resources cannot be tolerated because such misuse makes our communities unsafe, and our country more vulnerable to a terrorist attack. I urge my colleagues to support my amendment.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the subcommittee accepts the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENTS NO. 3, 4, 5, 6 AND 8 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer amendments numbered 3, 4, 5, 6 and 8, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Ms. JACKSON-LEE of Texas consisting of amendments numbered 3, 4, 5, 6 and 8:

AMENDMENT NO. 3

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to regulate the issuance of consular identification cards by foreign missions in the United States.

AMENDMENT NO. 4

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to extend a visa issued pursuant to section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act more than 8 times.

AMENDMENT NO. 5

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Notwithstanding section 214(c)(1)(C) and section 286s of the Immigration and Nationality Act or any other provision of law, amounts from fees pursuant to the issuance of visas under section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act shall be used as follows:

(1) 4 percent shall be used for the processing of visas for nonimmigrant status under section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act.

(2) The remainder shall be used as additional resources for accelerating the processing by consular officers of other nonimmigrant visa applications.

AMENDMENT NO. 6

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used to prohibit the study of the issue of implementing ''good time'' for persons incarcerated for non-violent crimes in the Federal prison system.

AMENDMENT NO. 8

At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to prohibit the Administrator of the Small Business Administration from providing technical assistance to small business concerns participating in the rebuilding of Iraq and Afghanistan.

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

The CHAIRMAN. The gentleman reserves a point of order on the amendments en bloc.

The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I hope that out of my discussion of these amendments I will engage my colleagues in what I believe are very serious issues that need to be both debated and resolved.

Let me raise the first amendment, Amendment No. 3, which indicates that no funds in this bill should be utilized to prevent a sovereign nation from using counselor identification cards.

I will simply submit for my colleagues' consideration the fact that there was an amendment passed in the foreign relations authorization bill last week that would prohibit the State Department from authorizing the use of these matricula cards by various counselors around the Nation, in particular those cards that have been utilized by the Mexican counselors all over the Nation. I happen to have such a counselor in my congressional district.

It seems ironic that we passed this legislation when, in fact, the United States Treasury Department has written a regulation that specifically says that they will allow a financial institution to accept any one or more of the following; a U.S. taxpayer identification number, a passport number and county of issuance, an alien identification card number, or the number and country of issuance of any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard.

This is hypocrisy and, of course, a conflict in law, where we would pass legislation to prevent it and, in fact, we do have rules that would allow it. So I hope that we will find a way to remove any block to various counselors being allowed to utilize those counselor cards.

Let me also say that I have an amendment that addresses the question of visas with respect to the trade bills that will be on the floor tomorrow. It is a shame that we are using those trade bills, if you will, to do immigration law on trade bills. I will be debating those questions tomorrow, but I had amendments regarding the nonimmigrant visas and as well the H–1B fees. But I will, if you will, be allowed to debate that fully tomorrow, and I would only argue that we should not do immigration policies on trade bills.

The bill that I really want to discuss, that I am presenting in this amendment, is the issue of ''good time.'' Mr. Chairman, let me simply cite that in the Bureau of Prisons we have 143,000 inmates, 14,000 in private prisons, and that we have any number of prisoners who are, in essence, nonviolent. By race, we have 56.5 percent are white, black are 40.4 percent, Native American 1.6 percent, Hispanic 3.2 percent.

My idea of an amendment dealing with ''good time'' is to be able to give some relief to those nonviolent prisoners who are incarcerated. This issue is being discussed all over the country. Families are begging for us to address the question of mandatory sentencing. Our prison system is overcrowded.

I hope that I can gather my colleagues to reasonably look at an important concept, which is putting in the concept of ''good time'' in our Federal prisons. My constituents happen to come from an inner-city district and are overloaded in the prisons. Many of them are there for nonviolent crimes. Many of their families are crying. Many of their families were willing to take them in, and also in many instances they have been rehabilitated and can be more contributing to society if they are released.

The very fact they are being held in prison on a mandatory sentence, not having the opportunity for ''good time,'' I think is a waste of resources. It is costing the United States of America millions of dollars. These are not violent criminals. I am not arguing for violent criminals; I am arguing for those nonviolent criminals that are in, who could do well to be released.

My last amendment has to do with recognizing that small businesses are the backbone of America. With 6 million people unemployed, this amendment would simply provide for the Small Business Administration to provide technical assistance for small businesses who want to do business in rebuilding Iraq and Afghanistan. I hope to be able to work with the Small Business Administration to ensure that this kind of technical assistance is provided.

Likewise, I would hope to be able to work with the Federal Bureau of Prisons, my colleagues on the House Committee on the Judiciary and ultimately the Committee on Appropriations to look at the idea of ''good time'' being placed in law, recognizing the need to address this frightening, staggering statistic of overcrowding prisons with inmates and people incarcerated that could do well to benefit from Federal sentencing guidelines being modified by a ''good time'' provision, one day per one day of good time, and giving a reward to nonviolent criminals in the Federal prison.

We are overcrowded, everyone recognizes it, families are being penalized; and I would ask that my colleagues would entertain these ideas in the future as we discuss ways of solving problems that need to be solved.

The purpose of this amendment is to prohibit funding needed for the Secretary of the Department of State to regulate the issuance of consular identification cards by foreign missions in the United States. H.R. 2799 requires the Secretary to decide what the consulates of other countries can and cannot do with respect to consular identification documents in the United States.

Although the Secretary's decisions would apply to all consulate offices in the United States, it is apparent that the objective of the requirement is to regulate the issuance of a particular consular document, the Matricula Consular issued by the Mexican consulates.

The Mexican consulates issue these cards to create an official record of its citizens in other countries. The Matricula is legal proof of such registration. This registration facilitates access to protection and consular services because the certificate is evidence of Mexican nationality. It does not provide immigrant status of any kind, and it cannot be used for travel, employment, or driving in the United States or in Mexico. The Matricula only attests that a Mexican consulate has verified the individual's identity.

If the Secretary of State were to regulate the consulates of Mexico and other foreign governments, it would interfere with the rights of other sovereign nations to issue whatever identification cards they want to issue to their citizens abroad, provided that they meet the requirements of the Vienna Convention. Under that convention, consular function is established as ''performing any other functions entrusted to a consular post which are not prohibited by the laws and regulations of the receiving State.''

There is no United States federal law that forbids the issuance of consular identification cards. In fact, the Treasury Department has issued regulations under Section 326 of the PATRIOT Act that would allow financial institutions to accept consular identification cards as valid forms of identification for the purpose of opening accounts.

I urge you to vote for my amendment.

The implementing legislation for the Singapore and Chile trade agreements would create a new nonimmigrant visa classification for workers from those countries which would be similar to the present H–1B nonimmigrant visa classification. The H–1B program generates a $1,000 fee that employers must pay. Under the H–1B provisions, 4 percent of the $1,000 must be used for processing the H–1B visa applications, and the remainder must be used to run training programs for American workers.

The new nonimmigrant visa classification also would generate a $1,000 fee. In fact, the fee for the new classification would be the same as the fee for the H–1B classification. If the H–1B fee is lowered, the new classification's fee also would be lowered.

My amendment would use the same type of distribution system that is currently used by the H–1B system, only the remainder would be used for a different purpose. The Secretary would have to use the remainder for processing other types of nonimmigrant visa classifications. I want to emphasize that my amendment does not affect the use of the fees generated by H–1B applications.

The reason for earmarking the extra funds generated by the new fees this way is to accelerate the processing times for nonimmigrant visas. Our consulate offices in other countries have enormous caseloads of nonimmigrant visa applications, which has created unfortunate delays. For instance, people from other countries who are seeking medical treatment in the United States sometimes cannot obtain nonimmigrant visas until it is too late. Something has to be done about this situation. The fee distribution system I am proposing would provide help to improve this situation.

I urge you to vote for my amendment.

The implementing legislation for the Singapore and Chile trade agreements would create a new nonimmigrant visa classification for workers from those countries who want to work in the United States. The new visa classification would be similar to the existing H–1B visa classification. The purpose of my amendment is to prohibit the funding of renewals for the new nonimmigrant visa classification beyond 8 times.

The existing H–1B classification permits foreign employees to enter the United States for a 3-year period. At the end of that period, the employee must go home unless he is granted a renewal. One 3-year renewal is permitted. At the end of the renewal period, the foreign employee must go home.

The new visa classification would authorize the foreign employee to work in the United States for 1 year, instead of 3 years, as is the case with the present H–1B classification. When the year is completed, however, the new visa classification provisions would permit an infinite number of renewals in 1-year increments. Theoretically, the foreign employee could enter the United States as a nonimmigrant employee at the age of 22 and remain until he is ready to retire at the age of 70 by obtaining renewals at the end of each 1-year period.

The provision in the Immigration and Nationality Act for nonimmigrant classifications did not intend such a result. The term ''nonimmigrant'' is defined as an alien in the United States who is not an ''immigrant.'' An ''immigrant'' is an alien who has made the United States his home. An immigrant is a permanent resident. In contrast, a nonimmigrant is someone who is in the United States on a temporary basis. The new nonimmigrant visa classification would violate that definition by making it possible for alien employees to spend their entire careers working in the United States. That is not a temporary admission by any stretch of the imagination.

My amendment would prohibit funding more than 8 1-year renewals. This would permit the

alien employee to remain for a total of 9 years, which is 50 percent longer than the 6-year period that a person with an H–1B classification can remain.

I urge you to vote for my amendment.

Mr. Chairman, today I rise in support of my amendment to H.R. 2799. The purpose of this amendment is to promote the study of ''good time'' in federal sentencing guidelines for persons incarcerated for non-violent crimes. Mr. Chairman, ''good time'' is a reduction in sentenced time in prison as a reward for good behavior. It is usually one-third to one-half off the maximum sentence.

Mr. Chairman, at this time we are faced with a crisis. Our federal prison systems are severely overcrowded. We are running out of resources and facilities to house our prisoners. Mr. Chairman, at this time there are currently thousands of non-violent offenders, first time offenders, serving time in these federal prisons. Some of these prisoners are prisoners who realistically pose no more of a risk to society than you or I. I firmly believe that some of these non-violent, in many cases first time offenders, should be given a second chance to prove themselves and become positive contributors to this great society of ours.

I would also say, Mr. Chairman, that at this time recidivism is also a major problem now plaguing our prison system. We are experiencing a phenomenon in where many prisoners who spend time serving lengthy prison sentences are released and soon return to incarceration. It is my impression, Mr. Chairman, that lengthy prison sentences just do not work; we need to begin to conquer the root of the problem.

I propose this amendment to H.R. 2799, the Commerce Justice State Appropriations Act for FY 2004.

The purpose of this amendment is to prohibit any funds allocated under this act from being used to prevent the small business administration from providing technical assistance to small businesses participating in rebuilding Iraq and Afghanistan. I am a proponent of the full participation of small businesses, minority-owned businesses, and women-owned businesses in efforts to rebuild post-war Iraq and Afghanistan. In the department of defense reauthorization bill I included language to help America's small business community. This amendment also helps America's small business community. The amendment ensures that no funds will be used to prevent the small business administration from helping America's small businesses rebuild the cities of our international allies. I propose this amendment as a means of helping the citizens of Iraq and Afghanistan and also helping America's small business community. I urge my colleagues to support this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) insist on his point of order?

Mr. WOLF. Mr. Chairman, I do.

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

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

The rule states in pertinent part ''an amendment to a general appropriations bill shall not be in order if changing existing law.''

The CHAIRMAN. Does the gentlewoman from Texas wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, as I indicated, these are very, very important issues to me and many of the constituents and advocacy groups that I have engaged in. I do believe that we should not do immigration policies on trade bills, and of course, those bills will be up tomorrow. They involve those kinds of issues.

Likewise, I think it is extremely important, as I said, that we do something to solve the overcrowding of the Federal Bureau of Prisons and other prisons and, as well, address the question of small businesses attempting to do work in Iraq and Afghanistan.

But I will look forward to working with my colleagues on these very important issues as we work through the Congress's business in the 108th Congress and hope to be eventually successful with these amendments.

Mr. Chairman, I look forward to working with my colleagues in bringing forward amendments that they will accept and that we will have a positive vote on.

Mr. Chairman, I ask unanimous consent to withdraw the amendments en bloc.

The CHAIRMAN. Without objection, the amendments en bloc are withdrawn.

There was no objection.

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

Mr. Chairman, as we get close to the end of this debate and the end of the evening, I just wanted to take this opportunity, first of all, to commend you, sir, for the work you have done today and for the professional and fair way in which you have treated all of us. It is always a pleasure to have you in the chair, and I know that I speak probably for both sides, but certainly for this side, in thanking you for the way in which you treat us, in your fair and honest way.

Secondly, I take this opportunity once again to say to my chairman, the gentleman from Virginia (Mr. WOLF), that it is a pleasure always to work with him. We have had some little lumps today, but I think when the final vote is taken tomorrow, everything will show that we did what was right and we did what was fair; and I just want to thank the gentleman for being a good partner in this endeavor of ours.

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

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

Mr. WOLF. Mr. Chairman, I thank the gentleman. I feel exactly the same way. I thank the gentleman very much.

AMENDMENT OFFERED BY MR. RUSH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RUSH:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used for the sentencing phase of any Federal prosecution in which the penalty of death is sought by the United States.

Mr. RUSH. Mr. Chairman, this amendment is modest in scope. It temporarily stays Federal death penalty prosecutions for the fiscal year 2004.

I want to say that this is not an abolition of the Federal death penalty. Specifically, Mr. Chairman, it prohibits Federal funds under the act from being used in the sentencing phase of Federal death penalty cases.

Mr. Chairman, there are too many mistakes that happen in the Federal judicial system. Last year, I am sure you know, a district court ruled that the Federal death penalty is unconstitutional because it does not afford defendants enough opportunity to prove their innocence.

This decision was overturned by the Second Circuit, but only on legal grounds, and it shows that there is controversy over the factual accuracy of death penalty cases.

In Illinois, the State that I represent, where my district is located, the former governor, the Republican governor, I might add, George Ryan, imposed an indefinite moratorium on State death penalty cases because too many defendants were being exonerated.

This amendment tries to emulate what Governor Ryan did. However, it is more modest in scope, because it only lasts 1 year.

Mr. Chairman, in Illinois we had literally tens of individuals who were on death row, who had been placed on death row by a process that I am sure that Members of this body would not be proud of, including torture in terms of soliciting their confessions, and in terms of they had faulty defense counsel and various other kinds of issues and problems that they were not able to overcome.

As a result, there were approximately 61 people who were actually freed from death row. If I am not mistaken, there were a number of people freed from death row because it was determined that their confessions had been solicited after being tortured in the jail system or in the Cook County jail or the Chicago police stations.

So this amendment is meant to deal with that issue, to deal with similar issues in the Federal system.

I might add that since Governor Ryan imposed his indefinite moratorium on the death penalty, Illinois has passed a lot of reforms that came about as a result of the findings of a commission that Governor Ryan convened during this moratorium.

Our State has passed common-sense reforms that will more adequately safeguard defendants from wrongful

death penalty prosecutions. They have imposed a minimum defense requirement, and now, Mr. Chairman, I am so proud that my State is the first State in the Nation that has imposed videotaping of all interrogations. That means that in any death penalty case, all the interrogation has to be videotaped by the police department in the first instance. That bill was signed into law last week, and I think that we at the Federal level should do no less than what we have done at the State level.

I might remind the Members of this House that in the year 2000, the Department of Justice survey of the Federal death penalty system shows that the system disparately affects people of color. Eighty percent of cases in which the death penalty was sought involved defendants of a minority ethnic group, and over half of the cases involved African American defendants. It seems that with 80 percent of these cases, that certainly is out of line with what the population of this Nation is.

Since 1988, another factor that I want Members of this body to know is 60 percent of white defendants avoided the death penalty through plea bargaining, while only 41 percent of African American defendants were able to plea bargain in such a fashion.

So, this particular amendment, Mr. Chairman, is, I think, a worthwhile amendment. It is a sound amendment and it really is meant to eradicate some injustices that might exist, that do exist, in the criminal justice system.

I might add, Mr. Chairman, that the fact that these death penalty laws are carried out in such a biased way, one-sided way, affecting minorities, that it is shameful on this Nation for this to be allowed to continue.

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

Mr. Chairman, I rise in opposition to the gentleman's amendment. It really is not an appropriate amendment for an appropriations bill. It really should be dealt with by the authorizers.

Also, the gentleman's amendment would allow the Department of Justice to prosecute cases involving the death penalty, but would then prohibit them from the sentencing phase. That is probably not a very good way to go.

I understand what he is trying to do, but the Congress has enacted numerous bills dealing with these issues, and I think undoing these bills with a funding limitation is probably not the way to go. I would urge the gentleman to go through the authorizers. I know they are opposed to this amendment.

So because of that, Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

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

RECORDED VOTE

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

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

AMENDMENT OFFERED BY MR. LEVIN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LEVIN:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be expended by the United States Trade Representative for negotiating a Free Trade Area of the Americas (FTAA), or a Central American Free Trade Agreement (CAFTA), that does not protect against piracy of copyrights, that does not open markets for United States agricultural products and high technology and other manufactured exports, that provides greater rights for foreign investors than Americans in the United States, and that does not require adoption and enforcement of the basic prohibitions on exploitative child labor, forced labor, and discrimination, and guarantee of the right to associate and bargain collectively.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on this amendment.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on the amendment offered by the gentleman from Michigan (Mr. LEVIN) and any amendments thereto be limited to 30 minutes to be equally divided and controlled by the proponent and by an opponent, and that would be, I think, the gentleman from Arizona (Mr. KOLBE).

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

There was no objection.

The CHAIRMAN. The Chair will consider the point of order reserved throughout the debate.

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

Mr. Chairman, this amendment is being offered for a clear set of reasons. Expanded trade is critical. It is critical that the terms of this expanded trade be effectively shaped. The pace of trade negotiations is indeed increasing. This heightened pace needs to take a global economy and all of its people, and I emphasize all of its people, in the right direction upwards.

This amendment is not a case of tying the hands of our negotiators. It is a matter of Members of Congress showing their hands, showing what should be the course of these negotiations.

So this amendment underlines, on behalf of this House, some priorities: protection against piracy of copyrights, open markets for agricultural goods, open markets for high-tech and other manufactured exports, no greater rights for foreign investors and Americans, and guarantee of the right of workers to associate and bargain collectively.

Since CAFTA, the Central America Free Trade Agreement, is the next trade negotiation that is farthest along, let me discuss it in terms of this amendment.

In this negotiation of CAFTA, there is a particular relevance of the provision in this amendment relating to the rights of workers to associate and to bargain collectively. CAFTA represents a major opportunity, and I emphasize that, to integrate further the economies of our Nation and the nations of Central America. Such integration includes sensitive areas such as apparel and textiles and agriculture. This further economic integration of Caribbean nations, including the United States, beyond that in the CBI arrangements, cannot be achieved unless there are some basic standards negotiated into the new CAFTA trade agreement. This expanded trade and further integration of our markets cannot be achieved based on the suppression of the workers in Central America in the sectors I mentioned or any other.

There is clearly such suppression of workers today in the three Central American countries I visited 3 months ago: El Salvador, Nicaragua, and Guatemala. That is verified clearly by both the State Department and ILO reports. Laws in those countries that are woefully weak, that clearly violate ILO standards, woeful enforcement of these clearly inadequate laws, putting forth in the negotiations of CAFTA as the U.S. is doing as a standard, enforcing your own laws can only lead to the opposite of strong laws and strong enforcement.

If this does not change, one, workers in these Central American nations will not be able to climb up the ladder, cannot become part of an expanded middle class so important to them, so important to their countries, and important to the U.S. in terms of ability of people in those countries to buy our goods and services; two, there will be a race to the bottom among the nations as to which Central American nation can have the worst conditions, the most suppressed workers; three, workers and an increasing number of consumers in our Nation will oppose any trade agreement.

Mr. Chairman, we have a chance, and I emphasize this, an opportunity, to build integrated economic structures that can compete with all nations, build on standards that uplift the people of the United States and Central America, and eventually all other nations.

This amendment says the Congress wants USTR to seize this opportunity. I urge support of this amendment.

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

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

I rise in opposition to the amendment that is offered by the gentleman from Michigan. At the appropriate time, I will make the point of order as to why I believe that this amendment is not in order. As I understand it, just so we are clear as to how we are going to proceed here this evening, our intention is for the two of us or others who may want to debate to use the time, and reserve, each of us, 1 minute of debate for tomorrow, and I will make the point of order at that time and we will address the issue at that time.

But aside from the issue of the parliamentary procedure that is involved here as to whether this amendment is in order and, as I said, I will address that at the appropriate time, I do have strong objections to the content of this amendment.

I have a lot of respect, a tremendous amount of respect for the gentleman from Michigan. I appreciate both the intellect and the passion that he brings to the subject of trade and its discussions. He and I worked together, sometimes on opposite sides, on trade issues in this Chamber over the years. On any given day, when there is a trade panel discussion, whether it is here in the Capitol or some place downtown, he and I are usually paired together as discussers. But as many of my colleagues may know, we do possess very different views about trade policy.

I want to commend the gentleman from Michigan for the crafting of this particular amendment. With it I think he has shown a great deal of legislative brilliance and some policy ingenuity as well.

But I have to say the net result is quite mischievous. The gentleman, through his amendment, seeks to have his cake and then to eat it as well. Or on another plane, it attempts, this amendment attempts to be all things to all people. It purports to satisfy all constituencies: expertise in agriculture, manufacturing, technology, U.S. producers of intellectual property through copyright protection, antiglobalization environmental organizations focused on investment issues, and even labor organizations focused on labor rights.

In the context of trade negotiations, it sets very high hurdles or high marks on the pole vault poles that the U.S. trade negotiators must meet in order to get over that hurdle. It cherry-picks the very best USTR has been able to negotiate so far in other free trade agreements with other countries. And, in this case, it picks on the two that are here in our hemisphere. It says that the Central American Free Trade Agreement and the Free Trade Agreement of the Americas, both under active consideration and active negotiation, should emulate the copyright provisions from the U.S.-Chile Free Trade Agreement. On the agriculture, manufacturing and market access, the amendment says that CAFTA and the FTAA should replicate the outcomes of the U.S.-Singapore Free Trade Agreement. On the issue of investor rights, it creatively interprets how Trade Promotion Authority, TPA, which has been adopted by this body and enacted into law, it creatively interprets how TPA was written to meet its own ends. Lastly, it would seek to make Jordan, the Jordan agreement a model for future agreements on the issue of labor rights.

Mr. Chairman, as I said a moment ago, this amendment really aims to be all things to all people. But when we get below the surface, we have to realize that this amendment is a poison pill, a poison pill that dooms the hope of Hondurans and Equadorans, El Salvadorans, and all others in this hemisphere for more market access, for the opportunity to trade with the United States. The aim of this amendment is nothing less than to sink the negotiations on the Central American Free Trade Agreement and the Free Trade Agreement of the Americas, and that would be a disaster. It would be a disaster for the U.S. economy. It would be a disaster for our foreign policy, which has made such a strong commitment to these countries, to give them the access that they do not now have. It would be a disaster for the future development of democracy in the Western Hemisphere.

The fact is, Mr. Chairman, every agreement is unique. We can be sure that USTR will get the best possible deal for U.S. workers, for exporters, and for importers. We can be sure that the U.S. Government will seek to get the best deal for consumers and for America's working families. But, Mr. Chairman, we cannot prejudge the outcome like this gentleman attempts to do with his amendment by directing it in advance. Every negotiation, every trade negotiation that we have ever had is different; but we all expect that in the end the agreements that are negotiated by USTR will improve the status quo for free trade in the Western Hemisphere and with the Central American countries. That is our goal for CAFTA and for the FTAA. This agreement, by seeking to put a straitjacket around the USTR as to how they would negotiate that agreement, would assure that in the end we have no such agreement. It is as simple as that.

For that reason on substance, this amendment should be opposed.

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

Mr. LEVIN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time. I thank the gentleman from Arizona for withholding on his point of order so we may make our points.

I am most concerned with this amendment with respect to the sections dealing with labor, the issues of forced labor and exploited child labor, and the right to associate and to bargain collectively. Those are all determinations that would be made in the countries that we signed the agreement with. To suggest that somehow we cannot conduct free trade, that we cannot conduct trade with countries in Central America and South America, or anywhere in the world; that if those people have the right of freedom of association, or they have a right to collective bargaining, that that would destroy the trade agreements.

Yet, we have seen a country like Cambodia that now has a textile agreement, that has the ILO poor labor standards in it. We see American companies flocking to Cambodia to do business there, because, in fact, they find those poor labor standards provide a value added. They find out now that when they come under attack for the processes in which they use to manufacture their goods, they have the ability to refer them to the ILO.

□ 2200

It has been settled and many of them have escaped jeopardy because they had done nothing wrong, but there was a neutral forum to do that. The Cambodian Government finds, as I said, that this is a value added for them.

What are they doing? They are allowing people in a country that just a few short years ago was considered a killing field, they are allowing people to freely associate, to collectively bargain, to form the union, and to develop the workers' rights in accordance with that proposition.

That is all we are asking. We are not asking them to take American labor union agreements, the American labor collective bargaining standards, but we are allowing people to freely associate and to participate. And the fact of the matter is, it can work because if you do not do that, then what you simply do is develop what has been written about the first generation of globalization, and that is the incredible exploitation, the incredible exploitation in the Third World countries as we open them up for trade for purposes of manufacturing where the benefits are not shared, the benefits are not derived in those societies, and that has got to stop. Not only is that unfair competition for American workers, but it is exploitative competition for the people in those countries.

Why is it that when banana pickers try to get together in Ecuador, they are beaten by the police? Their houses are set on fire. They are beaten outside the place of their employment. Their families are intimidated. That is fair trade? That is the treatment that we want to bring to people? We do not want to suggest that these people are entitled to more? You can buy 10 pounds of bananas for 99 cents, so that somehow we can justify that?

No. This is about whether or not over a long period of time if these people

have these rights and they are enforceable, they will have the ability to freely associate, to collectively bargain, to get rid of forced labor, to get rid of child labor. And that would be the American market being used for the best of purposes to leverage these people into a better life and a better standard of living.

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

Mr. LEVIN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Michigan (Mr. LEVIN) for yielding me time.

Mr. Chairman, where I come from, trade is a four-letter word, J-O-B-S. Unfortunately, this administration, this Trade Representative, the leadership in this Congress just simply do not spell very well.

We all know what has happened. We lost 3.1 million jobs in the 2½ years the Bush administration has been in the White House. We have lost 2.1 million manufacturing jobs. We have lost them because of an economic program of tax cuts for the wealthy, the most privileged. We have lost them because of the cuts in veterans, in education, in health benefits. And we lost them because of trade agreements, one trade agreement after the other.

Last Sunday, I spoke at a rally for Goodyear. There are 14 Goodyear plants left in the United States. Worker after worker came up to me and said, What are you doing about our jobs that move overseas?

They understand that NAFTA has been a failure from a billion-dollar-plus trade surplus 10 years ago, pre-NAFTA, to a $25 billion deficit with Canada and Mexico post-NAFTA. They understand that our China trade policy has been a failure. Only $100 million, with an ''M,'' trade deficit a dozen years ago; $100 billion, with a ''B,'' trade deficit today where thousands, tens of thousands, hundreds of thousands, maybe a million U.S. jobs have gone to China.

Two years ago Congress got it right. This body passed without dissent a Jordan trade agreement. They got it right because it had labor standards. It had environmental standards. It represented American values and Jordanian values that lifted people up, not pulled standards down.

But now we have Singapore. Now we have Chile; next we have the Central America Free Trade Agreement, where the model under Jordan was strong environment, strong labor standards, strong food safety standards, our values.

The Levin amendment makes sense because it will restore what this Congress rallied around, a Jordan-type trade agreement which meant raising values, supporting American values, raising the standards that we hold dear on labor and the environment. It makes sense. It is the right message. It is the right legislation for American jobs. It will explain to those Goodyear workers in Akron and 13 other plants across this country, explain to steel workers who have lost their jobs, explain to auto workers that might lose their jobs that this Congress actually is on the side of American values, is on the side of fighting for American jobs, cares about the environment, cares about food safety, cares about supporting American values, bringing back American jobs, preserving what we have, fighting for what we have.

The Levin amendment makes sense.

Mr. LEVIN. Mr. Chairman, I just want to be sure about the time since the gentleman from Arizona (Mr. KOLBE) and I are both reserving a minute at the end and the minority leader is going to take that minute tomorrow.

Mr. Chairman, do I have 4 minutes left?

The CHAIRMAN. That is correct.

Mr. LEVIN. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

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

Mr. Chairman, I begin by an expression of my strong respect for the chairman of the Foreign Ops appropriations subcommittee. I disagree with him on the amendment before us, which states that basically the funding of our Trade Representative shall be applied towards negotiating agreements that protect against piracy of copyrights, open markets for United States ag products, open markets for our high tech and other manufactured exports, and that provide for basic labor agreements in the countries we are negotiating with.

I think the American taxpayer has a right to understand that there are some governing principles behind the way we approach these trade negotiations. And I would like to focus specifically on agriculture for a minute.

Some might think that if it is agriculture that is exported, then trade agreements are good. It depends on how those trade agreements are negotiated. We presently are locked in a regimen, for example, with Europe where they have very significantly higher export subsidies, and we are looking at a WTO run where they are basically evaluating whether or not to bring each of them down an equal percentage, still leaving in place an essential disparity between the subsidies that Europe provides their exports and we provide ours.

We have a trade agreement with Canada that protects the operation of their state trading monopoly, the Canadian Wheat Board, a monopoly trading enterprise that we believe provides subsidies illegally to the Canadian farmers. So our farmers are not competing against Canadian farmers; they are competing against the Canadian Wheat Board and its government. They could make that clear by opening their books, but they have adamantly refused to open their books.

We have sued them. We have tried all kinds of things. And now we have a case pending in front of the WTO, years of delay, disadvantage to our farmers, lost markets, all accomplished under these trade agreements that were supposed to bring us new markets.

So it is important that we have a very clear vision, going in, that we are advancing our interests, we are advancing it compatible with our values. And that means opening markets. And that means labor protections.

This comes into sharp focus as we are on the eve of potentially voting on and maybe approving agreements that have previously been negotiated for Singapore and Chile.

We had a vote last week in the Committee on Ways and Means. I voted for each of those trade agreements, and I intend to vote for them on the floor. But let me make it very clear, a vote for those agreements does not mean that that is somehow a template, some kind of stamped form agreement that we can apply to countries that are fundamentally different from the advanced countries of Singapore and Chile with the functional labor protections and other protections.

This is an important resolution before us. I urge its adoption.

Mr. KOLBE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) has 9 minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 1 minute remaining.

Mr. KOLBE. Mr. Chairman, I yield myself 8 minutes, although I do not expect to use it, but I want to make sure I protect 1 minute at the end there.

Mr. Chairman, as I listen to the gentleman from North Dakota (Mr. POMEROY), who is a good friend of mine and somebody whom I have the greatest respect for, I realize that what we are talking about here is something that on one level sounds very good.

Who in the world is not in favor of opening our markets? Who in the world is not in favor of protecting us against copyright invasion? Who is not in favor of rights for American investors at least as good as foreign investors have? Who in the world would not be for good labor standards that do not allow for exploitation of child labor or forced labor?

All of those things, of course, we are for. But we have to look at the specific words of the amendments that is being offered here, Mr. Chairman. It is not just nice rhetoric we are talking about. We are talking about an amendment that is being proposed to a piece of legislation that is being proposed to be enacted into law. So let us look at it.

It says none of the funds, none of the funds, made available to the United States Trade Representative, none of the funds in here, which is well over $24 million this year, none of the funds made available to the U.S. Trade Representative may be used in negotiating a Free Trade Agreement of the Americas or a Central American Free Trade

Agreement, CAFT agreement, that does not protect against piracy of copyright. Well and good. Who determines that? How does it get determined? How do we know if we are making sufficient progress during the negotiations to know whether or not we could be expending any funds that does not open markets for the United States agricultural products and high technology and other manufactured products.

Does that mean that only if it opens markets for our products? Does it mean it cannot open our doors for products from other countries coming into the United States? Is this supposed to be just under this? Is USTR supposed to assume it has to be a one-way trade agreement that is to be negotiated, that provides for greater rights for foreign investors? What are greater rights? What does that mean? Cannot provide for greater rights for foreign investors than U.S.? Do we have to compare each tax law? How do we compare the tax laws as opposed to our own tax laws? How are they supposed to know?

The point of all of this, Mr. Chairman, the point that I am trying to make here, is that what we are talking about here is a negotiating process. We are talking about the U.S. Trade Representative entering into a negotiation. And when you enter into negotiations, you cannot prejudge and say that at the outset it has to be better than it was before in all agricultural products. It has to provide for more protection for U.S. investors than for other investors.

And how are they supposed to know day by day during this negotiation whether they are allowed to expend funds?

It is a completely unworkable kind of amendment that is being offered here today. So just on the surface of this amendment it is something that could not really possibly work. The bottom line is we all want to have protection for investors, protection for copyrights, open access to markets in other countries.

But we are also talking about some of the least developed countries, certainly, in this hemisphere, some of the lesser-developed countries in the world. And part of what we want to do with these trade agreements is give them an opportunity to have economic growth, give them an opportunity to hope for the future, give them a hand up, not a hand out, hold our hand out to them with open trade, with open markets; not to keep giving them more assistance that only robs them of the ability to send their markets, send their products to our markets.

That, Mr. Chairman, is what we are talking about with these free trade agreements.

I am reminded finally of how the head of the international labor organizations at one time with the group of members of this body was being questioned about labor rights and what kind of labor rights should exist in other countries; and he finally said, We want jobs, of course, we want good jobs in these Latin American countries, but first we have to have the job before we can talk about how we protect that job, before we can talk about having worker protections and building on that and making those jobs better and providing for more rights for our workers. First, we have to have the jobs.

□ 2215

That is what we are talk about with CAFTA and the FTAA. We are talking about providing these jobs for people there, giving them a chance, giving them hope for the future. Let us not rob them of that hope. Let us not do the Central American Free Trade Agreement; let us not do the Free Trade Agreement of the Americas with an amendment like this.

Tomorrow we will make our points of order on the issue itself as to whether this amendment should be in order.

Mr. Chairman, I yield back the balance of my time except for the 1 minute that remains.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

NOTICE OF INTENTION TO RAISE QUESTION OF PRIVILEGES OF THE HOUSE

Mr. LEVIN. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privilege of the House. The form of my resolution is as follows:

HOUSE RESOLUTION—

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee;

Now therefore, be it

Resolved, That the House of Representatives disapproves of the manner in which Representative Thomas summoned the United States Capitol Police to evict minority-party members of the Committee on Ways and Means from the committee library, as well as the manner in which he conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Michigan will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PLAN COLOMBIA/ANDEAN COUNTERDRUG INITIATIVE SEMI-ANNUAL OBLIGATION REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–104)

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

To the Congress of the United States:

Consistent with section 3204(e), Public Law 106–246, I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2003 in support of Plan Colombia.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 22, 2003.*

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. BISHOP of New York. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Child Tax Credit bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

One, the House conferees shall be instructed to include in the conference report

the provision of the Senate amendment not included in the House amendment that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Two, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides families of military personnel serving in Iraq, Afghanistan and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

Three, the House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

Four, to the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

Five, the House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. The gentleman's notice will appear in the RECORD.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. ROSS. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Ross moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

Number one, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Number two, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individual serving in the combat zone.

Number three, the House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

Number four, to the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

Finally, number five, the House conferees shall, as soon as practicable, after the adoption of this motion, meet in open session with the Senate conferees, and the House conferees shall file a conference report consistent with the preceding provisions of this instruction not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. Under clause 7(b) of rule XXII, the gentleman from Arkansas (Mr. ROSS) and a Member of the opposite party, in this case the gentleman from Arizona (Mr. HAYWORTH), each will control 30 minutes.

The gentleman from Arkansas (Mr. ROSS) is recognized.

Mr. ROSS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, tonight I am offering a motion to instruct conferees on the child tax credit. As Congress considered H.R. 2, the Jobs and Growth Tax Reconciliation Act, at a cost of more than $300 billion, one important provision was omitted that affects a majority of the hardworking families in my home State of Arkansas, as well as working families across our Nation.

The increase of a child tax credit that could be refundable to include low- to moderate-income families who earn between $10,500 a year and $26,625 a year was dropped from the conference agreement. Wage earners in this group include our men and women in the military, police officers, firefighters, and even our school teachers. Expanding the child tax credit to include the families of these people made up only 1 percent, let me repeat that, made up only 1 percent of the total cost of the tax cut package; but the impact of this omission on the millions of working families who need this relief is immeasurable.

I am very proud of our senior Senator from Arkansas, BLANCHE LINCOLN, who led the effort in the United States Senate to correct this wrong, to right this wrong; and the Senate did so in a bipartisan way. The vote in the Senate was 94 to 2. Let me repeat that: in the Senate it was a bipartisan vote, 94 to 2.

Mr. Speaker, it is simply wrong. It is wrong to enact a tax cut in the name of economic relief and not give that relief to those who are trying to do the right thing and stay off welfare and work jobs with few or no benefits, struggling day in and day out to make ends meet and provide for their children and their families.

At the end of this week, some 25 million checks will be printed and put in the mail. Soon, the 25 million families who qualify under the new tax cut law will begin to receive those checks for child tax credits aimed at providing them with economic relief. This means that a mother of two who earns $65,000 a year will soon find an extra $800 in her mailbox. Meanwhile, a mother of two who earns up to $26,625 will get absolutely nothing, not one dime.

We had to explain today to a single mother from my congressional district back home, Arkansas' Fourth Congressional District, who earns $16,000 a year, she was under the impression that she would be getting the child tax credit. After all she works for a living; she pays taxes and wanted our office to settle an argument with a friend who insisted that she did not qualify. Even though she is trying to do the right thing and stay off welfare, her friend told her she does not make enough money to get money back in terms of a child tax credit.

We had to tell her that she lost that argument; and because House Republicans, this Republican national leadership has yet to act on a bipartisan, Senate-passed provision, I repeat again on a 94 to 2 vote in the United States Senate, a bipartisan vote, because the House has refused to act on the Senate version, she will be left out in the cold.

Mr. Speaker, if we act now, we can include some 6.5 million working families who need this help the most.

This motion to instruct does a few simple things. It tells the conferees to agree to the Senate language, the bipartisan language that passed the Senate 94 to 2. It tells the conferees to let this language provide for tax credit checks to be mailed immediately to low-income family, those earning up to $26,625 a year. It provides that the tax credit be extended to personnel in combat zones in Iraq, Afghanistan and elsewhere around the globe. It provides assistance for the families of those who died in the tragic Columbia shuttle disaster, and yes, it ensures that this minimal cost is fully offset. In other words, we are not adding to the national deficit through this motion to instruct.

□ 2230

The conferees could easily accomplish these changes and bring us a final bill within 2 days, which is what this motion calls for.

For those who argue that a tax cut should not be provided for those who do not pay taxes, I am here tonight to say that that dog won't hunt. We are not talking about a tax credit for welfare recipients. We are talking about a tax cut for working families. There are hard-working people in our own offices who fall in this income level. Check out their next pay stub and tell me that they do not pay taxes.

Working individuals who pay a significant part of their income in taxes, including Social Security and Medicare taxes and gas taxes and sales taxes and property taxes, taxes which are never cut, should be entitled to share in the benefits of a tax cut, particularly since it is their Social Security Trust Fund, their children's Social Security Trust Fund, and their grandchildren's Social Security Trust Fund that is being raided to pay for this tax cut for the wealthy.

It is only fair that tax cuts benefit all Americans who contribute. Let us right the wrong and make sure that those 76,000 working families in my

State, and the 6.5 million working families across our country, the families of our firefighters, our policemen, our schoolteachers, and even families with loved ones fighting in Iraq and Afghanistan will be included in this effort to provide economic relief. Let us provide it to those who need it the most. Let us provide it to those who will actually spend the refund on items their families need, and in doing so will help get this economy moving forward once again. Let us provide it to America's working families because it is the right thing to do.

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

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume. I rise in opposition to the motion to instruct, and I thank my friend from Arkansas and others who will enjoin this debate this evening, Mr. Speaker, because it gives us a marvelous opportunity to carefully review all the facts.

It was the second President of the United States, Mr. Speaker, John Adams, who first observed that facts are stubborn things, and perhaps the stirring presentation from my friend from Arkansas is most compelling for what he omitted from his motion to instruct. Mr. Speaker, it is my sad duty to inform this House that the Democrat motion to instruct allows the child credit to drop from $1,000 to $700 after the 2004 election.

Let me repeat that because it is very important that all who join us in this debate, in this presentation tonight, Mr. Speaker, understand clearly what would transpire. The Democrat motion to instruct allows the child credit to drop from $1,000 to $700 after the 2004 election. Now, Mr. Speaker, in the world of commerce, that is known as bait and switch. And as a result, millions of the people who my friend professes to champion, millions of low- and middle-income families, will receive a smaller child tax credit right after the elections.

The House-passed bill, and let us point this out too, Mr. Speaker, because my friend also omitted something that just was passed by this House, H.R. 1308, the All American Tax Relief Act of 2003, our more comprehensive bill, which was not a part of my friend's presentation, passed by this House, ensures that the child credit remains at $1,000 throughout the decade.

Mr. Speaker, there is more, and I will be happy to delineate it, but let me pause, because my friend mentioned the needs of one of his constituents in the Fourth Congressional District of Arkansas. Mr. Speaker, I would hope that for all our low-income constituents who call about this, that we would inform them of four letters, EITC, Earned Income Tax Credits. That exists for people just like the constituent that was mentioned, which opens up economic prosperity and opportunity for those who do not pay a high level of taxes.

And again, understand, so expansive has been our move to reduce taxation on the American people, Mr. Speaker, that I am able to report that a family of four earning close to $40,000 a year now would pay no income taxes. And you see, really, this is the issue, Mr. Speaker. Those of us in the common sense majority say if you pay income taxes, those taxes should be reduced. Our friends on the other side say if you pay any taxes, then income taxes should be reduced.

There is a certain amount of illogic to that, speaking of dogs that will not hunt, Mr. Speaker, but let us take it a step further. What we have done in this House, through adoption of H.R. 1308, is to expand the credit to the very folks they claim to champion, to maintain that credit across the board throughout the decade. And we have gone a step further. In stark contrast to the shop-worn sloganeering of tax cuts for the rich, we have discovered something in America, and let me point to my own city of Phoenix, Arizona.

I represent the Awatukee portion of greater Phoenix. There lives a nurse practitioner making $64,000 a year, and her husband, a school principal, making $64,000 a year; both of them earning that salary. We have expanded the child tax credit, because we do not believe you should put a tax credit on children that rolls back and forth like the old-fashioned slide rule to penalize two-income families who happen to succeed. So let us then accept the premise that if we are not going to punish children at the lower end of the economic scale, certainly we should not punish families who have two-income earners. And sixty-four times two is about $128,000 in today's world, Mr. Speaker, and I would submit that that is not wealthy.

Something else that is important that I would bring to the attention of the House, Mr. Speaker. The Democratic motion to instruct does not eliminate the marriage penalty in the child credit until 2010, and even then it only does so for 1 year. Under the motion to instruct, millions of children will be denied the child credit simply because their parents are married. What we passed in the House benefits middle income families by eliminating this type of abridgement immediately.

The House-passed bill, which a common sense majority moved through this House, does not deny the child credit to military families. Military families, including those who are deployed abroad, are already receiving a refundable child credit and will continue to receive a refundable child credit under the House-passed bill. The Democrat motion to commit would only increase the refundable child credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit.

And the House-passed bill, which moved through, again, with a bipartisan majority, provides more tax relief to military families because it includes $806 million of military tax benefits. We should point out that those provisions have passed the House on numerous occasions. They are awaiting action in the other body. Indeed, Mr. Speaker, while we tend to our affairs here, and I will not characterize what might transpire across this Capitol, I will simply say that a more comprehensive approach, as endorsed by this House, makes more sense for the American people.

I look forward to the other arguments, but, Mr. Speaker, I would have to say that as I hear the litany from the left, it reminds me of that country song, ''That's my story and I'm sticking to it.''

Mr. Speaker, again, facts are stubborn things. Reject the motion to instruct.

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

Mr. ROSS. Mr. Speaker, I yield myself such time as I may consume to respond to the gentleman from Arizona.

All the things he was criticizing H.R. 2 does. In fact, he voted for it and the President signed it. So I am at a loss as to what he was talking about, although I think it is important that I point out to the gentleman from Arizona that back home, in Prescott, Arkansas, just outside of town, off the kill road at my deer camp, we have a saying: ''Don't let the facts get in the way of a good story.'' But we are not at the deer camp tonight, we are in the United States House of Representatives, and we are talking about the future of 6.5 million working families.

I will tell my colleague that he is right about one thing. I did fail to mention one thing in my opening statement, and that was that this motion to instruct will help 123,000 families who do not get the child tax credit in the gentleman's home State; 19 percent of the working families in his home State.

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

Mr. SCOTT of Georgia. Mr. Speaker, I thank the honorable gentleman from Arkansas for yielding me this time, and I stand to support the motion to instruct.

I must admit that I am really amazed at my good friend on the Republican side. It amazes me to see how he speaks out of not only both sides of his mouth but apparently out of the back of his head as well. If we remember very carefully what he said about the military, the point that he failed to mention was that combat pay is exempt and falls below the threshold level, so that those soldiers serving in Iraq are not covered.

With the Democratic plan, what we are pushing would include those soldiers and their children. And quite honestly, it brings tears to my eyes, Mr. Speaker, when I think of us sending our troops into harm's way and to come with this tax credit and not have them included. The gentleman knew that. He said purposefully the military,

but he did not say combat soldiers, because they are exempt from taxes. We know that.

Now, Mr. Speaker, let us deal with the facts as they should be. First of all, why are we here? We are not here because of the Democrats. If it were up to us and the Senate and the President of the United States, the bill would be passed and these 6.5 million families would be getting that check in the mail right now. We are here because of the Republicans in this House that insisted on killing the child tax credit by holding it hostage with an $82 billion irresponsible tax cut.

And I can say irresponsible tax cut with great credibility because I was one of only seven Democrats who voted for the original tax cut. And I voted for it because my constituents in Georgia wanted me to vote for it and because we were able to get $567 million in aid to my State. And, yes, it brought stresses to the deficit. But they want to take another $82 billion tax cut, knowing the Senate is not going to accept it; that the President of the United States already said he does not want it. He came out with a report just 2 weeks ago that we are already $500 billion into deficit now without even impacting this tax cut that we have. Irresponsible.

We are here because of my good friend from Arizona and the leadership. Now, I have been here just 6 months. I am new, and I am just a country guy from the south, from Georgia, but I have learned a couple of things since I have been here in 6 months. I have learned that the House leadership runs the ship here. And that is why we Democrats are often in the position of trying to correct the course of the ship when it gets off course from what the American people want.

Now, why are we here? We are here because the Republicans cut out, in the dark of night, this child tax credit. It was there. Many who voted for this tax cut assumed it was there. The American people assumed that this child tax credit was there for everybody.

□ 2245

One of the things about the American people is this: the American people root for the underdog. They always want us to stand up for the little fellow. Why should we not give this tax credit to low- and moderate-income people? And who are these low- and moderate-income people? Who are these 6.5 million families? They are families making between $10,500 to $26,000 per year, a sizable number of people, who have children, who deserve this tax credit.

And they want to say, well, they do not make enough to qualify. My goodness, they make enough. $10,500 to $26,000 a year in some cases is a decent salary. Twenty-three percent of the families in my State make this and 23 percent of the families in my State do not have this child tax credit. Twenty percent of those from 13 States do not have this credit.

Mr. Speaker, let us be right. Let us be fair. These folks deserve a tax credit. It is the American way. I want to thank my honorable friend from Arkansas for giving me that opportunity to speak. I just urge my good friend, and we have several good friends in the Republican Party that I have worked with, to put pressure on our leadership and let us do right by the low- and moderate-income people and include this child tax credit and get it to them immediately.

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

I thank my friend from Georgia for offering the hand of friendship, as he characterizes it, across the aisle. I thought it was interesting that some of his remarks seemed to be insult-laden, but that is his prerogative coming to this floor. I think the American people deserve better. And I would point out to my friends on the left that again the dispute is not about tax relief. It seems that they are almost of two minds. On one hand, if tax relief is limited to some few tightly targeted, they seem to be fine with it. And, of course, we welcome the gentleman's support, Mr. Speaker, on the first tax bill and certainly appreciate that.

I am a little confused as to why he decided not to vote for even a more comprehensive child credit that we offered in H.R. 1308, but let me go back since he offered a specific criticism with reference to members of the Armed Forces. Let me again delineate what we passed. I made no such articulation nor claim about combat soldiers and, of course, Mr. Speaker, our men and women in uniform go into action without the designation Democrat nor Republican, they are Americans; and I made no assertion as to the relative status, the tax-exempt status of combat pay.

Let me, however, articulate for my friend, Mr. Speaker, and all those who join us in this debate tonight exactly what it is we have passed time and again in this House in terms of tax fairness for members of the Armed Forces included in these provisions: capital gains tax relief on home sales; tax-free death gratuity payments; tax-free dependent care assistance for members of the military. Again, I would remind my friends, Mr. Speaker, that these provisions provide $806 million of tax relief to members of the Armed Forces over the upcoming 11 years.

Again, there is something that has been a glaring omission when we come to discussing tax rates for those who do not pay income taxes. Again, Mr. Speaker, I am haunted by the assertion of my friend who sponsors this motion to instruct who speaks of a mother in the Fourth Congressional District of Arkansas, if memory serves, I believe, earning around $15,000 a year. According to the Tax Foundation, if she were a single mother with two children as the head of the household, she would receive a refundable earned income tax credit of $3,823. Her total check under earned income tax credits from Uncle Sam would be $4,273. Tax refunds as a percent of her income upon which she pays no income tax would be 28.5 percent, and the percent of her payroll tax that would be erased through the earned income tax credit, 186 percent. Again, the compelling omission.

We have already reached out to those who do not pay income taxes. We do so again, but my friends on the left find fault that we have enlarged this to include two-earner households because again we do not believe you put a price tag on the heads of children, not only those facing tough times economically but, yes, those who both are working. They likewise, those families, should deserve the child tax credit. We have expanded it, made it constant; and in stark contrast to the Democratic alternative, it remains constant. It does not drop down after the election of 2004. Important points to keep in mind, country music sloganeering notwithstanding.

Vote ''no'' on this motion to instruct.

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

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

If I might quickly address the gentleman from Arizona's remarks, I do not understand what the problem is. Why is he arguing against this when the House has already passed this motion to instruct? The President says he likes it. In fact, the President's press secretary, White House Press Secretary Ari Fleischer, quote, he the President wants to sign this legislation. Hopes that Congress will get it to him quickly. He believes that what the Senate has done is the right thing to do, a good thing to do, and he wants to sign it. President Bush's press secretary from June 9, 1 month ago or so. And the GOP Senators like it, 94 to 2. It was a bipartisan vote.

To the other matter that he keeps bringing up, he tries to tell us that folks who earn $26,625 a year do not pay income taxes. Yes, they pay income taxes; and yes, they pay sales taxes and property taxes and gas taxes and the list of taxes goes on. Please tell me one time when the gas tax, the sales tax, the property tax has been cut. We are talking about people that are trying to do the right thing and stay off welfare and work in the jobs with no benefits. If you earn $80,000 a year and you have got three children at home, in about 2 weeks you are getting a check for $1,200. If you earn $26,000 a year and are a policeman, a fireman, a schoolteacher or serve in the United States military and you have got three children at home, guess what you are getting week after next? Zero. Not a dime. There is nothing fair about this. The President has said so and the Republicans in the Senate have said so. It is time for the Republican leadership in the House to step up to the plate, put partisanship aside, and do what is right by these 6.5 million working families.

Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. ALEXANDER), a member of the Democratic Blue Dog Coalition, a good conservative Democrat who I am proud to call my colleague.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from Arkansas for yielding me this time.

Mr. Speaker, I would like to read just a portion of a letter that I sent out today to my constituents. It is entitled, ''The Checks Are in the Mail, At Least for Some'':

''That's what I was told today when I asked when people would start getting the $400 checks created by the recent tax cut that I supported and helped pass in Congress. I asked because I know that these checks are an important part of the economic stimulus package that my colleagues and I created.

''However, while I am happy with the fact that many families will soon be receiving these checks, I am not totally satisfied. I am not satisfied because in the last-minute negotiations between the House and Senate, low-income families were left out of the tax bill.

''That is why we offer to extend the tax credit to families who are currently being left out. To make that goal simpler to achieve, I urged my colleagues to accept a nearly identical Senate bill which accomplishes the same thing. It passed the Senate with overwhelming bipartisan support. The President has urged its passage. Now it is time for the House to get on board and do the same.

''There is no excuse for inaction, no excuse to leave out one out of four families in Louisiana that are today looking at an empty mailbox wondering when their economic incentive check will arrive from Washington.

''Those in leadership who are blocking tax relief for these deserving families say they won't pass this measure unless they get an even larger tax cut for the wealthy. That is wrong.

''They say those working families do not deserve tax relief because they don't pay enough in taxes. But those hardworking taxpayers have money taken out of their paychecks, too, and they deserve the same tax relief as anyone else.''

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

Mr. Speaker, I do welcome my friend from Louisiana to this House and the 108th Congress. I look forward to working with him in a spirit of bipartisanship. I thank him for his first vote for tax relief and again would point out the four letters that my friends on the left just cannot bring themselves to mention tonight, EITC, earned income tax credit.

My friend from Arkansas either cited another example or gave a different total than I thought I initially heard about his constituent. Earning $25,000 a year, let me review what that constituent, who is paying no income tax, receives through the earned income tax credit according to the Tax Foundation. That person, that head of household with two kids earning $25,000, the tax liability before the credit is $885. After the child tax credit, the $1,000 per child, there is no tax liability. The remaining refundable child tax credit, $565. The refundable earned income tax credit, $1,717. The total check from Uncle Sam to that person, the head of household with two kids earning $25,000 under the earned income tax credit, is $2,282. The percent of the payroll tax erased for that head of household is some 60 percent.

What we are saying, Mr. Speaker, is simply an acknowledgment that our friends who are not paying income tax are indeed working Americans, and I find it ironic tonight that the earned income tax credit has been avoided by my friends on the left as if it were a plague. Why would that be, Mr. Speaker? I welcome the chance to certainly champion this program for working Americans, and I certainly hope that in the many mailings my friends on the left send out, they might inform their low-income constituents of the programs that already exist that can avail them of thousands of dollars. The glowing and glaring omission tonight in this motion to instruct is that my friends on the left do not even champion a program they once stood foursquare behind. They have instant amnesia. It is curious, but it is not unknown in politics.

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

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

If I could make just one quick point. The gentleman from Arizona likes to keep referring to his friends on the left. From where the Speaker stands tonight, we would actually be on the right.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SANDLIN), a fellow Blue Dog, a good member of the Blue Dog Coalition and someone that I think will help us and hopefully help the gentleman from Arizona understand why he needs to support this as his President has asked, our President has asked, and as the Senate voted 94 to 2 in a bipartisan way to pass.

Mr. SANDLIN. Mr. Speaker, speaking from the center, it is an issue of priorities. We have to ask ourselves in this House, who do we stand for? Who do we stand for in this House?

Mr. Speaker, as we are well aware by now, last month the other body voted 94 to 2 to immediately give an increased child tax credit to the 12 million children of 6.5 million working families. They voted to do that immediately. The time is long overdue for the House to likewise pass the language included in the bill passed by the Senate. As the nearly unanimous vote in the other body indicates, this issue enjoys broad bipartisan support. Leave it to the House Republican leadership to turn a popular, bipartisan effort benefiting children into an unnecessary, nasty battle. It is not difficult to figure out the priorities of the Republican Party. All you have to do is follow the money. The Republicans somehow managed to find room in their tax bill for people with an income over $1 million.

Now, is that not special? Tax filers who make over $1 million per year will receive an average tax cut in 2003 in that 1 year, an average tax cut of $93,500 for the year.

□ 2300

We have plenty of money for the millionaires. At the same time, during conference committee negotiations between the House and Senate, House conferees intentionally and knowingly dropped child tax credit relief at the last minute, for working families who earn between $10,500 and $26,625 per year. They just cut them out, said they get nothing, zero, nada, zilch.

And what is funny about it is, they admitted it. Just listen to what Ari Fleischer said, the White House press secretary. He said ''Everybody was aware in the conference of what was in and what was out; so that was very well known to all the conferees, including the White House.'' He told the truth. No wonder he is out of the White House. He is not over there anymore. They cannot take that kind of candor.

The chairman of the Committee on Ways and Means summarized the Republicans' attitude best when he said in response to a question regarding the passage of an accelerated increase, ''There are worse things than its not happening.''

Now this charming sentiment was echoed by the majority leader when he stated bluntly in regards to passage of the Senate child credit, ''Ain't going to happen.'' Of course, this was entirely consistent with his previous opinions. Earlier he had said ''There's a lot of things more important than that.''

This week, on July 25, the Treasury Department will begin sending out millions of checks for the expanded child tax credit provided in the new law, just as the House adjourns. However, the 6.5 million hard-working families, including the children of the 200,000 military families currently serving in Iraq and other combat zones, will get no check or a significantly smaller check than would be provided under the Senate bill because of the opposition of the House Republicans.

Again, the Republican majority leader said, ''There's a lot of things more important than that.''

My question is, like what, Mr. Leader? Like what? What is more important than that? Like what? What is the answer? It is outrageous that the Republican leadership is determined to leave town until September without enacting tax relief for working families.

In 13 States 20 percent or more of families would be helped by expanding the child tax credit, as the other body has proposed. In my home State of

Texas, the bipartisan child credit bill passed by the other body would benefit 23 percent of working families in Texas.

Conversely, the Republican bill disproportionately penalizes the people who can afford it least, black and Hispanic children; 2.4 million black children, one in five, and 4.1 million Hispanic children, one in three, are penalized. Two hundred and sixty thousand children from families of active military will lose at least some of the credit under the Republican bill. The children of the folks fighting in Iraq will lose the benefits. That is outrageous. That is misplaced priorities, Mr. Speaker. That is just flat-out wrong.

Strengthening our Nation means investing in all of our children and making opportunities available to all people and especially to our working families in America. There are not many things more important than that, regardless of what the majority leader says.

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

I should note, Mr. Speaker, as you occupy the role of speaker pro tempore, you are a newcomer to the Congress from the great State of Arizona, and we welcome you as well; and I appreciate your presiding this evening.

I want to thank my friend from Texas, who in addition to being a very capable legislator, is a very accomplished attorney. And certainly we saw tonight part of his legislative domain because when one does not have the facts on his side, it is important to argue atmospherics. And we all heard about the genuine intent of the Republican Party and all of these interesting perceptions out there that I guess, from the school of politics, perceptions outweigh reality.

But then again, Mr. Speaker, it is my assertion that we owe the American people the facts. And the fact is, what this House passed is much more comprehensive, what our Democrat friends offer is much more restrictive.

We have heard no refutation of this fact, and it is as follows: The Democrat motion to instruct allows the child credit to drop from $1,000 to $700 immediately following the 2004 election. That is a curious alleged improvement in the bill. The Democrat motion to instruct does not eliminate the marriage penalty in the child credit until 2010, and even then it only does so for 1 year. We have heard no refutation of that.

The House-passed bill does not deny the child credit to military families, and indeed as I have delineated time and again, the House-passed bill provides more tax relief to military families because it includes $806 million of military tax benefits.

What else have we done in H.R. 1308, the bill that is assailed as opportunities for the wealthy, as we hear that sad and shop-worn sloganeering of the politics of envy? What we have done in this bill is, we increased the child credit to $1,000 per eligible child through 2010. That provision alone provides $57.3 billion of tax relief over 11 years.

We have eliminated the marriage penalty in the child credit. We accelerated the increase in the refundable child credit. We provide tax relief and enhanced tax fairness, as I delineated, for members of the Armed Forces. We suspend the tax exempt status of designated terrorist organizations, and we provided tax relief for the estates and the families of those brave astronauts who have perished on space missions. This is included therein.

And actually we expanded the child tax credit to include children across the board socioeconomically. We do not believe in attacking any children.

And again what we have not heard from my friends on the other side tonight, whether they stand in the center or to my left or to my far left, what we have not heard tonight are the letters EITC, earned income tax credit, something that ordinarily I thought my friends would champion, but tonight they do not talk about it. Why? Because we are sending money to those hard-working folks who do not pay income taxes, moneys that will already be supplemented under the far more generous and expansive child credit than we have offered in H.R. 1308.

So again, Mr. Speaker, failing the refutation of these salient points, whatever sloganeering about our friend Ari Fleischer, who at one point in time was our Committee on Ways and Means press secretary on the majority side, who is not here to speak for himself tonight, whatever incantations or imaginations as to the motives of the majority party, that is certainly very interesting in terms of interpretive oratory, but it brings nothing to bear on tonight's debate.

The fact remains when we review what they offer, it is inadequate. It is bait and switch. And it peddles the shop-worn sloganeering of the politics of envy, reason enough to reject this motion to instruct.

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

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

Might I just simply respond by saying this, that the gentleman from Arizona likes to talk about how while we want to provide a $1,000 child tax credit for those who earn less than $26,625 a year, he constantly reminds us that it falls back to $700 in 2004. Guess why? Because that is exactly what your bill does that passed, H.R. 2. It falls back to $700 in 2004, and we are here trying to help these working families who earn less than $26,625 a year.

You are here fighting that. We know if we tried to extend it to do more than your bill does for all the wealthy folks, you would certainly fight it even more. So let us make sure that we do not confuse the facts here. We are simply trying to provide those who earn between $10,500 and $26,625, the same playing field, the same parity, the same tax cut that will be received by those who earn over $26,625 a year.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. MATHESON), a fellow Blue Dog member, a good conservative Democrat, someone who is here to speak on behalf of the 62,000 working families in Utah who have fallen through the cracks under this concocted plan by the Republican national leadership, someone who is here to try to make sense out of this for us.

□ 2310

Mr. MATHESON. Mr. Speaker, I thank my colleague from Arkansas for yielding me time and raising this issue tonight. It has indeed been an interesting discussion.

When I was elected to Congress, I thought I was coming back here to get things done, and I think that a lot of people in this country would like to see us make progress on issues. So when I look at issues, I try to approach what I call ''what is possible.''

There are a lot of points of view around here, not just a Democratic and a Republican point of view. There are a lot of points of view that different people have about what is a perfect piece of legislation, and I do not know if any of us have ever seen a perfect piece of legislation come through. But tonight I suggest again that we ought to think about what is possible.

I supported the $300 billion tax cut, and, quite frankly, I supported H.R. 1308 as well. But I am also trying to be realistic about what we can do to get some tax relief through for these particular families we have been talking with in that lower income range.

The United States Senate has spoken in a profoundly bipartisan way with a 94 to 2 vote. If we really want to make progress, it may not be perfect for my friend from Arizona, it probably is not perfect for a lot of folks in this body, but if we want to make progress in terms of providing some relief for these folks, this is the opportunity that I think is before us today.

I think as we have had this discussion about what is in the tax bill and what is not in the tax bill and who said what, we have missed the bigger picture, and the bigger picture is this economy is not doing well right now, and the reason why we looked at a tax cut in the first place was because we know we have got to take steps to stimulate this economy.

A lot of people are hurting out there. It has been going on for a long time. This week, we are going to see a bunch of checks mailed out, and it is my sincere hope that those checks are going to have a stimulative effect on this economy and we are going to see economic growth result from that.

I would submit that in the context of those checks going out right now, it only highlights the omission, the omission of this group from $10,000 to $26,000 in annual income, this group that was

included, quite frankly, in H.R. 1308, and is actually included, at least after 2005, in the original House bill we passed, and then in conference committee it got taken out.

So whether the Earned Income Tax Credit is part of a benefit to those folks in that income range, I do not dispute that. It is. It is an important program. It is something that has bipartisan support. The question is, do those families deserve some piece of additional relief, as has been handed out to other families in this country? I would suggest that they do.

So, in closing, I just want to suggest again, let us look for the art of the possible. This may not be a perfect tax bill, but let us look at the art of the possible. I saw a 94 to 2 result on the other side of the Hill. That is a pretty good indicator to me, that if the House of Representatives would pass similar legislation that that could go to the President's desk and be signed into law, and these low-income families, these folks who are working families, who work hard every day, would receive some tax benefit as well.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, let me thank my neighbor from Utah, first of all, for both of his votes on tax relief. That is perhaps the most compelling testimony we have received tonight.

It is a bit curious that we diverge on what is possible. I believe, and perhaps this is a point where those who embrace the Keynesian theory of economics can actually agree with those of us who characterize ourselves as supply-siders, at a time of economic downturn it is important to provide tax relief. Indeed, we have accepted that as an article of faith for those working families eligible for the Earned Income Tax Credit, and, indeed, as I can point out again from the Tax Foundation, with the child tax credit, a $30,000 head-of-household with two kids is going to get over $1,000 back under previously existing law. That money is going to go back to help those folks.

Now, listen: I do not believe you gauge the art of what is possible on votes in the other body. I will leave atmospherics to the pundits and the Sunday morning shows. To me, what is possible is what is passed by a bipartisan majority, of which my friend from Utah was a part on two occasions. So, again, it is curious to note this motion to instruct.

Now, my friend from Arkansas offered some selective criticism. If you listen carefully to his critique, he spoke of the original tax bill. Of course, what we have done in H.R. 1308 is to expand and maintain the $1,000 level; not sunsetting it, but increasing it and taking it across-the-board for the next decade, the upcoming decade, to make sure it is there.

What they offer in their motion to instruct is to go back to $700 after the 2004 election. He had no critique or criticism of H.R. 1308, he was just silent on that, as he has been about the Earned Income Tax Credit.

Mr. Speaker, as we review this, the art of what is possible, and good folks can disagree, but I would maintain in this House that the art of what is possible can be achieved and that the greatest number of people can be helped to the greatest extent by this House maintaining its original position, not to accept a motion to instruct that is in fact a retreat from what has already been done in terms of promoting economic growth and allowing all Americans to keep their hard-earned money. That is what we have to deal with.

That is why it is important, and why tomorrow I know my colleagues will join me in voting no on this Democrat motion to instruct. Why take three steps backwards, when we can take a giant leap forward for all American families.

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

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

Mr. Speaker, before I go any further, I would just like to make one point. The gentleman from Arizona likes to point out and thank all these conservative Democrats who have appeared here tonight for their support of various tax cuts over recent years, which demonstrates to me that the conservative Democrats that have appeared tonight on behalf of these working families that are being left out of the child tax credit, it appears to me that these are common sense, bipartisan Members, and it looks like to me it would be something that the gentleman from Arizona would stop and think, well, wait a minute, you know, these are folks that agreed with us, and now they do not. It looks like a light would come on and he would recognize that this is an act of fairness.

Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. SCOTT), another fellow member of the fiscally conservative Democratic Blue Dog coalition, a new Member, a shining star in the Democratic Party and a voice of reason.

Mr. SCOTT of Georgia. Mr. Speaker, the gentleman is very kind in his introduction. I appreciate that, and I appreciate the time to come to a summary.

Mr. Speaker, I think it is very important, because we probably do have several million of our American citizens watching tonight, it is very important, you argue the point on our motion to instruct. That is not the issue we are here for. The motion to instruct is our only means to press the case.

The issue we are here for is because the House Republican leadership is standing in the way of our getting a child tax credit down to those folks making between $26,000 a year and $10,500 a year. That is the issue here.

In the remaining moment I have, I would just make this appeal to some of my Republican friends to help us tomorrow. We cannot do it unless we get a sizeable number of Republicans to help us. I do believe we have some Republicans who will do that for us.

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

Mr. Speaker, I would be remiss if I did not thank my friends on the minority side for offering their points of view, including my friend from Georgia. I guess this is why we come to this great Chamber and debate many differences.

But, rather than impugn motives, I am simply going to say this: Quite to the contrary of what my friends assert, it is the opinion of this majority that the money we are talking about belongs to the American people, wherever they line up on the socio-economic scale. If you pay income taxes, you will receive an income tax reduction, and, if you are eligible for the Earned Income Tax Credit, as I have pointed out time and again tonight, the check has been in the mail for years. That is something my friends have not dealt with tonight, and it is something that, in the spirit of candor and complete discussion, we should not so readily dismiss.

Indeed, I would ask my friends to embrace H.R. 1308 as they embraced the initial tax bill. I thank my friend from Utah for his support of both, and I appreciate the spirit in which the debate has been conducted.

I know my friend from Arkansas has the right to close. I will simply close for the majority side by saying that we need to reject this motion to instruct. We offer a bill that is far more complete for a far greater portion of the American people.

As I have demonstrated time and again tonight, we have provisions under the Earned Income Tax Credit to alleviate the needs of those who pay no income taxes, and, indeed, under our comprehensive plan of tax relief, the numbers of families who pay no income taxes continue to grow exponentially.

□ 2320

If you opt for genuine tax relief, the real article, as some of my friends on the minority side have done on both occasions, I would say reject the motion to instruct. Embrace the House position. We will persuade our friends on the other side of the Capitol and move forward with more meaningful tax relief for Americans.

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

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

Let me say that I came to this Congress back in 2001 to try to offer up some commonsense solutions to the problems confronting this Nation. Like many Americans, Mr. Speaker, I am sick and tired of all of the partisan bickering that goes on in our Nation's Capital. It should not be what makes the Democrats look good or bad or what makes the Republicans look good

or bad; it ought to be about doing right and providing a voice for the people of America, including the 6.5 million working families that have been shut out of tax relief.

We are faced with the Nation's largest deficit in our country this year: $455 billion and growing, a deficit that our kids and grandkids have to pay for, money that is coming from the Social Security trust fund. Yet, the Republican national leadership managed to find a way to cut taxes to the tune of $300 billion, but they left out 6.5 million working families. They can talk about how these are folks who do not pay taxes all night long; but the reality is, we are talking about men and women in uniform, policemen, firemen, schoolteachers, folks earning up to $26,625 a year. They have children, and they too deserve the same tax cut as those who earn much more than that.

Mr. Speaker, I ask for support and a ''yes'' vote on the motion to instruct conferees on this issue.

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

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arkansas (Mr. ROSS).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio 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 Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan 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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO 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 Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT 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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. FLETCHER) is recognized for 5 minutes.

(Mr. FLETCHER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE 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 Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

(Ms. SCHAKOWSKY 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 Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE 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 Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. BEAUPREZ) is recognized for 5 minutes.

(Mr. BEAUPREZ 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 California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS 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 California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE 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 Pennsylvania (Mr. PLATTS) is recognized for 5 minutes.

(Mr. PLATTS 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 Hawaii (Mr. CASE) is recognized for 5 minutes.

(Mr. CASE 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 Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD (at the request of Ms. PELOSI) for today after 2 p.m. and July 23 on account of an emergency in the district.

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. ROSS) to revise and extend

their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today and July 23.

Mr. NORWOOD, for 5 minutes, July 23.

Mr. PLATTS, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, July 23.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. KLINE, for 5 minutes, July 23.

Ms. ROS-LEHTINEN, for 5 minutes, July 24.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 22, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 733. A bill to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver Historic Site, and for other purposes.

H.R. 2330. To sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 23, 2003, 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:

3333. A letter from the Secretary, Department of Agriculture, transmitting the Department's draft bill entitled, ''To amend sections 7D, 16(i)(2), and 19 of the United States Grain Standards Act to authorize the Secretary of Agriculture to recover through user fees the costs of standardization activities''; to the Committee on Agriculture.

3334. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3335. A letter from the Inspector General, Department of Defense, transmitting a report on the status of Extended Pilot Program on sales of Manufactured Articles and Services at Army Industrial Facilities (D-2003-103) satisfying the National Defense Authorization Act of FY 2003, subtitle B, section 111(c); to the Committee on Armed Services.

3336. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3337. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Tire Safety Information [Docket No. NHTSA-03-15278] (RIN: 2127-AI32) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3338. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 03-15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3339. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 03-10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3340. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

3341. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fifty-first report on the extent and disposition of United States contributions to international organizations for fiscal year 2002, pursuant to 22 U.S.C. 262 and Public Law 107—228, section 405(b); to the Committee on International Relations.

3342. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2003-27 on Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court; to the Committee on International Relations.

3343. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Determination and Memorandum of Justification on the provision of financial assistance to the Palestinian Authority; to the Committee on International Relations.

3344. A letter from the Director, Office of Personnel Management, Office of Personnel Management, transmitting a report on the Physicians' Comparability Allowance Program, pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Government Reform.

3345. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3346. A letter from the Administrator, Environmental Protection Agency, transmitting the Fiscal Year 2002 Annual Report; to the Committee on Government Reform.

3347. A letter from the Chairman, Postal Rate Commission, transmitting the FY 2002 annual report on International Mail Volumes, Costs, and Revenues; to the Committee on Government Reform.

3348. A letter from the Commissioner, Social Security Administration, transmitting the Administration's semiannual report to Congressdated October 1, 2002 thru March 31, 2003; to the Committee on Government Reform.

3349. A letter from the Chairman, Federal Election Commission, transmitting a copy of the report entitled, ''Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2001- 2002,'' pursuant to 42 U.S.C. 1973gg—7; to the Committee on House Administration.

3350. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Implementation of National Maritime Security Initiatives [USCG-2003-14792] (RIN: 1625-AA69) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3351. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 900 and Falcon 900EX Series Airplanes [Docket No. 2001-NM-399-AD; Amendment 39-13164; AD 2003-11-05] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3352. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes [Docket No. 2003-NM-03-AD; Amendment 39-13170; AD 2003-11-11] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3353. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. 2001-NM-285-AD; Amendment 39-13165; AD 2003-11-06] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3354. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-28-AD; Amendment 39-13160; AD 2003-11-01] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3355. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 737-100, 737-200, and 737-200C Series Airplanes [Docket No. 2002-NM-19-AD; Amendment 39-13162; AD 2003-11-03] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3356. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-196-AD; Amendment 39-13161; AD 2003-11-02] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3357. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turboshaft Engines [Docket No. 99-NE-12-AD; Amendment 39-13168; AD 2003-11-09] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3358. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC-10A and KDC-10), DC-10-40, And DC-10-40F Airplanes [Docket No. 2001-NM-358-AD; Amendment 39-13163; AD 2003-11-04] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3359. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters [Docket No. 2003-SW-14-AD; Amendment 39-13172; AD 2003-11-13] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3360. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2002-NM-142-AD; Amendment 39-13175; AD 2003-11-16] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3361. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GE Aircraft Engines CT7-9B Turbroprop Engines [Docket No. 2003-NE-16-AD; Amendment 39-13145; AD 2003-08-52] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3362. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Model RB211 Turbofan Engines [Docket No. 2002-NE-12-AD; Amendment 39-13148; AD 2003-10-03] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3363. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Astra SPX and 1125 Westwind Astra Series Airplanes [Docket No. 2002-NM-281-AD; Amendment 39-13152; AD 2003-10-07] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3364. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2001-NM-142-AD; Amendment 39-13157; AD 2003-10-12] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3365. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Israel Aircraft Industries, Ltd. Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes [Docket No. 2002-NM-290-AD; Amendment 39-13166; AD 2003-11-07] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3366. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arrius -2F Turboshaft Engines [Docket No. 2002-NE-39-AD; Amendment 39-13169; AD 2003-11-10] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3367. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arriel -1B, -1D, and -1D1 Series Turboshaft Engines [Docket No. 2002-NE-38-AD; Amendment 39-13167; AD 2003-11-08] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3368. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000-NM-377-AD; Amendment 39-13151; AD 2003-10-06] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3369. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400F Series Airplanes [Docket No. 2001-NM-231-AD; Amendment 39-13154; AD 2003-10-09] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3370. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Designation of Dromedary Equipped Truck Tractor-Semitrailers as Specialized Equipment [FHWA Docket No. FHWA-2001-11819] (RIN: 2125-AE94) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3371. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Denison, IA [Docket No. FAA-2003-14462; Airspace Docket No. 03-ACE-15] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3372. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Area R-2303A and R-2303B, Fort Huachuca; AZ [Docket No. FAA-2003-14184; Airspace Docket No. 02-AWP-12] (RIN: 2120-AA66) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3373. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class C Airspace and Revocation of Class D Airspace, Fayetteville (Springdale), Northwest Arkansas Regional Airport; AR [Docket No. FAA-2002-13514; Airspace Docket No. 02-AWA-4] (RIN: 2120-AA66) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3374. A letter from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Seneca Lake Viticultural Area (99R-260P) [TTB T.D.-3; Re: Notice No. 957] (RIN: 1512-AC70) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3375. A letter from the Chief, Regulations and Procedures Division, Department of the Treasury, transmitting the Department's final rule — Amelioration of Fruit and Agricultural Wines; Technical Amendments (2001R-197P) [TTB T.D.-2; Ref. Notice No. ATF-953] (RIN: 1512-AC63) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3376. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Regulations Governing Depositary Compensation Securities — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3377. A letter from the Assistant Secretary for Financial Markets, Department of the Treasury, transmitting a report concerning the operations and status of the Civil Service Retirement and Disability Fund (CSRDF) and the Government Securities Investment fund (G-Fund) of the Federal Employees Retirement System during the debt issuance suspension period between February 20, 2003 and May 28, 2003, pursuant to 5 U.S.C. 8348l(1)and 5 U.S.C. 8438(h)(1); jointly to the Committees on Government Reform and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2738. A bill to implement the United States-Chile Free Trade Agreement (Rept. 108–224 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2739. A bill to implement the United States-Singapore Free Trade Agreement (Rept. 108–225 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2004 (Rept. 108–228). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 329. Resolution providing for consideration of the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement, and for consideration of the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement (Rept. 108–229). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHABOT (for himself, Mr. LUCAS of Kentucky, Mr. GOODE, Mr. PENCE, Mr. BURR, and Mr. KELLER):

H.R. 2813. A bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers; 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. NUSSLE:

H.R. 2814. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to use the cash method of accounting, and for other purposes; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. BECERRA, and Mrs. JOHNSON of Connecticut):

H.R. 2815. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself and Mrs. MCCARTHY of New York):

H.R. 2816. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

By Mr. GOODE (for himself and Mr. TOM DAVIS of Virginia):

H.R. 2817. A bill to provide that the actuarial value of the prescription drug benefits of Members of Congress under the Federal employees health benefits program may not exceed the actuarial value of any prescription drug benefit under the Medicare Program; to the Committee on House Administration, and in addition to the Committee on Government Reform, 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. GUTIERREZ (for himself, Mr. GRIJALVA, Mr. MCGOVERN, Mr. REYES, Ms. VELAZQUEZ, Mr. SERRANO, Mr. ACEVEDO-VILA, Mr. FROST, Mr. BERMAN, Mr. PAYNE, Ms. WATERS, Mr. TOWNS, Mr. GONZALEZ, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Ms. ROS-LEHTINEN, Mr. LIPINSKI, Mr. BECERRA, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. PASTOR, Ms. SOLIS, Ms. LEE, Mr. RANGEL, Mr. BLUMENAUER, Mr. OWENS, Mr. HINOJOSA, Mr. MENENDEZ, Ms. LORETTA SANCHEZ of California, Mr. BACA, Mr. MEEKS of New York, and Ms. LINDA T. SANCHEZ of California):

H.R. 2818. A bill to award a congressional gold medal to the family of the late Raul Julia; to the Committee on Financial Services.

By Mr. HOEFFEL (for himself, Mr. HOUGHTON, and Mr. MCDERMOTT):

H.R. 2819. A bill to establish a program to provide assistance for developing countries of Eurasia and the Middle East; to the Committee on International Relations.

By Ms. NORTON:

H.R. 2820. A bill to extend to the Mayor of the District of Columbia the same authority with respect to the National Guard of the District of Columbia as the Governors of the several States exercise with respect to the National Guard of those States; to the Committee on Government Reform, and in addition to the Committee on Armed Services, 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. RYUN of Kansas (for himself and Mrs. CAPPS):

H.R. 2821. A bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for Medicare beneficiaries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. WILSON of South Carolina:

H.R. 2822. A bill to amend the Internal Revenue Code of 1986 to exclude working capital in applying the accumulated earnings tax; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. FALEOMAVAEGA, Mr. LANTOS, Mr. WILSON of South Carolina, Mr. WU, Mr. HONDA, Mr. WYNN, Mr. TOWNS, Mrs. MALONEY, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. PALLONE, Mr. BELL, Mrs. NAPOLITANO, Mr. MCDERMOTT, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Ms. ROS-LEHTINEN, Ms. LEE, Mr. BERMAN, Mr. ROTHMAN, Mr. FARR, Mr. ENGEL, Mr. BROWN of Ohio, Mr. COOPER, Mr. WALSH, Ms. LOFGREN, Mr. CONYERS, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Mr. OWENS, and Mr. FILNER):

H. Con. Res. 248. Concurrent resolution honoring former Congressman Dalip Singh Saund and remembering his achievements as the only Indian American to serve in Congress; to the Committee on House Administration.

By Mr. HASTINGS of Florida:

H. Con. Res. 249. Concurrent resolution expressing the sense of Congress that the United States should remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

149. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 11 memorializing the United States Congress to enact legislation that will address the issue of the improper labeling and classification of dairy products; to the Committee on Agriculture.

150. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 09 memorializing the United States Congress to enact legislation to provide for tariff rate qoutas for dry milk protein concentrates that are equivalent to the import quotas currently in place on other dairy products; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. CLAY.

H.R. 58: Mr. DAVIS of Illinois.

H.R. 303: Ms. ROS-LEHTINEN.

H.R. 324: Mr. PITTS and Mrs. JOHNSON of Connecticut.

H.R. 348: Mr. ROSS.

H.R. 422: Mr. GILLMOR.

H.R. 480: Mr. SWEENEY.

H.R. 528: Mr. SHAW and Mr. ISSA.

H.R. 571: Mr. MCINTYRE.

H.R. 584: Ms. MAJETTE.

H.R. 673: Mr. HALL and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 707: Mr. GORDON.

H.R. 745: Mr. TIERNEY.

H.R. 785: Mr. GORDON.

H.R. 890: Mr. CLAY.

H.R. 898: Mr. ISAKSON, Mr. WILSON of South Carolina, Mr. KLINE, Mr. SMITH of New Jersey, and Mr. ROGERS of Alabama.

H.R. 919: Ms. HARRIS.

H.R. 935: Mr. ISRAEL, MR. BECERRA, and Mr. SMITH of Washington.

H.R. 941: Mr. BARTON of Texas.

H.R. 1043: Mr. PETERSON of Minnesota and Mr. GREENWOOD.

H.R. 1078: Mr. GRIJALVA.

H.R. 1100: Mr. NUSSLE.

H.R. 1105: Mr. HOYER and Mr. CLYBURN.

H.R. 1167: Mr. PETERSON of Minnesota.

H.R. 1227: Mr. BEAUPREZ.

H.R. 1533: Mr. DAVIS of Alabama, Mrs. MALONEY, Ms. HOOLEY of Oregon, Mr. MEEKS of New York, Mr. RYUN of Kansas, and Mr. SCOTT of Virginia.

H.R. 1606. Mr. PLATTS.

H.R. 1622: Ms. MAJETTE, Mr. SNYDER, Mr. UDALL of Colorado, and Mr. ORTIZ.

H.R. 1633: Mr. BISHOP of New York.

H.R. 1639: Mr. SCHIFF and Mrs. TAUSCHER.

H.R. 1659: Ms. WOOLSEY.

H.R. 1726: Ms. LINDA T. SANCHEZ of California.

H.R. 1746: Mrs. DAVIS of California and Ms. LOFGREN.

H.R. 1752: Mr. CLAY and Mr. WEXLER.

H.R. 1767: Mr. WILSON of South Carolina.

H.R. 1769: Mrs. LOWEY and Mr. KILDEE.

H.R. 1778: Mr. PLATTS.

H.R. 1902: Ms. ROS-LEHTINEN.

H.R. 1992: Mr. FROST.

H.R. 2052: Mr. WATT and Mr. VITTER.

H.R. 2075: Mr. MARIO DIAZ-BALART of Florida and Mr. MICA.

H.R. 2117: Mr. KUCINICH.

H.R. 2133: Mr. HERGER.

H.R. 2179: Mr. SCOTT of Georgia.

H.R. 2221: Mr. BISHOP of Utah.

H.R. 2233: Mr. DAVIS of Illinois.

H.R. 2246: Mr. DEUTSCH, Mr. BACHUS, and Mr. BOEHLERT.

H.R. 2310: Ms. ROYBAL-ALLARD.

H.R. 2327: Mr. FLETCHER and Mr. MURPHY.

H.R. 2369: Mr. DAVIS of Florida.

H.R. 2379: Mr. PETERSON of Minnesota.

H.R. 2402: Mr. CONYERS and Mr. GRIJALVA.

H.R. 2426: Mr. GRIJALVA and Mr. CAPUANO.

H.R. 2432: Mrs. KELLY.

H.R. 2440: Mr. THOMPSON of California and Mr. NETHERCUTT.

H.R. 2449: Mr. FORBES and Mr. WOLF.

H.R. 2462: Mr. WAXMAN, Ms. NORTON, Mr. BAIRD, and Mr. SABO.

H.R. 2482: Mr. ENGLISH.

H.R. 2497: Mr. VAN HOLLEN.

H.R. 2505: Ms. WOOLSEY.

H.R. 2515: Mrs. MALONEY and Mr. OLVER.

H.R. 2521: Mr. MCDERMOTT.

H.R. 2540: Mr. OSBORNE, Mr. HERGER, Mr. KILDEE, Mr. SHAYS, Mr. NUNES, and Mr. CLAY.

H.R. 2542: Mr. GINGREY and Mr. FRANKS of Arizona.

H.R. 2567: Mr. PETERSON of Minnesota.

H.R. 2569: Mr. ROSS, Mr. LEVIN, Mr. CASE, Mr. CLAY, Mr. HOEFFEL, Mr. TOWNS, Ms. WOOLSEY, and Mr. KILDEE.

H.R. 2579: Mr. BALLENGER.

H.R. 2620: Mr. MCDERMOTT, Mr. KING of New York, and Mr. WEXLER.

H.R. 2625: Ms. BALDWIN, Mr. FILNER, Mr. BECERRA, Mr. FARR, Mr. HOEFFEL, Mr. KUCINICH, Ms. WATSON, Mr. LEWIS of Georgia, Mr. OWENS, Mr. EVANS, Mr. JACKSON of Illinois, Mr. DEFAZIO, Mr. RANGEL, Mr. TOWNS, and Ms. KILPATRICK.

H.R. 2632: Mr. ACEVEDO-VILA and Mr. GORDON.

H.R. 2665: Mr. MEEHAN.

H.R. 2671: Mr. BAKER, Mr. CARSON of Oklahoma, Mr. VITTER, Mr. BURTON of Indiana, Mr. BARRETT of South Carolina, and Mr. TANNER.

H.R. 2699: Mr. SHAW, Mr. UPTON, Mr. HAYES, Mr. KLINE, and Mr. CRAMER.

H.R. 2709: Mr. FRANK of Massachusetts.

H.R. 2732: Mr. GARRETT of New Jersey, Ms. GINNEY BROWN-WAITE of Florida, and Mr. BARRETT of South Carolina.

H.R. 2787: Mr. WAXMAN and Mr. KENNEDY of Rhode Island.

H.R. 2807: Mr. RENZI.

H.J. Res. 56: Mr. SULLIVAN, Mr. GARRETT of New Jersey, Mr. TAUZIN, and Mrs. CUBIN.

H. Con. Res. 4: Mr. GOODE.

H. Con. Res. 30: Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 34: Mr. JOHNSON of Illinois.

H. Con. Res. 213: Ms. HOOLEY of Oregon and Mr. MCNULTY.

H. Res. 307: Mrs. CAPPS.

H. Res. 323: Ms. BORDALLO and Mr. CUNNINGHAM.

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. 1472: Mr. PITTS.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

(Omitted from the Record of July 18, 2003)

Petition 2, by Mr. JIM MARSHALL on H. Res. 251: Adam Smith.

Petition 3, by Mr. GENE TAYLOR on House Resolution 275: Collin C. Peterson, Jim Marshall, and Dennis Moore.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2799

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 14: At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to assist any foreign government in the development of consular identification cards.

H.R. 2799

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for ''DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' may be used to assist any State or local government entity or official that prohibits or restricts any government entity or official from sending to, or receiving from, the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security information regarding the citizenship or immigration status of an individual, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

H.R. 2799

OFFERED BY: MR. FOSSELLA

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO CERTAIN UNITED NATIONS ENTITIES

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

H.R. 2799

OFFERED BY: MR. OTTER

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this act may be used to seek a delay under Section 3103a(b) of title 18 United States Code.

H.R. 2799

OFFERED BY: MR. RUSH

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used for the sentencing phase of any Federal prosecution in which the penalty of death is sought by the United States.

H.R. 2799

OFFERED BY: MR. SHIMKUS

AMENDMENT NO. 19: In title IV (relating to Department of State and Related Agency—Administration of Foreign Affairs) under the heading DIPLOMATIC AND CONSULAR PROGRAMS after the second dollar amount insert ''(decreased by $2,000,000)''.

In title IV (relating to Department of State and Related Agency—Administration of Foreign Affairs) under the heading CAPITAL INVESTMENT FUND after the first dollar amount insert ''(decreased by $1,000,000)''.

In title IV (relating to Department of State and Related Agency—Administration of Foreign Affairs) under the heading EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE after the first dollar amount insert ''(decreased by $1,000,000)''.

In title IV (relating to Department of State and Related Agency—International Organizations) under the heading CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS after the first dollar amount insert ''(decreased by $1,000,000)''.

In title IV (relating to Department of State and Related Agency—Broadcasting Board of Governors) under the heading BROADCASTING CAPITAL IMPROVEMENTS after the first dollar amount insert ''(decreased by $500,000)''.

In title IV (relating to Department of State and Related Agency—Broadcasting Board of Governors) under the heading INTERNATIONAL BROADCASTING OPERATIONS after the first dollar amount insert ''(increased by $5,500,000)''.

H.R. 2800

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 11: In the item relating to ''NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS''—

(1) after the first dollar amount insert the following: ''(increased by $15,000,000)''; and

(2) after the second dollar amount insert the following: ''(increased by $15,000,000)''.

In the item relating to ''FOREIGN MILITARY FINANCING PROGRAM'', after the first dollar amount insert the following: ''(reduced by $90,000,000)''.

H.R. 2800

OFFERED BY: MR. RYUN OF KANSAS

AMENDMENT NO. 12: Page 122, after line 2, insert the following:

LIMITATION ON ASSISTANCE FOR COUNTRIES THAT MATERIALLY HINDERED THE UNITED STATES-LED COALITION'S EFFORTS TO LIBERATE THE IRAQI PEOPLE

SEC. ____. (a) None of the funds made available in this Act under title II or III may be used to provide assistance for any country which the Secretary of State determines materially hindered the United States-led coalition's efforts to liberate the Iraqi people.

(b) The President may waive the application of subsection (a) with respect to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall notify in writing the Speaker of the House of Representatives and the President pro tempore of the Senate with respect to the exercise of each waiver under the preceding sentence.

H.R. 2800

OFFERED BY: MS. MCCOLLUM

AMENDMENT NO. 13: In the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', add at the end before the period the following: '': *Provided further,* That of the funds appropriated under this heading for HIV/AIDS assistance, not less than $200,000,000 shall be available for assistance for orphans and vulnerable children affected by HIV/AIDS''.

H.R. 2800

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 14: Page 5, line 22, after the dollar amount insert ''(increased by $150,000,000)''.

Page 6, line 21, after the second dollar amount insert ''(increased by $150,000,000)''.

Page 45, line 4, after the dollar amount insert ''(reduced by $200,000,000)''.

H.R. 2800

OFFERED BY: MR. NADLER

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

LIMITATION ON CONTRIBUTIONS TO UNRWA

SEC. ____. Of the amount made available in this Act for contributions to the United Nations Relief and Works Agency (UNRWA), one-third of such amount shall be withheld from obligation and expenditure unless and until the President determines and certifies to Congress that the UNRWA has established a program (including a timetable for implementation of the program) for the resettlement of refugees under their authority in the host countries or territories of such refugees and replaces textbooks and educational materials used in the UNRWA educational system that promote anti-Semitism, denial of the existence and the right to exist of the state of Israel, and exacerbate stereotypes and tensions between the Palestinians and Israelis.

H.R. 2800

OFFERED BY: MR. FOSSELLA

AMENDMENT NO. 16: Page 122, after line 2, insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO CERTAIN UNITED NATIONS ENTITIES

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

H.R. 2800

OFFERED BY: MR. LANTOS

AMENDMENT NO. 17: Page 122, after line 2, insert the following:

IMPLEMENTATION OF RUSSIAN DEMOCRACY ACT OF 2002

SEC. ____. Of the amounts made available in this Act under the heading ''ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION'', $1,500,000 shall be made available to carry out section 7 of the Russian Democracy Act of 2002 (Public Law 107–246).

H.R. 2800

OFFERED BY: MR. LANTOS

AMENDMENT NO. 18: Page 28, after line 5, insert the following:

(f) Of the funds appropriated under this heading, $1,500,000 shall be made available to carry out section 7 of the Russian Democracy Act of 2002 (Public Law 107–246).

H.R. 2800

OFFERED BY: MR. ROYCE

AMENDMENT NO. 19: Page 122, after line 2, insert the following:

ASSISTANCE FOR AFGHANISTAN

SEC. ____. For necessary expenses to carry out the provisions of title I of the Afghanistan Freedom Support Act of 2002 (other than section 103(c) of such Act), and the amounts otherwise provided for in this Act for ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', ''DEVELOPMENT ASSISTANCE'', ''ECONOMIC SUPPORT FUND'', ''MIGRATION AND REFUGEE ASSISTANCE'', ''NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS'', ''PEACEKEEPING OPERATIONS'', and assistance for Afghanistan under section 523 are reduced by, $425,000,000, $21,000,000, $150,000,000, $150,000,000, $72,000,000, $12,000,000, $20,000,000, and $425,000,000, respectively.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, JULY 22, 2003 No. 109

Senate

(Legislative day of Monday, July 21, 2003)

The Senate met at 9:46 a.m., on the expiration of the recess, and was called to order by the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, You are our refuge, and we put our trust in You. Thank You for providing us with comfort in times of sorrow and for the gift of friends who encourage us. Thank You also for opportunities to be used by Your spirit. Lord, help us to walk in the light that You cast on our path. Today empower our Senators to be Your faithful agents in planting seeds of goodness in our world. Fill them with faith, knowledge, temperance, patience, and godliness that they may glorify You in words and actions. Again, Lord, we ask that You stand with our troops in harm's way. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN D. CHAFEE 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 22, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period for morning business until 11 a.m. Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. One amendment is pending. It was offered by Senator BYRD during yesterday's proceedings. I anticipate further debate on that amendment today, and then it is hoped that a consent will be reached for a time certain to vote in relation to that amendment. There will be no votes prior to the policy luncheons.

In addition, this afternoon, there will be an all-Senators briefing, and therefore I will be discussing with the Democratic leadership the best timeframe for the scheduling of votes today.

It is hoped that once debate is complete on the Byrd amendment, we can set that aside and consider other amendments. We will make further progress on the bill throughout the day and stack rollcall votes for later this afternoon. We will stay in session this afternoon and early evening to dispose of as many amendments as possible.

As I indicated last week, we hope to complete this important Homeland Security bill during Wednesday's session of the Senate. That would enable us to proceed to other appropriations bills that are available this week.

The end of the fiscal year is fast approaching, and the Senate should continue to work through the constitutionally required appropriations process as expeditiously as possible.

Next week is the final week of legislative work prior to the August recess, and that will be devoted to finishing the Energy bill. I would therefore ask for all Senators' consideration as we continue through this last week and a half. I should add that it would be helpful to both Senator COCHRAN and Senator BYRD if Members would come forward today with their amendments so that we could schedule the debate and votes in an orderly way.

I thank all Members for their attention.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic whip is recognized.

Mr. REID. The leader should be aware that we are going to run a hotline to find out what amendments we have on Homeland Security. Senator BYRD's amendment is a large amendment, and he has a speech that will take close to an hour to talk about. As soon as that is completed, I am sure we will be able to arrive at an end of the debate on that issue and a vote can be scheduled at the pleasure of the leader.

I would ask, through the Chair: We are this morning going to be in morning business until 11. Senator BYRD is preoccupied on other matters until 11:30. The leader has indicated there will be no votes this morning. The party caucuses usually run until 2:15, and we are always jammed for time in ours. I wonder if it would be in the best interest of the Senate that the party caucuses be extended an additional 15

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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minutes from 2:15 to 2:30. I think we should be in recess when Mr. Bremer is here.

The point is, if the leader intends to put us in recess until 3:30, could we extend the caucuses another 15 minutes?

Mr. FRIST. Mr. President, I would rather talk to Senator COCHRAN before making decisions about this afternoon. As the Democratic leadership wants to do, I want to progress in an expeditious way but at the same time give people the opportunity to do policy lunches and debate. We also have an all-the-Senate briefing this afternoon. But before locking down any understanding, I will first check with the floor managers on the particular bill. That would be appreciated.

AMERICA'S ENERGY POLICY

Mr. FRIST. Mr. President, I rise to speak to an issue we will be addressing next week, as I mentioned earlier, and that is the Energy bill. As I mention daily, or almost daily, on the floor, I am very pleased with the productive debate we have had to date on this very important bill and want to take this opportunity to commend the chairman of the Energy Committee, our distinguished colleague from New Mexico, Chairman DOMENICI, for his work on moving this Energy bill forward because it is important to every American.

We have made solid progress. We have locked in an agreement which limits the number of amendments to the Energy legislation. We have reminded people, again almost on a daily basis, to continue working, even though we have other activity on the floor, to narrow those amendments, to continue the discussion, to work out agreements so that we can use the time most efficiently on the floor next week. I am confident that because of that, we will be able to pass this crucial legislation next week.

It is imperative that we do so. America's economic future is at stake. It is our responsibility to pass this bill. The House of Representatives has already passed an energy bill. The President has clearly stated he wants the Congress—specifically the Senate—to address this issue, and now is the time for us to act.

I mentioned the economic interests because when a lot of people think energy, they think directly about whether it means gasoline or whether it means paying their utility bills, but it also—and this is why I mentioned it—has a real impact on our economy.

Federal Reserve Chairman Alan Greenspan came to the Hill last month specifically to talk about the energy policy. The price of natural gas for July delivery is 150 percent what it was just a little over 2, almost 3, years ago. Meanwhile, natural gas storage levels are at their lowest in almost three decades. In these meetings, Chairman Greenspan warned that the volatility in the price of natural gas could eventually affect and contribute to erosion in the economy. We simply cannot afford that. We have a responsibility to respond, and indeed we have that opportunity next week.

American industry is caught between regulations limiting the supply of natural gas and regulations encouraging its use. The result: Rising gas prices, with some industries cutting jobs or being priced out altogether, and consumers getting hit with rising electric bills. We simply must diversify our sources of energy, and we must do so in a way that lessens our dependence on foreign sources for this energy.

The fact that almost 60 percent of our energy sources come from overseas is simply too much. It is unacceptable today. America's energy policy should be consistent with our foreign policy in that it has the principles of independence and security at its foundation. By increasing America's domestic production of clean coal, oil, gas, nuclear, solar, and other renewable energy sources, we increase not just our energy supply but also our national security.

By passing a comprehensive energy package, we will be creating the needed jobs. The Energy bill will create at least 500,000 jobs and will save even more. The Alaskan pipeline, for example, will create at least 400,000 jobs. The hundreds of millions of dollars in research and development of all sorts in new technologies will not only benefit the environment but will create new jobs in fields such as engineering, math, science, and physics.

I am committed to getting a comprehensive national energy bill passed. While some people are talking of a weak economy, warning of a weak economy and increasing unemployment, we are taking action on the Senate floor to make our economy strong. We will do so in this Energy bill, as we did with the Jobs in Growth Act, which indeed provides immediate tax relief to millions of American families, to businesses, and to our States.

As we all know, checks of up to $400 will soon be sent to 25 million taxpayers starting even later this week. A family of four making $40,000 will see their taxes reduced by over $1,100 this year, and of the overall $350 billion stimulus and growth package, nearly $200 billion, fully 60 percent of it, will be injected into the economy in the next 18 months. This injection of money and resources is the input we need to grow our economy, to create jobs, to create investment, to provide States with the resources they need to maintain essential government services and to reduce unemployment.

We will be able to amplify that legislative success by securing our energy supply. A strong, productive energy policy is crucial to our efforts to strengthen our economic and national security.

As I mentioned, we will return to that Energy bill on Monday. I look forward to addressing the remaining amendments over the course of that week. We will be able to deliver to the American people energy that is cleaner, more abundant, and more secure. Energy is fuel for our economy, as well.

Together with other issues we will be addressing—tax reform, medical liability reform, and many other issues we are addressing in the Senate—we will secure and strengthen our economy and protect its future growth.

I make these comments only as a prelude to what will be a very important week next week as we address energy policy for fulfilling our responsibility.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until the hour of 11 a.m. with the time equally divided between the two leaders or their designees.

SENATE SCHEDULE

Mr. DASCHLE. Mr. President, I come to the floor to acknowledge the schedule the distinguished majority leader has enunciated and to respond to a couple of remarks he has made.

I share his view that we ought to do all we can to address the question of energy policy in this country. I certainly recognize its priority as we consider all of the competing issues we have to address. I have indicated to him on several occasions that I was very concerned about the decision he has made to limit the amount of debate on the Energy bill to a matter of a couple of days. We will start on Monday and obviously the scheduled recess is to begin on Friday. We have a lot of amendments. If I recall, it is over 320 amendments pending. Frankly, I don't know how one can accommodate the amendments contemplated in that brief period of time.

In the last Congress, we voted 88 to 11 to pass a comprehensive Energy bill, but it took 144 amendments and 8 weeks of floor debate to reach that accomplishment. We spent significantly less time debating the Energy bill this year. In total, we have spent about 9 days, with 24 amendments, and only 12 rollcall votes.

We have not addressed the many issues remaining. I am told not 320 amendments but 382 amendments are currently pending, including a renewable portfolio standard to require utilities to generate 10 percent of their electricity from renewable sources by the year 2020. It was in the Senate bill last year but dropped in the conference. That is very critical to a number of Senators.

I am told the electricity title is now the subject of a redraft. We have not had the opportunity even to see this title yet. I understand it is being drafted; it is going to be one of the most critical parts of the debate. The longer we go without having had the opportunity to see it, the more difficult it will be to address it ultimately when it is brought to the floor. It is an understatement to say electricity policy is complicated. All one has to do is look at the experience over the last few years in California to know how challenging and how complicated those issues involving electricity are.

Last year's bill included a comprehensive framework to address global warming. The current bill eliminates those provisions. We think that also is a very important issue.

There are many other issues, including hydroelectric dam relicensing, nuclear power subsidies, the Indian energy programs and policies that remain unresolved, and of course the energy tax package that passed out of the Finance Committee has yet to be included in the Energy bill.

That is a lot of work to do in a matter of a couple of days. I hope we could take it up this week so we could be sure we can address all of these issues in a timely way, in a way that would accommodate a good and full debate. Even if we took up the Energy bill this week and spent the next 2 weeks debating it, we would still be approximately a month shorter in the overall consideration of the bill than we were last year. Last year, we spent 2 full months. We have spent a little more than a week debating the bill so far this year. We are far short from the time dedicated, devoted to the issue of energy policy last year. If we cut what remains of this month in half and limit the debate to a matter of a few days, I am very concerned about our ability to complete the work. I am very concerned about the ability to address in a meaningful way many of the outstanding issues that still remain.

The distinguished majority leader also noted that he would hope that this Energy bill would add to the economic portfolio we have attempted to address this year. He mentioned the checks that will be going out later this week. I am still troubled—in fact, I would hope the whole Senate is troubled—by the fact that 6 million families with 12 million children were left out when this bill was signed into law. These families will not receive child care tax credit checks. We have attempted to come to the Senate on several occasions to address this inequity. On an overwhelming basis the Senate has committed to addressing the inequity. Yet our House colleagues and this administration have not engaged and have not weighed in on their behalf to allow this work to be completed.

We will look for ways to address that particular issue this week, next week, whatever length of time it takes because it is inexcusable that we would literally carve out those who would benefit most. It could generate the most economic activity were they included as we had originally intended. That, too, is an issue of great concern.

We have to be concerned about the economy. We have lost, now, 3 million jobs since this administration has taken office. We have to go all the way back to Herbert Hoover to find a time when any administration has lost jobs. In every administration since Herbert Hoover we have actually allowed the economy to grow to a net gain of jobs being realized. This is now the first time in some 70 years where that is not the case. Many believe that, in part, is a result of the horrendous fiscal policy we faced. We are facing indebtedness now in this fiscal year of some $400 billion. Take away Social Security and it is over $550 billion, and that fiscal policy alone has resulted in this devastating economic circumstance we are facing.

We will have a lot of discussion, and there is a great deal of work to be done. First, on the economy; secondly, on fairness within the economy especially for those working families whose incomes were dramatically affected by the carveout, intentionally, of many of our Republican friends as they wrote the tax bill but on energy, as well.

I hope we could begin sooner than next Monday so we could address these issues in a meaningful and constructive and bipartisan and comprehensive way.

I will certainly talk to the majority leader about this more directly and personally as the occasions arise.

Mr. REID. Will the Senator yield?

Mr. DASCHLE. Yes.

Mr. REID. To put this in proper perspective, the distinguished Democratic leader is aware, to complete this bill in 5 days, would require us to handle 77½ amendments a day. That has never happened in the Senate and never will happen in the Senate. If we go to a 4-day week, which we usually do here, coming late Monday nights, that would mean 95 amendments a day.

I say to the distinguished Democratic leader, if we were fortunate enough to be able to get Senators not to offer half of those amendments, and worked a 5-day week, we would still have to do 38 amendments a day, which never has happened and never will happen.

I know this bill, to me, is very important in the sense it has in it an alternative section that I think is quite good. I would like to finish the bill. But it is not going to be finished when we have 382 amendments pending, and we only have 4 or 5 days to complete this bill. It just is humanly impossible under any sense of one's ability to understand the Senate or even one's imagination.

So I very much appreciate the Senator being here for those of us who want an Energy bill. We want one with some debate or we will not have an Energy bill. We have too many important issues that simply have to be debated. So I extend my appreciation to the Senator for recognizing we cannot do approximately 77 amendments a day.

Mr. DASCHLE. Mr. President, the assistant Democratic leader makes a very compelling argument. No one knows the management of the Senate floor better than he does. He is here every day, and he is right. You can't deal with 15 or 20 amendments a day, much less 70 or 80.

I think it minimizes, in some ways it demeans the debate about energy policy in this country. To say about important issues such as the ones we have outlined again this morning on renewable fuels, on conservation, on nuclear energy, on electricity, on taxes, that we are going to have debates about those extraordinary policy questions and condense them somehow in a matter of a few hours as we debate energy policy that could affect us for the next generation—that is not the way to legislate, certainly not the way to manage an important bill such as this.

These issues deserve attention. They deserve our careful consideration, and they will simply not have that if we wait until next week to address these issues. So, again, I thank the Senator for his calculations about the management of these amendments. I hope we could entertain this bill a lot sooner than next Monday to accommodate that very problem.

I yield the floor.

Mr. REID. Mr. President, it is my understanding the distinguished majority leader's time is not part of morning business. Is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I am sure, if the Republican leader were here, he would acknowledge that morning business should be divided fairly. The Democratic leader's time has been calculated as in the Democrats' half of the morning business; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent that for fairness, the Republican leader's time be calculated as in morning business, along with that of the Democratic leader. That way the time will be divided fairly.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois.

MISLEADING THE AMERICAN PEOPLE

Mr. DURBIN. Mr. President, last week there was a historic meeting of the Senate Intelligence Committee, of which I am a member. Director Tenet of the Central Intelligence Agency came before us. There has been a lot written and said about that meeting of the Intelligence Committee.

I think what is important is we reflect on what has occurred since that meeting because I think it speaks volumes about where we are in America when it comes to the issue of being

critical of this administration, its policies, and its use of intelligence.

At issue, of course, were 16 words in the President's State of the Union Address last January. This address on January 28 included the following statement by the President of the United States:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

This sentence was part of a speech delivered by the President, the most important speech any President delivers in the course of a given year, at a time in our Nation's history when we were asked to rally behind our troops and our President to invade the nation of Iraq. This was a moment, of course, of great consequence because not only was America's foreign policy about to be decided in relation to the Middle East, but families across America were going to be asked to send their sons and daughters, husbands and wives, and loved ones into harm's way. The words have to be measured carefully because the consequences of those words are so serious.

Many people have said, What was wrong with the President's statement? The British intelligence was insisting that they had evidence that, in fact, Iraq had tried to obtain uranium, fissile material to build nuclear weapons from Niger, an African nation. It turns out there was much more to the story. In addition to the efforts of British intelligence, our own intelligence agencies had been looking closely at the same issue and had come to the opposite conclusion. They decided that the evidence presented did not make the case. In fact, in October of 2002, when President Bush was going to give a very important speech in Cincinnati, OH, outlining the reasons he believed we should be mindful of the threat of Iraq, White House staffers—Mr. Hadley, who was with the security portion of the White House—wanted to include in that speech the same reference to this sale of uranium from Niger to Iraq. He was cautioned by the Central Intelligence Agency in October not to include it because the sources of the information, according to the American intelligence agency, were not credible; the claim was dubious. So the charge was taken out of the President's Cincinnati speech in October.

Then comes the President's State of the Union Address in January. Once again, the same White House staff—I am not alluding to Mr. Hadley again, but someone on the White House staff came forward and said these words should be included, even after being warned 3 months earlier that they were not accurate.

So Director Tenet came before us last week to explain what happened, why words that were disqualified from the President's earlier speech were then included in this State of the Union Address. As the Director came before us, we knew several things. A week before, the President of the United States said the words should not have been included in the speech, and Director of the CIA, Mr. Tenet, said he took personal responsibility for not removing them; that the Central Intelligence Agency, responsible for reviewing that kind of wording in the speech, should have stopped the President from using those remarks a second time in the State of the Union Address.

I said publicly and on the floor of the Senate that what Director Tenet told us was important, but equally important was the question as to what individual or group of individuals within the White House was so adamant in their pursuit of including this important language in the speech, in the President's State of the Union Address—particularly after the White House had been told not to say that in an earlier Presidential speech.

I made that point after the hearing. I certainly did not disclose the name of the White House employee given to us during the course of the Intelligence Committee hearing. I said, as I believe now, that as a result of that hearing it was clear that when we make this inquiry, all roads lead to 1600 Pennsylvania Avenue. We have to really look to the White House staff and the role they played in pushing for and putting this language in the speech which led the President to mislead the American people.

I have said and repeated, there is no evidence or indication that President Bush knew this statement was wrong—none. If that comes out at some later time, so be it. I am not making any allegation about the President's motive of including it. But I will say this, unequivocally. The President was let down by his staff in the White House. They had a responsibility to make certain what he said to the American people was true, and they knew better. In October, they had been warned by the CIA that this information was not accurate, was dubious, could not be backed up. Yet they persisted in January in including these same remarks.

After I made the statement, it was interesting the reaction from the White House. The next day, the White House Press Secretary, Mr. Scott McClellan, called my claims nonsense and went on to say that because I voted against the use of force resolution when it came to the invasion of Iraq when it was before the Senate last October, that I was, in fact, trying to justify my vote by the statements I was making.

That was the White House interpretation of my remarks. They did not go to the heart of the issue, obviously, as to whether there was anyone in the White House staff insistent or persistent when it came to including these remarks and what action might be taken by the White House to take that staffer off the case, perhaps to remove them completely from the White House because they had misled the President. No, that was not the issue. The issue was this Senator and my credibility. Well, I understand that. Politics isn't a bean bag. I was not born yesterday. You have to have a tough mental hide if you are going to aspire to this office and be in a national debate. But it was interesting, on the first day, when the time came to address the issue, instead of attacking the problem, they attacked me. So be it.

But then there was more to follow. On the following day, on Friday, the White House press operation started floating the story that there were Senators in this Chamber who were asking for my removal from the Senate Intelligence Committee because of the statements I had made. And when pressed as to what those statements were, the White House said DURBIN has disclosed classified information and, therefore, should be removed from the Senate Intelligence Committee.

Now, that is a very serious charge. I can think of perhaps only once or twice in my entire congressional career that I have ever heard a similar charge. So, of course, the reporters who called said to the White House: What did he disclose? And they said two things: First, he disclosed the name of the White House staffer who was responsible for writing this speech. And, secondly, on the floor of the Senate, at this very desk, he said there were 550 suspected sites of weapons of mass destruction in Iraq identified by the U.S. Government before our invasion.

The White House said: Both of those items are classified, DURBIN disclosed them, and he should leave the Intelligence Committee.

Well, the facts are these: No. 1, I never disclosed the name of the White House staffer—to this day—who was involved in the preparation of the speech. And, secondly, the information I gave on the floor of 500 suspected sites of weapons of mass destruction had been declassified a month earlier, declassified and made public. So the White House allegations to back up my removal from the Intelligence Committee, attacking my credibility, saying that I disclosed classified information, were, in fact, false and inaccurate.

Sadly, what we have here is a continuing pattern by this White House. If any Member of this Senate—Democrat or Republican—takes to the floor, questions this White House policy, raises any questions about the gathering of intelligence information, or the use of it, be prepared for the worst. This White House is going to turn on you and attack you. They are going to question your patriotism. They are going to question the fact of whether or not you are living up to your oath of office here in the Senate. And they are going to question as to whether or not you belong in this debate on intelligence; whether, for instance, you should be a member of the Senate Intelligence Committee. I think that is a very serious outcome. It is one that all of us should reflect on for a moment.

This morning, Paul Krugman has an article in the New York Times. I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 22, 2003]

WHO'S UNPATRIOTIC NOW?

(By Paul Krugman)

Some nonrevisionist history: On Oct. 8, 2002, Knight Ridder newspapers reported on intelligence officials who ''charge that the administration squelches dissenting views, and that intelligence analysts are under intense pressure to produce reports supporting the White House's argument that Saddam poses such an immediate threat to the United States that pre-emptive military action is necessary.'' One official accused the administration of pressuring analysts to ''cook the intelligence books''; none of the dozen other officials the reporters spoke to disagreed.

The skepticism of these officials has been vindicated. So have the concerns expressed before the war by military professionals like Gen. Eric Shinseki, the Army chief of staff, about the resources required for post-war occupation. But as the bad news comes in, those who promoted this war have responded with a concerted effort to smear the messengers.

Issues of principle aside, the invasion of a country that hadn't attacked us and didn't pose an imminent threat has seriously weakened our military position. Of the Army's 33 combat brigades, 16 are in Iraq; this leaves us ill prepared to cope with genuine threats. Moreover, military experts say that with almost two-thirds of its brigades deployed overseas, mainly in Iraq, the Army's readiness is eroding: normal doctrine calls for only one brigade in three to be deployed abroad, while the other two retrain and refit.

And the war will have devastating effects on future recruiting by the reserves. A widely circulated photo from Iraq shows a sign in the windshield of a military truck that reads, ''One weekend a month, my ass.''

To top it all off, our insistence on launching a war without U.N. approval has deprived us of useful allies. George Bush claims to have a ''huge coalition,'' but only 7 percent of the coalition soldiers in Iraq are non-American—and administration pleas for more help are sounding increasingly plaintive.

How serious is the strain on our military? The Brookings Institution military analyst Michael O'Hanlon, who describes our volunteer military as ''one of the best military institutions in human history,'' warns that ''the Bush administration will risk destroying that accomplishment if they keep on the current path.''

But instead of explaining what happened to the Al Qaeda link and the nuclear program, in the last few days a series of hawkish pundits have accused those who ask such questions of aiding the enemy. Here's Frank Gaffney Jr. in The National Post: ''Somewhere, probably in Iraq, Saddam Hussein is gloating. He can only be gratified by the feeding frenzy of recriminations, second-guessing and political power plays. . . . Signs of declining popular appreciation of the legitimacy and necessity of the efforts of America's armed forces will erode their morale. Similarly, the enemy will be encouraged.''

Well, if we're going to talk about aiding the enemy: By cooking intelligence to promote a war that wasn't urgent, the administration has squandered our military strength. This provides a lot of aid and comfort to Osama bin Laden—who really did attack America—and Kim Jong Il—who really is building nukes.

And while we're on the subject of patriotism, let's talk about the affair of Joseph Wilson's wife. Mr. Wilson is the former ambassador who was sent to Niger by the C.I.A. to investigate reports of attempted Iraqi uranium purchases and who recently went public with his findings. Since then administration allies have sought to discredit him—it's unpleasant stuff. But here's the kicker: both the columnist Robert Novak and Time magazine say that administration officials told them that they believed that Mr. Wilson had been chosen through the influence of his wife, whom they identified as a C.I.A. operative.

Think about that: if their characterization of Mr. Wilson's wife is true (he refuses to confirm or deny it), Bush administration officials have exposed the identity of a covert operative. That happens to be a criminal act; it's also definitely unpatriotic.

So why would they do such a thing? Partly, perhaps, to punish Mr. Wilson, but also to send a message.

And that should alarm us. We've just seen how politicized, cooked intelligence can damage our national interest. Yet the Wilson affair suggests that the administration intends to continue pressuring analysts to tell it what it wants to hear.

Mr. DURBIN. This morning, in the New York Times, Paul Krugman wrote about another episode. I would like to read from it because I think it indicates what I have been through over the past several days is not unique.

We are aware of the fact that Ambassador Joe Wilson, who has served the United States, was called on by this administration to go to Africa and to establish whether or not the sale of uranium took place. He came back, and it is my understanding he made an oral report to the administration questioning whether or not there was any background evidence to support the claim that Iraq had tried to obtain or had obtained uranium fissile material from Niger. He made the report to the administration, which is part of the cumulative evidence of the weakness of this assertion by British intelligence.

And, of course, a week or two ago, in the New York Times, Ambassador Wilson published a column indicating the timeline and substance of his involvement with this issue, and making it clear that based on the request of the administration, he had gone to Africa, came back with the information, and told the administration he could not make this claim.

Let me read from Paul Krugman's article today about Ambassador Joe Wilson and what has happened to him since he went public with the fact that he had warned this administration that saying anything about the uranium coming from Africa was really not credible, of dubious background. Here is what Krugman writes:

And while we're on the subject of patriotism, let's talk about the affair of Joseph Wilson's wife. Mr. Wilson is the former ambassador who was sent to Niger by the C.I.A. to investigate reports of attempted Iraqi uranium purchases and who recently went public with his findings. Since then administration allies have sought to discredit him—it's unpleasant stuff. But here's the kicker: both the columnist Robert Novak and Time magazine say that administration officials told them that they believed that Mr. Wilson had been chosen through the influence of his wife, whom they identified as a C.I.A. operative.

Think about that: if their characterization of Mr. Wilson's wife is true . . .

And Krugman writes that Wilson refuses to confirm or deny it—

Bush administration officials have exposed the identity of a covert operative. That happens to be a criminal act; it's also definitely unpatriotic.

So why would they do such a thing? Partly, perhaps, to punish Mr. Wilson, but also to send a message.

And that should alarm us. We've just seen how politicized, cooked intelligence can damage our national interest. Yet the Wilson affair suggests that the administration intends to continue pressuring analysts to tell it what it wants to hear.

End of quote from this Krugman article.

Mr. President, I am going to ask the chairman of the Senate Intelligence Committee and the ranking member to investigate this matter. This is an extremely serious situation. If, in fact, administrative officials have publicly disclosed the identity of Mr. Wilson's wife, who is allegedly, according to these news articles, working for the CIA, this is an extremely serious matter. In their effort to seek political revenge against Ambassador Wilson for his column, they are now attacking him and his wife, and doing it in a fashion that is not only unacceptable, it may be criminal. And that, frankly, is as serious as it gets in this town.

I would say to my colleagues in the Senate, understand what this is all about. If you come to the floor of this Senate, or stand before a microphone, and are critical of this administration for their policy or use of intelligence, be prepared for the worst. You are in for a rough ride.

Certainly what happened to me was minor league compared to what happened to Ambassador Wilson. In my situation, they merely questioned my integrity and asked I be removed from the Senate Intelligence Committee. In Mr. Wilson's situation, they have set out to destroy the career of his wife. That speaks volumes of where this administration has gone when it comes to this essential issue.

People have asked me: Why are 16 words so important? Why does it make any difference if the President happened to make a mistake? And maybe technically he didn't. He attributed this information to British intelligence. Tony Blair was here last week and says he still stands by it.

I think it is important in this respect: We spend billions of dollars each year accumulating important intelligence information to protect America. We can count on the dedicated men and women in intelligence agencies around the United States and around the world to keep us safe. They risk their lives to do it. They are as fine and patriotic as any man or woman

who has ever served this country in uniform. And they try to bring this gathered information together, to sift through it, establish what is credible and what is not, and to alert the policy leaders—the President and others—as to the steps we need to take as a nation to defend ourselves.

That is always an important job, but in a war on terrorism it is essential. That intelligence becomes increasingly important. Without that intelligence data, how can we possibly protect this Nation from another 9/11?

Second, there is a question as well; that is, not only whether we are gathering accurate intelligence but whether that intelligence that we have gathered and that information is being accurately and honestly reported to the American people. What is at issue is not just the intelligence data but the honesty and credibility of the policymakers who use it and portray it.

The question we have before us is whether the intelligence information in this important statement about nuclear weapons in Iraq was somehow spun, hyped, or exaggerated. If that is true, what was the motive? How far up the chain does it go? Is it only one zealous White House staffer who was trying his best to put this information in a speech or is it more? It is an important question. It is one which I am certain the administration doesn't want to face. But in this age where intelligence is more important than ever, it has to be faced.

Let me go into the chronology of how the White House has responded as we have questioned whether those 16 words should have been included in the State of the Union Address. This is over a span of about 5 or 6 weeks.

On June 8, 2003, on Meet the Press, National Security Adviser Condoleezza Rice said that the uranium claim in the State of the Union address was ''mistaken,'' but that the White House had not known about intelligence doubts until afterward. Rice claimed, ''We did not know at the time—no one knew at the time, in our circles—maybe someone knew down in the bowels of the agency, but no one in our circles knew that there were doubts and suspicions that this might be a forgery.'' Since then, it has been shown that the National Security Adviser Condoleezza Rice was indeed aware of deep doubts regarding this claim. In fact, the CIA prevented one of Dr. Rice's chief deputies from including the uranium reference in an October 2002 speech the President gave in Cincinnati.

When Dr. Rice said on June 8, 2003, on ''Meet the Press'' that, ''We did not know at the time—no one knew at the time in our circles'' that there were opportunities and suspicions that this might be a forgery, that ran in direct contradiction of the simple facts that have been disclosed. The CIA had advised the White House and the national security portion of the White House not to include the same words in the speech 3 months earlier.

Let us go to July 7, 2003.

Prompted by a New York Times oped article in which Joseph Wilson, former U.S. ambassador to Gabon, contended that the Bush administration ignored—and possibly manipulated—his findings regarding an Iraq-Niger uranium connection, the White House acknowledged that Bush should not have made the claim because of concerns about the intelligence behind it. Then White House Press Secretary Ari Fleischer tried to shut down the story in its tracks, insisting it was old news.

On July 10, 2003—Four days into the controversy, as Bush was dogged with questions while visiting Africa, Secretary of State Colin Powell said there was no intention to deceive and called the outcry ''overwrought and overblown and overdrawn.'' In defending the process by which the President allowed such a statement in the State of the Union speech, he said ''There was sufficient evidence floating around at the time that such a statement was not totally outrageous.''

Is that the standard? It was not totally outrageous?

Frankly, it is interesting that a few days after the President's State of the Union Address when Secretary of State Colin Powell was in careful preparation of his presentation before the United Nations Security Council, he consciously decided not to include that same reference in the speech to the United Nations Security Council. He knew better, and he knew that the standard of credibility of America is not whether something is or is not totally outrageous.

On July 11, 2003: first Condoleezza Rice, then President Bush himself, pointed fingers at the CIA for not removing the claim while vetting the speech.

Rice:

> There was even some discussion on that specific sentence, so that it reflected better what the CIA thought. And the speech was cleared. Now, I can tell you, if the CIA, the director of Central Intelligence, had said, ''Take this out of the speech,'' it would have been gone, without question.

President Bush said:

> I gave a speech to the nation that was cleared by the intelligence services. And it was a speech that detailed to the American people the dangers posed by the Saddam Hussein regime.

At that point, July 11, CIA Director George Tenet made his statement concerning this particular episode. He said in a statement that CIA officials reviewing the draft remarks of the State of the Union ''raised several concerns about the fragmentary nature of the intelligence with National Security Council colleagues. Some of the language was changed.'' The change included using British intelligence as the source of the information. The CIA, however, continued to doubt the reliability of the British claim, and in fact doubted the credibility of the statement made by the President of the United States, which is certainly asserting the same claim.

Between July 11 and July 14, a new line of defense was established by the White House. Dr. Rice and Secretary of Defense Don Rumsfeld appeared on three Sunday talk shows to offer a new explanation: Bush's remark was technically accurate because he correctly described what British intelligence had reported:

> It turns out that it's technically correct what the president said, that the UK did say that and still says that. Even though the words should not have been included in the speech, they're not necessarily inaccurate. The British say they believe that it is accurate, and that may very well be the case. We will just have to wait and see.

Dancing on the head of a pin, the Secretary of Defense, moving back and forth between whether this statement is accurate or not, says that the British intelligence discredited by our intelligence agency said maybe we have to take a wait-and-see attitude and see maybe if they are right and maybe if they are wrong.

Again, is that the standard for statements by the President of the United States in preparation for a war where we are about to risk American lives? I certainly hope the standard is much higher.

On Monday, July 14, White House Press Secretary Ari Fleischer emphasized that the British could be right. He said:

> We don't know if [British intelligence claims were] true but nobody—but nobody—can say it was wrong. The fact of the matter is whether they sought it from Africa or didn't seek it from Africa doesn't change the fact that they were seeking to reconstitute a nuclear program.

That was a statement made in his Monday press briefing. Now they are basically saying it really doesn't make any difference whether what we said was truthful or not. According to Ari Fleischer, we all knew they were setting out to reconstitute a nuclear program. But it turned out that this was one of the two major pillars the Bush administration was using to argue that nuclear weapons were a threat from Iraq.

First, the aluminum tube controversy, which went in circles many times as to whether or not these tubes would be used for nuclear weapons or conventional munitions and the fissile material and uranium coming from Africa. What we have here is a situation where they are trying to build the case, and build it with the shakiest evidence already discredited by the CIA and other intelligence agencies.

Between July 10 and July 18, there came a new strategy from the White House on the issue. Scott McClellan, who succeeded Fleischer as White House spokesman, also tried to dismiss questions. Over four days, he told reporters 20 times that the particular question they were asking had already been ''addressed.''

On July 16, 2003, Scott McClellan said claims by Senator DURBIN that White House officials applied pressure on the CIA to keep the uranium reference in

the speech were ''nonsense'' and accused skeptics of trying to ''politicize this issue by rewriting history.'' At the same time, the White House tried to redirect the debate onto the overall danger posed by Saddam's chemical and biological weapons—uranium or not—and onto Bush's resolve in acting to confront that threat.

On July 17, 2003, McClellan cautioned that Senator DURBIN—and possibly other Democrats—were ''lying about the little things'' related to CIA Director George Tenet's testimony before the Senate Intelligence Committee. The ''little thing'' was whether Tenet has named names of these responsible at the White House.

Although I refused to disclose any names mentioned by the CIA Director, I will say this: I stand by my statement.

Let me explain for a moment the issue at hand. We have made it clear that Director Tenet would appear before the Intelligence Committee. That was public knowledge. The fact is that Director Tenet sat at the committee table in the Senate Intelligence Committee with several people from his agency. What he said, of course, was given to the members of committee. Questions from members of the committee were directed to appropriate members of the staff, and he would indicate which member might give an answer to a question.

I took great care in commenting about his testimony to limit any reference to anyone in the room, specifically to Director Tenet, so that I would not even disclose the names of the CIA employees who were in the room. Perhaps I was over cautious. But that caution on my part was then used against me by the White House. Because when we asked Director Tenet pointblank who was the White House staffer responsible for the State of the Union Address—in fact, it has now been publicly disclosed by the CIA and others—he turned to Alan Foley, an assistant who worked on the speech, and Allen Foley gave the name to the committee with a nod by Director Tenet. So my caution and care not to even disclose the name of Alan Foley who sat at the table with the CIA Director was turned and used against me by the White House, saying that I was lying to the American public as to whether Director Tenet disclosed the name.

The fact is, Director Tenet was testifying. He turned to Mr. Foley, his assistant, who said the name. Whether Director Tenet repeated the name, only the record of the hearing can reflect. But what I was establishing was the fact that the identity of the person involved was disclosed during Director Tenet's testimony. I stand by that.

On July 18, on Friday, the White House press staff began leaking word that one of the leading White House opponents, Senator DURBIN of Illinois, had released classified material regarding names of those involved in the controversy and the number of suspected WMD sites in Iraq. As a result, the White House said some Senators were contemplating having me, Senator DURBIN, removed from the Intelligence Committee.

Our office pointed out to reporters that no classified material had been released by this Senator. I had refused to name the White House staffer or characterize specific witness testimony. And the number of suspected Iraqi WMD sites, 550, which I disclosed on the Senate floor, had been declassified this year in June. It is public information.

The White House, when they were confronted with the fact that their accusations against me were not true said, they would ''Look into that.''

After attacking my honesty and integrity and suggesting I be removed from the Senate Intelligence Committee, they were unable to produce any evidence of the disclosure of classified information. I have gone to great lengths to avoid that, and I will continue.

Then on July 18, that same day, the White House took the rare step of declassifying and releasing eight pages of a 90-page top secret national intelligence estimate that was used to write the questioned portions of the State of the Union Address. Instead of putting a lid on the controversy, the document showed prewar divisions within the U.S. intelligence community that were glossed over by administration spokesmen. The State Department, for instance, termed the reports that Saddam Hussein was shopping for uranium in Africa as ''highly dubious.''

That is the chronology. It is an important chapter in our political history. It is an important chapter in the history of the collection and use of intelligence here in the United States.

I am glad the Senate Intelligence Committee will continue its investigation. It is my understanding the chairman and ranking Democrat have said they will call White House staffers before the committee to ask what led up to this situation and why we are in the position we are today.

I can recall times in the past when the Intelligence Committee and its members had been challenged as to whether they disclosed classified information and called on to take polygraphs for fear they may have said something that was top secret and should not be public knowledge. I understand the concern of the administration. That should be the concern of every American. We have to take care not to disclose classified information.

But I have to ask the obvious question: How can this administration declassify things, drop certain items into the press that are complimentary and positive from their point of view and get away with it and not be held to the same standard as members of the committee? When we are in a situation where we are given a body of information and draw a conclusion from that but cannot speak to that publicly, while the administration discretely drops into the public domain information they think is helpful to their side of the case, that is a one-sided argument. It does not serve this Nation well, and the administration is pushing the envelope when they do it.

I am glad the Senate Intelligence Committee is going forward. There is a lot more we need to do. I will say to my colleagues in the Senate, please do not back off from our responsibility. We have a responsibility to the people who elect us and to the American people at large to hold this administration—indeed, every administration—accountable for honesty and accuracy when they speak to the American people, particularly in areas of the discussion of intelligence information which could lead to military action which could, in fact, endanger the lives of Americans and their families. That is our most serious and sacred duty. We should not back off of it because of threats from the White House or efforts by the White House to silence us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, before Senator DURBIN leaves the floor, I want to say that the concerns he has raised are serious and grave. They deserve serious attention, not just of this body but of the people in this country. I thank him for bringing them to us today and join him in voicing the gravity of the situation. The kind of actions he has described, if they are true, should not be permitted. They should not be countenanced.

(The remarks of Mr. CARPER pertaining to the introduction of S. 1443 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. ENZI). The Senator from Iowa.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that morning business be extended for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELFARE REFORM

Mr. GRASSLEY. Mr. President, I rise to speak on another subject, but I think it is appropriate for me to respond to the Senator from Delaware only in a general way, not to the specific points he made.

I do take very seriously his efforts at what we call welfare reform, moving people from welfare to work, because not only as Governor did he demonstrate leadership in that area, but in the short time I have served with him in the Senate, he has talked with me frequently about various aspects of welfare, and I know he has been working with others on his side of the aisle, as well as Republicans.

I hope to be able to give fair consideration to the propositions about which he has spoken this morning.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1440 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will resume consideration of H.R. 2555, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

(The committee-reported amendment, in the nature of substitute, which was omitted from the RECORD of Monday, July 21, 2003, is as follows:)

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 2555

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 Department of the Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:

[TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

[DEPARTMENTAL ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses for management and operations of the Department of Homeland Security $221,493,000; of which not to exceed $78,975,000 shall be for the Office of the Secretary and Executive Management; of which not to exceed $116,139,000 shall be for the Office of the Under Secretary for Management; of which not to exceed $8,106,000 shall be for the Immediate Office of the Under Secretary for Border and Transportation Security; of which not to exceed $10,044,000 shall be for the Immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and the Command Center; of which not to exceed $3,293,000 shall be for the Immediate Office of the Under Secretary for Emergency Preparedness and Response; and of which not to exceed $4,936,000 shall be for the Immediate Office of the Under Secretary for Science and Technology: *Provided*, That not to exceed $2,000,000 may be used for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of Homeland Security: *Provided further*, That not to exceed $40,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine.

[COUNTERTERRORISM FUND

[For necessary expenses, as determined by the Secretary of Homeland Security, $20,000,000, to remain available until expended, to reimburse any Federal agency for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: *Provided*, That the Secretary shall notify the Committees on Appropriations 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

[DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

[For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the Land Mobile Radio legacy systems, $206,000,000, to remain available until expended: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology system and the Automated Commercial Environment.

[OFFICE OF THE INSPECTOR GENERAL

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $58,118,000; of which not to exceed $1,000,000 may be used for unforeseen emergencies of a confidential nature, to be allocated under the direction of the Inspector General of the Department of Homeland Security: *Provided*, That in addition, $22,000,000 shall be derived by transfer from the Emergency Preparedness and Response Disaster Relief Fund.

[TITLE II—BORDER AND TRANSPORTATION SECURITY

[CUSTOMS AND BORDER PROTECTION

[BUREAU OF CUSTOMS AND BORDER PROTECTION

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of the Bureau of Customs and Border Protection for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, including planning, construction, and necessary related activities of buildings and facilities, $4,584,600,000; of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $129,000,000 to remain available until September 30, 2005, shall be for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13021(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; and of which not to exceed $5,000,000 shall be for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: *Provided*, That none of the funds available to the Directorate of Border and Transportation Security may be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2004, except that the Commissioner of Customs and Border Protection may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: *Provided further*, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every 7 days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

[In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, and notwithstanding section 1511(e)(1) of Public Law 107–296, $3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with this account.

[AUTOMATION MODERNIZATION

[For expenses not otherwise provided for Bureau of Customs and Border Protection automated systems, $493,727,000, to remain available until expended, of which not less than $318,690,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Bureau of Customs and Border Protection prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the Bureau of Customs and Border Protection's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Customs and Border Protection Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

[IMMIGRATION AND CUSTOMS ENFORCEMENT

[BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

[SALARIES AND EXPENSES

[For necessary expenses of the Bureau of Immigration and Customs Enforcement for enforcement of immigration and customs laws, detention and removals, investigations, including planning, construction, and necessary related activities of buildings and facilities, $2,030,000,000; of which not to exceed $5,000,000, to remain available until expended, shall be for conducting special operations pursuant to Public Law 99–570 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not less than $100,000 shall be for promotion of public awareness of the child pornography tipline; and of which not less than $200,000 shall be for Project Alert: *Provided*, That none of the funds available to the Bureau of Immigration and Customs Enforcement may be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2004, except that the Assistant Secretary of the Bureau of Immigration and Customs Enforcement may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount of funds made available for activities to enforce laws against forced child

labor in fiscal year 2004, not to exceed $5,000,000 shall remain available until expended for support of such activities: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year.

[FEDERAL PROTECTIVE SERVICE

[(INCLUDING TRANSFER OF FUNDS)

[For expenses, not otherwise provided for, necessary for the operations of the Federal Protective Service, $424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund.

[AUTOMATION AND INFRASTRUCTURE MODERNIZATION

[For expenses not otherwise provided for Bureau of Immigration and Customs Enforcement automated systems, $367,605,000, to remain available until expended, of which not less than $350,000,000 shall be for the development of the United States Visitor and Immigrant Status Indicator Technology system (US VISIT): *Provided*, That none of the funds appropriated under this heading may be obligated for US VISIT until the Bureau of Immigration and Customs Enforcement prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the Bureau of Immigration and Customs Enforcement Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Immigration and Customs Enforcement Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for US VISIT until such expenditure plan has been approved by the Committees on Appropriations.

[AIR AND MARINE INTERDICTION

[For expenses, not otherwise provided for, necessary for the operation, maintenance and procurement of marine vessels, aircraft, and other related equipment of the Office of Air and Marine Interdiction of the Bureau of Immigration and Customs Enforcement, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: conducting homeland security operations; interdiction of narcotics and other illegal substances or items; the provision of support to Department of Homeland Security and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and, at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $175,000,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Immigration and Customs Enforcement requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security, during fiscal year 2004 without the prior approval of the Committees on Appropriations.

[TRANSPORTATION SECURITY ADMINISTRATION

[AVIATION SECURITY

[For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to Public Law 107–71, $3,679,200,000 (reduced by $20,000,000), to remain available until expended, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of such total amount, not to exceed $1,672,700,000 shall be for passenger screening activities; not to exceed $1,284,800,000 shall be for baggage screening activities; and not to exceed $721,700,000 shall be for airport support and enforcement presence: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $1,609,200,000: *Provided further*, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: *Provided further*, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners: *Provided further*, That of the total amount provided herein, $235,000,000 shall be available only for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems and $100,000,000 shall be available only for procurement of checked baggage explosive detection systems.

[FEDERAL AIR MARSHALS

[For necessary expenses of the Federal air marshals, $634,600,000, to remain available until expended.

[MARITIME AND LAND SECURITY

[For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to Public Law 107–71, $231,700,000, to remain available until expended: *Provided*, That of such amount, $100,000,000 shall be available only to make port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117.

INTELLIGENCE

[For necessary expenses of the Transportation Security Administration related to transportation security intelligence activities, $13,700,000, to remain available until expended.

[RESEARCH AND DEVELOPMENT

[For necessary expenses of the Transportation Security Administration for research and development related to transportation security, $125,700,000, to remain available until expended.

[ADMINISTRATION

[For necessary expenses of the Transportation Security Administration for administrative activities, including headquarters and field support, training, and information technology, $487,100,000, to remain available until September 30, 2005.

[FEDERAL LAW ENFORCEMENT TRAINING CENTER

[SALARIES AND EXPENSES

[For the necessary expenses of the Federal Law Enforcement Training Center, $136,629,000, of which $26,635,000 shall be for material and support costs of Federal law enforcement basic training and shall remain available until September 30, 2006, and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That notwithstanding any other provision of law, the Center is authorized to expend appropriations for the purchase of police-type pursuit vehicles without regard to the general purchase price limitation; student athletic and related recreational activities; conducting and participating in firearms matches and the presentation of awards for such matches; public awareness and enhancing community support of law enforcement training, including the advertisement and marketing of available law enforcement training programs; room and board for student interns; short-term medical services for students undergoing training at Center training facilities; travel expenses of non-Federal personnel attending course development meetings; services authorized by section 3109 of title 5, United States Code; support of Federal law enforcement accreditation; and a flat monthly reimbursement to employees authorized to use personal cell phones for official duties: *Provided further*, That: (1) funds appropriated to this account may be used at the discretion of the Center's Director to train United States Postal Service law enforcement personnel, State and local law enforcement personnel, foreign law enforcement personnel, and private security personnel; (2) with the exception of private security personnel, the Center's Director is authorized to fully fund the cost of this training, including the cost of non-Federal travel, or to seek full or partial reimbursement for this training; and (3) such reimbursements shall be deposited in this appropriation: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Center is authorized to accept and use gifts of property, real and personnel, and to accept services, for authorized purposes: *Provided further*, That the Center is authorized to harvest timber and use the proceeds from timber sales to supplement the Center's forest management and environmental programs: *Provided further*, That notwithstanding any other provision of law, students attending training at any Center site shall reside in on-center or center-provided housing, to the extent available and in accordance with Center policy.

[ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

[For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $32,323,000, to remain available until expended: *Provided*, That the Federal Law Enforcement Training Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities on training centers operated by the Federal Law Enforcement Training Center: *Provided further*, That notwithstanding any other provision of law, all facilities shall remain under the control of the Federal Law Enforcement Training Center, which shall be responsible for scheduling, use, maintenance, and support.

[OFFICE FOR DOMESTIC PREPAREDNESS

[DOMESTIC PREPAREDNESS

[For grants, contracts, cooperative agreements, and other activities of the Office for Domestic Preparedness, as authorized by the Homeland Security Act of 2002 (Public Law 107–296) and the USA PATRIOT Act of 2001 (Public Law 107–56), $3,503,000,000 (increased by $10,000,000), to remain available until expended: *Provided*, That of the amount provided under this heading—

[(1) $1,900,000,000 shall be for basic formula grants;

[(2) $500,000,000 (increased by $10,000,000) shall be for grants to State and local law enforcement for terrorism prevention activities;

[(3) $200,000,000 shall be for critical infrastructure grants;

[(4) $500,000,000 shall be for discretionary grants for use in high-density urban areas and high-threat areas; and

[(5) $35,000,000 shall be for grants for Centers for Emergency Preparedness:

[*Provided further*, That the application for grants appropriated in subsections (1), (2), and (3) under this heading shall be made available to States within 30 days of enactment of this Act; States shall submit applications within 30 days of the grant announcement; and the Office for Domestic Preparedness shall act on each application within 15 days of receipt: *Provided further*, That 80 percent of the funds appropriated in subsections (1), (2), (3), and (4) under this heading to any State shall be allocated by the State to units of local governments and shall be distributed by the State within 60 days of the receipt of funds: *Provided further*, That section 1014(c)(3) of Public Law 107–56 shall not apply to funds appropriated in subsections (4) and (5) under this heading: *Provided further*, That none of the funds appropriated under this heading shall be used for construction or renovation of facilities: *Provided further*, That funds appropriated in subsections (3) and (4) under this heading shall be available for operational costs, including personnel overtime as needed.

[TITLE III—EMERGENCY PREPAREDNESS AND RESPONSE

[ADMINISTRATIVE AND REGIONAL OPERATIONS

[For necessary expenses for administrative and regional operations of the Emergency Preparedness and Response Directorate, $168,589,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404–405), Reorganization Plan No. 3 of 1978, and the Homeland Security Act of 2002; of which not to exceed $3,000 shall be for official reception and representation expenses.

[PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

[For necessary expenses for preparedness, mitigation, response, and recovery activities of the Emergency Preparedness and Response Directorate, $363,339,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404–405), Reorganization Plan No. 3 of 1978, and the Homeland Security Act of 2002; of which $25,000,000 shall be for emergency operations centers grants: *Provided*, That the aggregate charges assessed during fiscal year 2004, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided further*, That the methodology for assessment and collection of fees shall be fair and equitable, and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received pursuant to this section shall be deposited in this account as offsetting collections, shall become available for authorized purposes on October 1, 2004, and shall remain available until expended.

[PUBLIC HEALTH PROGRAMS

[For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $484,000,000, including $400,000,000, to remain available until expended, for the Strategic National Stockpile.

[BIODEFENSE COUNTERMEASURES

[For necessary expenses for securing medical countermeasures against biological terror attacks, $5,593,000,000, to remain available until September 30, 2013: *Provided*, That not to exceed $3,418,000,000 may be obligated during fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

[GRANT PROGRAMS

[For activities designed to reduce the risk of flood damage to structures pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of such Act, and for a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $200,000,000, to remain available until expended, of which $20,000,000 shall be derived from the National Flood Insurance Fund, and shall remain available until September 30, 2005: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such title II (42 U.S.C. 5133(g)): *Provided further*, That notwithstanding section 203(f) of such title II (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds.

[EMERGENCY FOOD AND SHELTER

[To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77 (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3½ percent of the total appropriation.

[FIREFIGHTER ASSISTANCE GRANTS

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses, not otherwise provided for, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $750,000,000 (increased by $10,000,000) to remain available through September 30, 2005: *Provided*, That up to 5 percent of this amount shall be transferred to ''Preparedness, Mitigation, Response, and Recovery'' for program administration.

[DISASTER RELIEF

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,800,000,000 and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $22,000,000 may be transferred to the Office of Inspector General for audits and investigations.

[FLOOD MAP MODERNIZATION FUND

[For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act; to remain available until expended.

[NATIONAL FLOOD INSURANCE FUND

[(INCLUDING TRANSFER OF FUNDS)

[For activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, not to exceed $32,761,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,809,000 for flood mitigation, to remain available until September 30, 2005, including up to $20,000,000 for expenses under section 1366 of such Act of 1968, which amount shall be available for transfer to Grant Programs until September 30, 2005, and which amounts shall be derived from offsetting collections assessed and collected pursuant to 42 U.S.C. 4014, and shall be retained and used for necessary expenses under this heading: *Provided*, That no funds, in excess of $55,000,000 for operating expenses; $565,897,000 for agents' commissions and taxes; and $40,000,000 for interest on Treasury borrowings, shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

[DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

[For direct loans, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses to carry out the direct loan program, $558,000.

[TITLE IV—OTHER DEPARTMENTAL ACTIVITIES

[CITIZENSHIP AND IMMIGRATION SERVICES

[OPERATING EXPENSES

[For necessary expenses for citizenship and immigration services, including international services, $248,500,000.

[UNITED STATES COAST GUARD

[OPERATING EXPENSES

[For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note); and recreation and welfare; $4,703,530,000, of which $1,300,000,000 shall be for defense-related activities; of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That none of the funds appropriated in this or any other Act shall be available for pay of administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available

for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

[ENVIRONMENTAL COMPLIANCE AND RESTORATION

[For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

[RESERVE TRAINING

[For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $94,051,000.

[ACQUISITIONS, CONSTRUCTION, AND IMPROVEMENTS

[For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $805,000,000, of which $23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available until September 30, 2008 to acquire, repair, renovate, or improve vessels, small boats, and related equipment; $138,500,000 shall be available until September 30, 2006 for other equipment; $70,000,000 shall be available until September 30, 2005 for personnel compensation and benefits and related costs; and $530,000,000 shall be available until September 30, 2008 for the Integrated Deepwater Systems program: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2006 only for Rescue 21 (the National Distress and Response System Modernization program): *Provided further*, That upon initial submission to the Congress of the fiscal year 2005 President's budget, the Secretary of Homeland Security shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard that includes funding for each budget line item for fiscal years 2005 through 2009, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

[ALTERATION OF BRIDGES

[For necessary expenses for alteration or removal of obstructive bridges, $19,500,000, to remain available until expended.

[RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

[For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

[RETIRED PAY

[For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $1,020,000,000.

[INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

[OPERATING EXPENSES

[For necessary expenses of the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security as authorized by law, $776,000,000, to remain available until September 30, 2005.

[SCIENCE AND TECHNOLOGY

[RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

[For necessary expenses of activities of the Department of Homeland Security in carrying out the purposes of title III of the Homeland Security Act of 2002 (Public Law 107–296), for basic and applied research, development, test and evaluation, construction, procurement, production, modification and modernization of systems, subsystems, spare parts, accessories, training devices, operation of the Science and Technology Directorate and its organizations and activities, including the Homeland Security Advanced Research Projects Agency, for cooperative programs with States and local governments to enable the detection, destruction, disposal, or mitigation of the effects of weapons of mass destruction and other terrorist weapons, and for the construction, maintenance, rehabilitation, lease, and operation of buildings and other facilities, and equipment, necessary for the activities of the Directorate, $900,360,000, to remain available until September 30, 2006.

[UNITED STATES SECRET SERVICE

[SALARIES AND EXPENSES

[For necessary expenses of the United States Secret Service, $1,148,700,000, including purchase of American-made side-car compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitation on such expenditures in this or any other Act; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase limitation for the current fiscal year: *Provided*, That $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children: *Provided further*, That $4,783,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided further*, That up to $18,000,000 for protective travel shall remain available until September 30, 2005: *Provided further*, That subject to the reimbursement of actual costs to this account, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers, training Federal law enforcement officers, training State and local government law enforcement officers on a space-available basis, and training private sector security officials on a space-available basis: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

[ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

[For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,579,000, to remain available until expended.

[TITLE V—GENERAL PROVISIONS

[SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[(TRANSFERS OF UNEXPENDED BALANCES)

[SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

[(INCLUDING TRANSFER OF FUNDS)

[SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless both Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

[(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from

any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities, as approved by the Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

[(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security in this Act or provided in previous appropriation Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds and shall not be available for obligation unless the Committees on Appropriations are notified 15 days in advance of such transfer.

[SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2004 from appropriations made available for salaries and expenses for fiscal year 2004 in this Act, shall remain available through September 30, 2005, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

[SEC. 505. Except as otherwise provided in this Act, funds may be used for hire and purchase of motor vehicles as authorized by section 1343 of title 31, United States Code: *Provided*, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

[SEC. 506. The Federal Emergency Management Agency ''Working Capital Fund'' shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002, for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary of Homeland Security determines may be performed more advantageously as central services. Such fund shall hereafter be known as the ''Department of Homeland Security Working Capital Fund''.

[SEC. 507. The Federal Emergency Management Agency ''Bequests and Gifts'' account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002, for the Secretary of Homeland Security to accept, hold, administer, and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: *Provided*, That such fund shall hereafter be known as ''Department of Homeland Security, Gifts and Donations'': *Provided further*, That any gift or bequest shall be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

[SEC. 508. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

[SEC. 509. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

[SEC. 510. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than 5 miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

[SEC. 511. None of the funds in this Act may be used to make a grant unless the Secretary of Homeland Security notifies the Committees on Appropriations not less than 3 full business days before any grant allocation, discretionary grant award, or letter of intent totaling $1,000,000 or more is announced by the department or its directorates from: (1) any discretionary or formula-based grant program of the Office of Domestic Preparedness; (2) any letter of intent from the Transportation Security Administration; or (3) any port security grant: *Provided*, That no notification shall involve funds that are not available for obligation.

[SEC. 512. Notwithstanding any other provision of law, no agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

[SEC. 513. The Federal Law Enforcement Training Center is directed to ensure that all of the training centers under its control are operated at their highest potential capacity efficiency throughout the fiscal year. In order to facilitate this direction, the Director is authorized to schedule basic and advanced law enforcement training at any site the Federal Law Enforcement Training Center determines is warranted in the interests of the Government to ensure the best utilization of the Center's total capacity for training, notwithstanding legislative prohibitions.

[SEC. 514. None of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger has been in the proximity of livestock.

[SEC. 515. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a determination, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

[SEC. 516. None of the funds made available in this Act may be used to allow—

[(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

[(2) the release into the United States of any good, ware, article, or merchandise on which there is in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

[SEC. 517. Appropriations to the Department of Homeland Security in this Act shall be available for purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by section 3109 of title 5, United States Code.

[SEC. 518. None of the funds appropriated in this Act may be used for expenses of any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

[SEC. 519. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: *Provided*, That the prohibition of funds in this section does not apply to—

[(1) negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items, or

[(2) space for necessary security checkpoints.

[SEC. 520. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a–10c).

[SEC. 521. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.

[This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2004''.]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:

DEPARTMENT OF HOMELAND SECURITY

TITLE I—DEPARTMENTAL OPERATIONS, MANAGEMENT, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) and executive management of the Department of Homeland Security, as authorized by law, $83,653,000.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management and Administration, as authorized by sections 701–704 of the Homeland Security Act of 2002 (6 U.S.C. 341–344), $167,521,000: Provided, That of the total amount provided, $30,000,000 shall remain available until expended solely for the alteration and improvement of facilities and for relocation costs necessary for the interim housing of the Department's headquarters' operations and organizations collocated therewith.

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, $185,000,000, to remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $58,118,000; of which not to exceed

$100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, including international services, as transferred by and authorized by the Homeland Security Act of 2002 (6 U.S.C. 271, 272), $229,377,000.

TITLE III—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by Subtitle A, Title IV, of the Homeland Security Act of 2002 (6 U.S.C. 201–203), $8,842,000.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), $380,000,000, to remain available until expended: Provided, That none of the funds appropriated in this Act for the United States Visitor and Immigrant Status Indicator Technology project may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; contracting with individuals for personal services abroad; including not to exceed $1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Customs and Border Protection, $4,366,000,000, of which not to exceed $96,000,000 shall remain available until September 30, 2005, for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may exceed that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $4,000,000 shall remain available until expended.

In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, and notwithstanding section 1511 (e)(1) of Public Law 107–296, $3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the appropriation for ''Salaries and Expenses'' under this heading.

AUTOMATION MODERNIZATION

For expenses for Customs and Border Protection automated systems, $441,122,000, to remain available until expended, of which not less than $318,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated in this Act for the Automated Commercial Environment may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $90,363,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for enforcement of immigration and customs laws, detention and removals, investigations; purchase and lease of up to 1,600 (1,450 for replacement only) police-type vehicles; including not to exceed $1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Immigration and Customs Enforcement, $2,180,000,000, of which not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081), of which not less than $40,000,000 shall be available until expended for information technology infrastructure, and of which not to exceed $5,000,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That in addition, $424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund for the Federal Protective Service: Provided further, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $1,000,000 shall remain available until expended.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE AND PROCUREMENT

For necessary expenses for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and at the discretion of the Director of the Bureau of Immigration and Customs Enforcement, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $257,291,000, to remain available until expended.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,775,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $4,523,900,000, to remain available until September 30, 2005, of which $3,185,000,000 shall be available for screening activities and of which $1,338,900,000 shall be available for airport support and enforcement presence: Provided, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: Provided further, That the sum under this heading appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004 in order to result in a final fiscal year appropriation from the general fund estimated at not more than $2,453,900,000: Provided further, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: Provided further, That of the total amount provided under this heading, $309,000,000 shall be available for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems, as authorized by section 367 of title III of Division I of the Consolidated Appropriations Resolution, 2003 (49 U.S.C. 47110 note); and $150,500,000 shall be available for procurement of checked baggage explosive detection systems, including explosive trace detection systems, as authorized by section 4490 of title 49, United States Code.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $295,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided under this heading, $150,000,000 shall be available for port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117; and $30,000,000 shall be available to execute grants, contracts, and interagency agreements for the purpose of deploying Operation Safe Commerce.

INTELLIGENCE

For necessary expenses for intelligence activities pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $13,600,000, to remain available until September 30, 2004.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development related to transportation security, $130,200,000, to remain available until expended: Provided, That of the total amount provided under this heading, $45,000,000 shall be available for the research and development of explosive detection devices.

ADMINISTRATION

For necessary administrative expenses of the Transportation Security Administration to carry out the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $433,200,000, to remain available until September 30, 2004.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note); and section 229(b) of the Social Security Act (42 U.S.C. 429(b)) and recreation and welfare, $4,719,000,000, of which $340,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2004 under section 1116(a) of such title.

In addition, of the funds appropriated under this heading in chapter 6 of title I of Public Law 108–11 (117 Stat. 583), $71,000,000 are hereby rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

RESERVE TRAINING

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $95,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $1,035,000,000, of which $23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available to acquire, repair, renovate, or improve vessels, small boats, and related equipment, to remain available until expended; of which $178,500,000 shall be available for other equipment, to remain available until expended; of which $70,000,000 shall be available for personnel compensation and benefits and related costs; of which $702,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until expended; and of which $18,000,000 shall be available for alteration or removal of obstructive bridges, to remain available until expended: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available only for Rescue 21 and shall remain available until expended: Provided further, That funds for bridge alteration projects conducted pursuant to the Act of June 21, 1940 (33 U.S.C. 511 et seq.) shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 730 vehicles for police-type use, of which 610 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made sidecar compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,114,737,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2005: Provided further, That in fiscal year 2004 and thereafter, the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,579,000, to remain available until expended.

TITLE IV—ASSESSMENTS, PREPAREDNESS, AND RECOVERY

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, $20,000,000, to remain available until expended, to reimburse any Department of Homeland Security organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: Provided, That any funds provided under this heading shall be available only after the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 605 of this Act.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; for expenses for student athletic and related activities; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; room and board for student interns; and services as authorized by section 3109 of title 5, United States Code, $172,736,000, of which up to $44,413,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005: Provided, That in fiscal year 2004 and thereafter, the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That notwithstanding any other provision of law, in fiscal year 2004 and thereafter, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That in fiscal year 2004 and thereafter, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken under section 801 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $28,708,000, to remain available until expended.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,888,000,000, which shall be allocated as follows:

(1) $1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which $500,000,000 shall be available for State and local law enforcement terrorism prevention grants: Provided, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: Provided further, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant

announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: Provided further, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

(2) $30,000,000 for technical assistance;

(3) $750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: Provided, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: Provided further, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants; and

(4) $358,000,000 for national programs:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: Provided further, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (3) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training as needed: Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of the funds provided under paragraphs (1) and (3) of this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $750,000,000, to remain available until September 30, 2005: Provided, That up to 5 percent of this amount shall be available for program administration.

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $3,615,000.

EMERGENCY PREPAREDNESS AND RESPONSE

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Emergency Preparedness and Response Directorate, $826,801,000, to remain available until expended, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. 903 note), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the amount provided under this heading: $163,000,000 shall be for activities relating to Preparedness, Mitigation, Response and Recovery; $434,000,000 shall be for Public Health Programs, including the Disaster Medical Assistance Teams and the Strategic National Stockpile; $165,214,000 shall be for Administrative and Regional Operations; and $64,587,000 shall be for Urban Search and Rescue Teams.

In addition, of the funds appropriated under this heading by Public Law 108–11 (117 Stat. 583), $3,000,000 are hereby rescinded.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2004, as authorized by the Energy and Water Development Appropriations Act, 2001 (Public Law 106–377; 114 Stat. 114A–46), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2004, and remain available until expended.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,956,000,000, notwithstanding the matter under the heading ''Disaster Relief'' under the heading ''Federal Emergency Management Agency'' of chapter II of title I of Public Law 102–229 (42 U.S.C. 5203), to remain available until expended; of which not to exceed $22,000,000 shall be transferred to and merged with the appropriation for ''Office of the Inspector General'' for audits and investigations.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For direct loans, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): Provided, That gross obligations for the principal amount of direct loans not to exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a). In addition, for administrative expenses to carry out the direct loan program, $557,000.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $150,000,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)): Provided further, That, notwithstanding section 203(f) of that Act (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to exceed $32,663,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed $77,809,000 for flood hazard mitigation, to remain available until September 30, 2005, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2005, and which amounts shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2004, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $565,897,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $20,000,000, to remain available until September 30, 2005, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and the Reorganization Plan No. 3 of 1978 (5 U.S.C. 903 note), $165,000,000.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77 (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

CERRO GRANDE FIRE CLAIMS

For payment of claims under the Cerro Grande Fire Assistance Act (Public Law 106–246; 114 Stat. 583), $38,062,000, to remain available until expended: Provided, That up to 5 percent of this amount may be made available for administrative costs.

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

For necessary expenses of the Office of the Under Secretary for Information Analysis and Infrastructure Protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), $10,460,000; of which $5,442,000 shall be for operations of the Department of Homeland Security Command Center.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION, OPERATING EXPENSES

For necessary expenses for information analysis and infrastructure protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), $823,700,000, to remain available until September 30, 2005.

TITLE V—RESEARCH AND DEVELOPMENT

OFFICE OF THE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY

For necessary expenses of the Office of the Under Secretary for Science and Technology as authorized by section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182), $5,400,000.

SCIENCE AND TECHNOLOGY, RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, development, acquisition, and operations, as authorized by sections 302, 307, and 308 of the Homeland Security Act of 2002 (6 U.S.C. 182, 187, 188), $866,000,000, to remain available until expended; of which $55,000,000 is for university-based centers for homeland security as authorized by section 308(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)); and of which $70,000,000 is provided for the centralized Federal technology clearinghouse as authorized by section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193): Provided, That of the total amount appropriated,

$20,000,000 shall be available for the construction of the National Biodefense Analysis and Countermeasures Center.

TITLE VI—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 602. The Federal Emergency Management Agency ''Working Capital Fund'' shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary determines may be performed more advantageously as central services: Provided, That such fund shall hereafter be known as the ''Department of Homeland Security Working Capital Fund''.

SEC. 603. The Federal Emergency Management Agency ''Bequests and Gifts'' account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for the Secretary of Homeland Security to accept, hold, administer and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: Provided, That such fund shall hereafter be known as ''Department of Homeland Security, Gifts and Donations'': Provided further, That any gift or bequest is to be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

SEC. 604. No employee of the Department of Homeland Security may be detailed or assigned from an agency, bureau, or office funded by this Act to any other agency, bureau, or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment unless expressly so provided herein.

SEC. 605. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects or activities, as approved by Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year to the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

SEC. 606. Of the funds appropriated by this Act or otherwise made available, not to exceed $100,000 may be used for official reception and representation expenses when specifically approved by the Secretary.

SEC. 607. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the date of enactment of an Act authorizing intelligence activities for fiscal year 2004.

SEC. 608. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 609. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 610. For fiscal year 2004 and thereafter, none of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a determination, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 611. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which there is in effect a detention order under such section 307 on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 612. Unless otherwise provided, funds may be used for purchase of insurance for official motor vehicles operated in foreign countries, and for the hire and purchase of motor vehicles as authorized by section 1343 of title 31, United States Code: Provided, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

SEC. 613. Unless otherwise provided, funds may be used for uniforms without regard to the general purchase price limitation for the current fiscal year.

SEC. 614. None of the funds made available by this Act shall be used to pay the salaries and expenses of personnel to adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Transportation Security Administration for necessary security checkpoints.

SEC. 615. (a) None of the funds provided by this or previous appropriations Acts may be obligated for testing (other than simulations), deployment, or implementation of the Computer Assisted Passenger Prescreening System (CAPPS II) that the Transportation Security Administration (TSA) plans to utilize to screen aviation passengers, until the General Accounting Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II and has demonstrated that CAPPS II can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II is being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS II from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) The General Accounting Office shall submit the report required under paragraph (a) of this section no later than 60 days after the enactment of this Act.

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2004''.

Pending:

Byrd amendment No. 1317, to fulfill homeland security promises.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, yesterday when we presented this bill for consideration, we had opening statements describing the content of the legislation. It is the first appropriations bill that will provide funding for the new Department of Homeland Security. It provides funding in the amount of $29.326 billion for this new Department. It is a billion dollars over the President's budget request but consistent with the allocation under the budget resolution to this subcommittee.

The additional funds are used primarily for training enforcement personnel and developing new equipment

and technologies that can be utilized to better protect our homeland. State and local governments will get grants from the Department to help upgrade their capabilities in this area, not just against the war against terror and defeating terrorism but in dealing with natural disasters as well.

The 22 agencies that previously existed that have responsibilities in this area have been folded into one organization under this new Department headed up by Secretary Tom Ridge. We are hopeful we can complete action on this bill by Wednesday evening, and we will be able, then, to start working to iron out differences between the House and Senate bills so when we come back from the break in August we can pass this bill and do our part to contribute to the timely consideration of all appropriations bills in time for the beginning of the fiscal year on October 1. We have asked Senators to let us know what amendments they intend to offer. We hope we can handle these amendments expeditiously.

There was one amendment laid down yesterday by Senator BYRD that would add over a billion dollars to different accounts in the bill. We can take that amendment up. I am advised that Senator BYRD will be coming to discuss that amendment and other issues that are involved in this legislation later in the day. Until that amendment can be disposed of, we have an opportunity for other amendments to be called up. We can set aside the Byrd amendment and consider other amendments if it is agreed to.

I looked at the list. There are 29 amendments that we know about. Most of them are being offered by Senators on the Democratic side of the aisle. We hope we can have the cooperation of all Senators to expeditiously consider the legislation and not drag out the consideration of amendments.

I thank my friend, the Senator from Nevada, for working with us to look at ways to expedite the consideration of this bill. I appreciate his assistance, advice, and counsel in this process.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator BYRD has said, as the distinguished manager of the bill has noted, that he has no objection to moving to another amendment. The only caveat would be that at 3:30, or whenever we reconvene after the caucuses, that he be recognized and his amendment recur. That would give someone at least an hour and a half or thereabouts to work on their amendment.

As I indicated to the distinguished majority leader, we are in the process of hotlining. We do have a list of amendments. I am going to step off the Senate floor now and make some calls and see if we can get someone to come over.

There was some understanding that Senator BYRD would have the floor this morning, but that is not the case now. So maybe someone could come over when there is a relative quiet time, before the rush at the end of this bill takes place sometime later this week.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the advice and information that the distinguished Democratic whip has offered us. We do hope Senators will come now and call up amendments. In the expectation that will be the case, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Byrd amendment be set aside, and that Senator BYRD's amendment recur when we come back after our caucus recess today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1318

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1318.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $20,000,000 to the Office for Domestic Preparedness to be used for grants to urban areas with large tourist populations)

On page 58, strike line 6 and all that follows through page 59, line 17, and insert the following:

any other provision of law, $2,908,000,000, which shall be allocated as follows:

(1) $1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which $500,000,000 shall be available for State and local law enforcement terrorism prevention grants: *Provided*, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: *Provided further*, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

(2) $30,000,000 for technical assistance;

(3) $750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: *Provided*, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: *Provided further*, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants;

(4) $20,000,000 for discretionary grants for use in urban areas with large tourist populations, to be used as determined by the Secretary of Homeland Security; and

(5) $358,000,000 for national programs:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: *Provided further*, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraphs (3) and (4) of this heading shall be available for operational costs, to include personnel overtime and overtime.

Mr. REID. Mr. President, this amendment deals with our efforts to secure hometowns. First, I thank the chairman and ranking member of the Homeland Security Subcommittee for their efforts to bring a responsible bill to the Senate floor. As I have said to both the chairman and ranking member of this subcommittee, I think the bill's biggest problem is simply a lack of money. They did not have an easy task. The subcommittee did not have an easy task. The full Appropriations Committee did not have an easy task with this new subcommittee, created as a result of the 9/11 terror act.

The subcommittee allocations this year have made it a challenge for each subcommittee. Unfortunately, the budget that Congress passed this year has made it nearly impossible to address all the needs of our Nation's emergency responders.

A recent report, sponsored by the Council on Foreign Relations, and directed by Warren Rudman, who, of course, we know is a longtime Senator from the State of New Hampshire, found that our Nation will need an additional—let's round it off to $100 billion—basically what he said is more than $98 billion over the next 5 years to meet all of our hometown safety needs, an additional $20 billion each year.

Because of this fact, I am on the floor today to offer an amendment that will attempt to address one of the areas that I believe we have not sufficiently addressed; namely, the tourists that come to many of our Nation's cities.

The United States is home to some of the most visited and cherished cities in the world. I applaud my friend, the distinguished President pro tempore of the Senate, the chairman of the Appropriations Committee, for coming up, in the supplemental bill we just passed, with $50 million to promote tourism for the United States. The State and local governments in our country will make far more than what we spend by advertising, by promoting places in America for people to visit.

I am always stunned when Senator ENSIGN and I have our ''Welcome to Washington'' meetings every Thursday morning. People come to Washington from all over Nevada, and a large number of them say: I have never been to our Nation's Capital before. They have been other places. I am always amazed when someone says: Yes, I have been to

London. I have been to Paris or Mexico City but never Washington, DC. Washington, DC, is a beautiful city. It is our Nation's Capital. Certainly we should be proud.

Not only do we have landmarks, such as the Washington Monument, the Lincoln Memorial, the Capitol, the White House, the beautiful Mall, but things are being built all the time to entice people to come here. It is too bad we do not do a better job of promoting tourism for our country because people who come to Washington, DC, see amazing things. If they have been here before, they see new things when they come back.

Now under construction is the American Indian Museum. It is going to be a beautiful place on our Mall. In recent years, of course, we have added places to visit, i.e., the Franklin Roosevelt Memorial, which is a tremendous piece of work. They did a wonderful job in laying out the four terms this man served as President of the United States—the four times he was elected as President of the United States.

One of the most moving items on that Mall is a memorial that was relatively recently constructed, the Korean Memorial, especially at nighttime. Those soldiers are lined up in their ponchos, with their rifles on their shoulders. You can just see them in the ''coldest war,'' as the Korean war is referred to.

There are lots of places to visit in America. We should do everything we can to get more people to come here.

Again, I commend the Senator from Alaska for working it out so we could have this money to promote the United States.

Whether you visit the Nation's Capital, go to Disney World or Disneyland, or go to Chicago, the so-called windy city that is really not as windy as some might think—it is an extremely pleasant place, if you are not there in the wintertime. Chicago is a wonderful place. I was so impressed when we went to the National Democratic Convention there. I really didn't look forward to going to Chicago. I had been there basically in the wintertime at the airport, and those are not pleasant experiences. One of the nicest times my wife and I ever had was at that convention. Chicago is a beautiful city, with many places to see. And it is a place for visitors, for tourists.

America's tourist destinations are a source of pride for our country, as well they should be. Our national parks are places that are the envy of the rest of the world.

But in our cities, emergency responders take just as much pride in protecting those temporary residents, those tourists who make their homes in hotel rooms rather than apartments and houses. So we should make sure these emergency responders have the resources to protect us when we travel, just as they would protect us in a permanent residence.

This may not seem like a major issue, but let's look at some of the facts. Tourists account for a sizable number of people in many of our larger cities. There are 15 cities with more than 45,000—45,000—hotel rooms, based on a study by Smith Travel Research. Each hotel room accounts for several visitors every day. That means just the hotel rooms in each of these cities is responsible for at least 100,000 new people, additional people each day. That is the size of a small city.

In Nevada, we have cities that have a lot of people in them: Reno, Las Vegas, Henderson, and North Las Vegas; and then there are places that are pretty small by most standards.

Las Vegas has about 130,000 hotel rooms. We have been very fortunate. The occupancy has been good even after September 11. In fact, in Las Vegas an average of about a quarter of a million people stay in our hotels each day. During most weekends, it approaches 350,000 or 400,000. That tourist population of only 250,000 on a weekday in Las Vegas represents a city the size of Savannah, GA, or Tallahassee, FL.

This amendment would correct that deficiency. It would correct it in Orlando, Las Vegas, New York, Dallas, and other places where we have a lot of tourists on a daily basis. This amendment would set aside a relatively small amount. This bill is more than $25 billion but not $30 billion, so this is $20 million for these areas where there are a lot of tourists. This amendment would not take away from any other worthwhile program. My amendment would simply add $20 million to the money we are already spending for homeland security. The Rudman report told us we need to give our emergency responders almost $100 billion in the next 5 years. So this means unless we do something we are giving our emergency responders $100 billion less than what they need. This amendment is a start to addressing the shortfall.

We have a long way to go, but we have to start somewhere. It is quite clear this amendment is direct. It provides an additional $20 million to be distributed to cities with large tourist populations. The amendment has no offset. I have indicated that. There are very few opportunities for offsets in this bill since almost all programs are underfunded. So trying to take money from one place and putting it someplace else in this bill certainly would not be fair.

I repeat, according to a task force chaired by Senator Rudman, current homeland security funding levels will fall $98 billion short of the needs of our Nation over the next 5 years. From the standpoint of simply directing a message to the American people, it makes sense that we take care of people no matter where they are or why they are there. We have to make sure people who are emergency responders—police, fire, emergency medical personnel—have the money to take care of people, whether they are tourists or permanent residents.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the Senator from Nevada bringing this issue to the attention of the Senate by offering this amendment. His amendment goes directly to the provision of the bill that provides funds for discretionary grants to high threat urban areas. In the bill, we provide an appropriation for this program of $750 million. These are discretionary grants to be made by the Office for Domestic Preparedness to those who are considered by the Department to be in need of these funds to better protect the security of these specific urban areas.

This is a discretionary program, and we are hoping that by defining the criteria to be considered by the Department, we help encourage the selection of sites. But we don't pretend to make those decisions here in the Senate or in the Congress. These are administrative decisions. If we got into the business of deciding which areas of the country, specifically which urban areas of the country should be entitled to these funds, it would be a very unwieldy process.

What we have done is to try to define the kinds of characteristics that should be taken into account by the administration as they make decisions in the awarding of these grants.

Vulnerability is one of those criteria. I will read now from the committee report, page 48, where this grant program is described. It says:

> The Committee expects the [Office for Domestic Preparedness] to allocate these funds no later than 30 days after enactment of the act. No less than 80 percent of discretionary grants provided to any State shall be obligated to local governments within 45 days of the State's receipt of funds. In making grants to State and local governments, the Secretary of Homeland Security shall take into consideration credible threat, vulnerability, population, cooperation of multiple jurisdictions in preparing domestic preparedness plans, and identified needs of public agencies. The grants may be made to single or multiple jurisdictions in the same urban area.

It is our judgment that the inclusion of the word ''vulnerability'' and also the statement with regard to population gives the Secretary the discretion to consider popularity as a tourist destination to be a vulnerability or characteristic that is consistent with vulnerability. Large hotels, as the Senator from Nevada describes, are, of course, vulnerable. A transient population that is not acquainted with the area as a resident might be could make them more vulnerable to a terrorist act. And while obviously the Senator has a legitimate concern for these communities and wants to be sure they are considered when the Department divides this money among other municipalities and local government agencies around the country, we think it is provided for already in the bill.

More importantly, to go back to the statement I made at the outset of my

response to the Senator, we don't need to get into the business of trying to convert this discretionary program into one where the Congress, by massaging the language and putting in additional criteria, ends up taking the discretion away or limiting the discretion that ought to be exercised by the Department. Many characteristics are going to be considered, but we hope we won't try to tie the hands of the administrator so tightly that this program loses its significance.

High threat urban areas, we recognize, are entitled to Federal support in managing the threats to those communities, and it may cost more than States or local jurisdictions can manage to more fully and successfully protect the security interests of people in those areas.

I am hopeful the Senate will reject the amendment. Specifically, the amendment is an add-on of $20 million without any offset. So it is subject to a point of order and would have to overcome that point of order. The Senate could waive the point of order, could approve a motion to waive, but that would be one way to join issue with this.

I think our discussion here—the Senator's comments and the response I have made—can be interpreted as a colloquy that clarifies the authority the Secretary has to give consideration to the special vulnerability of cities and other localities that have a high degree of tourist population. He specifically mentioned Las Vegas. I am thinking specifically, too, about the gulf coast of Mississippi where we have a large number of tourists who come visit the resort areas and the tourists hotels, other attractions along the Mississippi gulf coast.

That area might very well also qualify for consideration as a vulnerable area for funding under this provision. I think the Senator points out something the Secretary and the Office for Domestic Preparedness specifically ought to consider as they make these grants to so-called high-threat urban areas. These are discretionary, but we think the criteria we have listed and described in the committee report and in the colloquy we have had on this amendment the Senator offered will help guide the Department in making these grants and enable them to fully consider the vulnerability of areas with high density or high levels of tourist population. We think that would be appropriate.

Mr. REID. Will the Senator yield for a question?

Mr. COCHRAN. Yes.

Mr. REID. How much is set aside in this bill for these discretionary grants?

Mr. COCHRAN. Seven hundred and fifty million dollars.

Mr. REID. I appreciate very much the statement of the Senator from Mississippi. I am one of Secretary Ridge's fans. I came to Washington with him in 1982. Under very trying circumstances, I think he has done a very good job.

I also want to elaborate on some of the problems we have in Nevada. We have about 2.4 million people who come from overseas to Las Vegas. So on any given day there are 60,000, 70,000, 80,000 people from other countries in Las Vegas. I misspoke before when I said there were 130,000 hotel rooms; it is really closer to 150,000 hotel rooms in Las Vegas. It goes without saying that in those hotel rooms, which average about 90 percent occupancy, there are a lot of extra people.

I do appreciate not only what the Senator from Mississippi said but how he said it. Probably $750 million for discretionary grants isn't enough, but it is certainly a lot of money. I hope those who work with Secretary Ridge will do what they can to protect people in destinations no matter how they got there or why they are there. Whether you are a resident of Georgia and you are in Nevada or a resident of Nevada and you are in Georgia doing a little tourist work, you still have to be protected; and whether you are from England or Memphis and you are in Las Vegas, there is still a requirement to take good care of the people who are there, make sure they have police and fire protection and emergency medical personnel.

So I appreciate the work of the subcommittee, as I stated when I started my remarks. We have a problem in America today with security needs, and we in Congress have an obligation to do what we can to help State and local governments with problems that are national in scope. This is one area where we need help.

At an appropriate time, after further discussion with the chairman and ranking member of the committee, I will make a determination as to whether this amendment should require a vote or whether I want to work on the basis of the colloquy with the Senator from Mississippi and withdraw the amendment. That decision will be made at a subsequent time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I appreciate the comments of the distinguished Senator from Nevada. We will continue to work with him to be sure that we take into account the observations he has made, and the urban areas in his State will be dealt with fairly by the Office for Domestic Preparedness in the consideration of the allocation of grants from this fund.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I am going to propound two unanimous consent requests which we understand have been cleared on both sides of the aisle, and I make this request at the suggestion of the majority leader.

I ask unanimous consent that the committee substitute amendment be agreed to and considered as original text for the purpose of further amendment, provided that no points of order be waived by virtue of this agreement; provided further that the amendments that are now pending be modified so they are considered as pending to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

ORDER OF PROCEDURE

Mr. COCHRAN. Mr. President, I ask unanimous consent that at 12:30, the Senate stand in recess until 3:30 this afternoon. This would allow all Senators to attend an important briefing this afternoon, in addition to the party lunches at 12:30.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I wonder if it would not be to the benefit of especially the Senator and myself, but the Senate generally, if as soon as the Senator completes these unanimous consent requests we go into recess at that time rather than wait until 12:30?

Mr. COCHRAN. I have no objection to that and so modify my request in that way.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 3:30 p.m.

Thereupon, the Senate, at 12:22 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—Continued

Mr. COCHRAN. Mr. President, we are on the Homeland Security appropriations bill. We have two amendments pending for consideration. It is my understanding a briefing is being held right now and Senators are expected to be in the Chamber soon to either debate these amendments or make other comments about the bill.

We encourage those who do have amendments to let us know about them. We have some indication that there are amendments that will be offered before we complete action on this bill, but we intend to push ahead and work as late tonight as the leader permits and complete action on this bill tomorrow, if possible. That is our intention. We hope to have the cooperation of all Senators.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1317

Mr. BYRD. Mr. President, the Nation's eyes have been turned to war overseas. The country's focus has been on the daily battles in Iraq. On the news almost daily there have been reports of American soldiers still dying. While the President arguably says that the mission in Iraq has been accomplished, the mission to protect our citizens here at home is far from complete.

Immediately after September 11, 2001, there was a great outcry for strengthening homeland security. Congress responded, infusing $40 billion into the war on terrorism—including efforts to better protect our citizens here at home. But since those early weeks after that clear September morning, the momentum has slowed. The pace has slackened. Homeland security initiatives are falling behind.

Just last month, former Senator Warren Rudman chaired a task force at the Council on Foreign Relations that examined investments in police, fire, and emergency medical teams. This blue ribbon panel included Nobel laureates, U.S. military leaders, former high-level government officials, and other senior experts, and was advised by former White House terrorism and cyber-security chief Richard Clarke. The results of their examination should shake this Congress from its homeland security slumber and especially it should shake the White House from its slumber and from its focus elsewhere.

The task force found that, nearly two years after 9/11, the United States is drastically underfunding local emergency responders and remains dangerously unprepared to handle a catastrophic attack on American soil, particularly one involving chemical, biological, radiological, nuclear, or high-impact conventional weapons. The panel concluded that, if the Nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could be even more devastating than 9/11.

Imagine that, more devastating than September 11, 2001.

The underlying legislation before the Senate is the Fiscal Year 2004 Homeland Security Appropriations bill. It provides more than $28 billion for a variety of programs, from better border security to natural disaster response efforts. But while this is a step forward, the legislation does not accomplish enough. It does not provide the investments in protections that the Nation so desperately needs.

This fact is not the fault of Subcommittee Chairman THAD COCHRAN or Appropriations Committee Chairman TED STEVENS. The hand that they were dealt was poor from the start. But that does not mean that this Senate needs to settle for less than is needed.

The amendment that I have offered would add critical dollars to some of our Nation's most vulnerable entities. It is a responsible $1.75 billion approach to begin to close the enormous gaps in America's homeland security. The amendment to which I address my remarks at this time is about fulfilling our promises to the American people. After 9/11, Congress passed the Patriot Act. It passed the Maritime Transportation Security Act. It passed the Aviation and Transportation Security Act. It passed the Enhanced Border Security Act. And the President signed these with great fanfare. But when it comes to securing our homeland, the administration follows the same pattern. The President seems to be satisfied with rhetoric, which doesn't cost anything, rather than working with Congress to provide real dollars.

The amendment I offer today is intended to fulfill the promises made for securing our homeland. It would add a total of $1.75 billion for critical homeland security programs. The amendment adds: $602 million for Maritime and Land Security, including port security and transit security; $729.5 million for first responder funding for our police, fire and emergency medical personnel, including funding for high threat urban areas; $238.5 million for security improvements at U.S. borders with Canada and Mexico; it includes 100 million for air cargo security; and it includes $80 million for protections at chemical facilities.

With public warnings ringing in our ears from Secretary Ridge that another terrorist attack is inevitable, some may argue that our homeland security needs seem endless, and therefore the Congress must set limits. I agree that they are endless and that Congress must set limits. That is why this amendment focuses on the specific expanded homeland security missions that Congress has authorized since 9/11, but that the administration has yet to adequately fund. Unfortunately, the budget resolution endorsed by this White House has forced us to exclude from the bill some funding that both the Congress and the President have recognized as being real needs. This amendment focuses on those critical shortfalls. It puts the beam on those critical shortfalls. It puts the microscope right down to their level.

One of the mysteries about the President's budget is the budget for the Transportation Security Administration, or TSA. TSA was created by the Aviation and Transportation Security Act of 2001 and was supposed to focus on securing all modes of transportation. Yet the President's budget includes only $86 million or 2 percent of the TSA budget for maritime and land security. Yes, I said 2 percent—just 2 percent of the TSA budget for maritime and land security. The rest of the President's budget request is for aviation security and for—you guessed it—administration. What about securing our ports? What about securing our trains? What about securing our railroad tunnels, and our subways? What about buses or securing the trucks that carry hazardous materials?

In fact, the President's budget requests 2.5 times more for administering the TSA bureaucracy than he does for securing the Nation's ports, trains, trucks, and buses.

This amendment would add $602 million for maritime and land transportation funding. To his credit, Chairman COCHRAN provided $295 million for these programs. My amendment further enhances the good work Senator COCHRAN has begun.

On November 25, 2002, the same day that the President signed the Homeland Security Act, he also signed the Maritime Transportation Security Act—MTSA, putting in place significant new standards for improving the security of our 361 ports around the Nation. On July 1, the Coast Guard published regulations putting the MTSA into action.

During the Senate Appropriations Committee's homeland security hearings last year, one witness, Stephen Flynn, noted that the Nation's seaports:

> . . . are the only part of an international boundary that the federal government invests no money in terms of security. . . . Most ports, the best you get is a chain link fence with maybe some barbed wire.

Let me repeat that. The Appropriations Committee of the Senate conducted hearings last week, anent homeland security. And we heard testimony from mayors, Governors, and from seven Department heads—I am talking about Departments in the President's Cabinet—and from FEMA as well. And one of these witnesses was Stephen Flynn. Here is what he said about the Nation's seaports. He said:

> [They] are the only part of an international boundary that the federal government invests no money in terms of security. . . . Most ports, [he said] the best you get is a chain link fence with maybe some barbed wire.

Comforting? Is that comforting?

Consider that U.S. ports receive 16,000 cargo containers per day and more than 6 million containers per year. Consider the fact that U.S. ports are home to oil refineries and chemical plants that process noxious, volatile chemicals. Consider the additional fact that there are 68 nuclear powerplants located along U.S. waterways and that the average shipping container measures 8 feet by 40 feet and can hold 60,000 pounds. Consider, further, that a ship or tanker transporting cargo can hold more explosives and dangerous materials than could ever be smuggled in an airplane or a truck crossing a land border.

Yet despite the clear danger, the best port protection the American people

have is a chain link fence? It is unfathomable—unfathomable—why we have not insisted this amendment be signed into law months ago.

This amendment would make sure that more than a chain link fence is protecting the Nation's ports. Not too much to ask, is it?

The Coast Guard has estimated that it will cost the ports $5.4 billion during the next decade to implement the Maritime Transportation Security Act standards, including $1.1 billion this year; and yet the President did not request one thin dime—can you believe it, not one dime—for port security. The amendment that I will offer, which is at the desk, would increase port security grant funding from the $150 million contained in the bill by $460 million, thus providing a total of $610 million for this program.

The Commandant of the Coast Guard testified before the House authorizing committee on June 3, 2003, about the implementation of the MTSA legislation. Here is what he said:

> The regulatory impact on the maritime industry will be significant, and the time line for implementing the new robust maritime security requirements is exceptionally short.

However, the administration, while aggressively supporting Federal security funding for the aviation industry, has failed in four straight spending requests to include a single penny—not one red cent—for port security grants even though 95 percent of all non-North American U.S. trade enters our 361 ports around the Nation. This is serious.

During our Homeland Security Subcommittee hearings this spring, I asked Under Secretary Asa Hutchinson why there was no money requested in the President's budget for port security grants and Mr. Hutchinson testified that he believed it was the responsibility of the port industry—the responsibility of the port industry. Yet the port industry's first priority is moving goods through ports as quickly as possible because that increases profits. There must be incentives if we are to realistically expect the ports to improve security.

This year, the Transportation Security Administration received over $1 billion of applications from the ports for the limited funding that was approved by Congress last year. There clearly is a demand from the ports, for help to harden physical security to reduce the Nation's well documented seaport vulnerabilities. These are vulnerabilities that are well documented.

The amendment also addresses other important homeland security needs authorized by the Maritime Transportation Security Act—and yet again not funded.

The Maritime Transportation Security Act requires that vessel and port facility owners prepare and submit security plans to the Department of Homeland Security for the purpose of deterring a transportation security incident. The Coast Guard serves as the lead agency to develop a National Maritime Transportation Security Plan and review all security plans prepared by vessel or facility owners or operators.

To meet requirements set in the MTSA, vessel and facility owners must submit security plans to the Coast Guard for review and approval by the end of calendar year 2003. But, once again, the administration provided no funding to the Coast Guard for this effort or for tracking compliance with the plans in its fiscal year 2004 budget request.

In recent testimony, Coast Guard Commandant ADM Thomas H. Collins acknowledged that the Coast Guard still needs an additional $70 million and 150 full-time employees by this fall to review and approve more than 10,000 security plans by vessel and facility owners. My amendment provides the money.

My amendment also provides $57 million for public transit grants. According to a Mineta Transportation Institute study, one-third of terrorist attacks worldwide have been on transportation systems, and transit systems are the mode most commonly attacked. According to the study, nine surface transportation systems were the target of more than 195 terrorist attacks from 1997 through the year 2000.

The approximately 6,000 transit agencies in the United States provide more than 9 billion trips each year representing 43 billion passenger miles, and yet the administration has provided minimal funding for transit security.

The General Accounting Office, the GAO, recently reported that:

> Insufficient funding is the most significant challenge in making transit systems as safe and secure as possible.

Mr. President, at just 8 of the 10 transit agencies surveyed, the General Accounting Office identified the need for security improvements estimated at $700 million. The General Accounting Office also found that:

> TSA has yet to exert full responsibility for the security of any transportation mode other than aviation.

The chemical attack on the Tokyo subway system in 1995 is a sobering reminder of how a terrorist attack on one transit system can affect human lives, the economy, and confidence in our transit systems. How many times do we have to witness attacks on transit systems in other countries before we secure our transit systems?

This amendment would provide $57 million in direct grants to the Transportation Security Administration to help with that shortfall.

The amendment also would add $15 million to the $10 million already provided in the bill for intercity bus grants. A study conducted by the Mineta Transportation Institute, ''Protecting Public Surface Transportation against Terrorism and Serious Crime,'' found that during the period 1997 through 2000, 54 percent of the worldwide attacks on surface transportation systems were against buses or bus terminals.

Almost 800 million people ride over-the-road buses annually, more than the airlines and Amtrak combined. Intercity buses serve approximately 5,000 communities daily, compared to roughly 500 each for the airlines and Amtrak. Intercity buses serve those who truly need public transportation—rural residents who have no other public transportation alternatives and urban residents who must rely on affordable public transportation.

Given the important role that intercity buses play in the Nation's transportation system and their susceptibility to terrorist attacks, they must be protected.

One of the most glaring funding deficiencies identified in the recent Rudman report is the poor support for first responders. The Rudman report estimated that America will fall approximately $98.4 billion short of meeting critical emergency responder needs in the next 5 years, if current funding levels are maintained. But the legislation before the Senate does not even maintain that current funding level.

While the underlying bill provides first responder funding at a level that is $303 million above the President's request, it is $434 million below the level that the Congress approved for the current fiscal year.

In the nearly 2 years since the terrorist attacks of September 11, 2001, States and cities have worked to better protect the Nation. They have undertaken critical assessments of vulnerabilities. They have provided specialized training to police officers, firemen, and emergency medical teams. They have attempted to close as many gaps as possible to prevent another terrorist attack. But unfortunately, for many communities, they have had to act without the support of the Federal Government.

A March 2003 analysis by the U.S. Conference of Mayors reports that cities are spending an additional $70 million per week on personnel costs alone, to keep up with security requirements. Mayors and governors have contacted almost every Member of this Congress, if not all, practically begging for additional funds to help defray the huge expenses for homeland security. Their requests come at a time when cities, counties, and states are in the worst financial shape in decades. Los Angeles Mayor James Hahn stated earlier this year that ''We've dug deep into our own pockets. Now we really need the help of the Federal Government.'' This is taken from the Los Angeles Times of February 23. They have come hat in hand for help, and we ought not turn our backs on them.

My amendment adds $500 million to the budget of the Office of Domestic Preparedness for first responders. Specifically, it provides $250 million for

State grants, and $250 million for high threat urban areas, bringing the total for high-threat urban areas to $1 billion. This amendment provides funds to meet the immediate and growing needs that State and local first responders have for funds for equipment, training, homeland security exercises, and planning.

The needs are great.

According to the Federal Emergency Management Agency and the National Fire Protection Association, only 13 percent of fire departments have the equipment and training to handle an incident involving chemical or biological agents.

Forty percent of fire department personnel involved in hazardous material response lack formal training in those duties.

Only 10 percent of fire departments in the United States have the personnel and equipment to respond to a building collapse.

Funds would be used to purchase: Personal protective equipment for first responders—chemical resistant gloves, boots, and undergarments; interoperable communications equipment, portable radios, satellite phones, batteries; detection equipment—equipment, to monitor, detect, sample, identify and quantify chemical, biological, radiological/nuclear and explosive agents; medical supplies and pharmaceuticals; and, training costs and paying overtime costs associated with attendance at training for emergency responders, emergency managers, and public officials.

My amendment also provides $79.5 million for grants for interoperable communications equipment. This bill currently includes no funds specifically for interoperable communications equipment. This amendment proposes to add $79.5 million, the same amount that was provided in fiscal year 2003.

The initial $79.5 million was a small step in starting the process of integrating and coordinating communications equipment between and among first responders firefighters, police officers, and emergency medical personnel—a deficiency uncovered during the 9/11 attacks on the United States.

Only one-fourth of all fire departments can communicate with all of their rescue partners. The Council on Foreign Relations' June, 2003 study on homeland security needs estimated that the need for interoperable communications equipment funding was $6.8 billion over the next 5 years.

The amendment also provides an additional $150 million for fire grants. The Senate bill includes $750 million for assistance to firefighter grants, roughly the same amount as last year. This amendment would add $150 million for fire grants, which would bring the total to $900 million, the level authorized. Our fire departments need this money.

On average, fire departments across the country have only enough radios to equip half the firefighters on a shift, and breathing apparatuses for only one third.

In the 3 years this program has been in existence, it has become one of the best run programs in the Federal Government. This Senate should fund this program at the authorized level. Our frontline defenders deserve no less.

In October of 2001, the President signed the Patriot Act which called for tripling the number of border patrol agents and Customs and immigration inspectors on the northern border. In May of 2002, the President signed the Enhanced Border Security Act, which authorized significant new investments in border patrol agents and facilities. The goals with regard to Customs inspectors and border facilities cannot be met with the limited funding that was made available for this bill.

The amendment I have offered adds $100 million for improvements to our border ports-of-entry. There are 197 ports-of-entry on our Nation's land borders. Of those, 128 out of 197 are stretched across our 5,525 mile long border with Canada.

The remaining sites are along our highly-trafficked border with Mexico.

Most facilities along the U.S.-Canada border were constructed either as part of the Civilian Conservation Corps program during the Great Depression or in the period between 1950 and 1965. These older facilities are having an increasingly difficult time meeting the energy and power requirements of today's technology.

Along the U.S.-Mexico border, traffic both in people and goods has more than doubled since the last major border infrastructure effort was launched during the Reagan administration.

Trade with Canada has doubled in the last decade, while trade with Mexico has tripled during the same time frame. However, the facilities through which trade must flow have not been expanded or enhanced to keep pace with this traffic.

A Congressionally mandated study called the ''Ports of Entry Infrastructure Assessment Study,'' completed over a year prior to the tragic events of September 11, 2001, identified a growing backlog of infrastructure needs at our Nation's border crossings. It specifically identified 822 infrastructure requirements with an estimated gross cost of $784 million. That report was completed 3 years ago last month—but Congress has yet to seriously begin to address this growing problem.

Consistent with the Enhanced Border Security Act and legislation introduced in this body by a bipartisan group of Senators, this amendment provides $100 million for the new Bureau of Customs and Border Protection to begin addressing this backlog. The funds provided in this amendment could be used to replace the trailer—yes, the trailer—that serves as a border port-of-entry in Easton, ME, or to complete construction of the San Diego fence along the border with Mexico which was authorized by Congress in 1997.

My amendment would also add $138.5 million to hire additional border protection staff to meet the levels authorized in the USA PATRIOT Act.

While funding in the Committee bill will allow the Bureau for Customs and Border Protection, CBP, to succeed in meeting the Congressionally mandated staffing goal for the Border Patrol by the end of this fiscal year, the remaining components of this newly created bureau fall far short of meeting the authorized target.

The PATRIOT Act authorizes a total of 4,845 legacy Customs, Immigration and Agriculture inspection personnel along the northern border by the end of fiscal year 2004. According to the CBP, it will fall far short of that goal. It estimates that it will only have 3,387 inspection personnel at the many port-of-entry and other facilities that stretch across the 5,525 mile northern border with Canada. This is 1,458 personnel short of the authorized and required level.

My amendment would provide the $138.5 million estimated to complete the hiring initiative called for in the PATRIOT Act. The funds would be used to hire an additional 1,458 inspectors to: enhance our ability to conduct inspections of people and goods entering our country to ensure that the people entering the country are authorized to do so; to ensure that the products in the containers are indeed what they are claimed to be and that no dangerous foods, meats, or other products are brought into the country.

Another key area of focus is air cargo security. Most Americans would be stunned to learn that, under the President's budget proposal, each airline passenger will be screened before boarding a plane. Each passenger's baggage will be screened before being loaded on a plane. But commercial cargo on that same plane is left unchecked.

The amendment would add $100 million to the Transportation Security Administration's budget. The additional funds proposed in this amendment would accomplish some key immediate objectives while at the same time laying the ground work for a more comprehensive, multi-year plan. Of this amount, $70 million would be provided to immediately strengthen and expand a number of ongoing TSA activities while the remaining $30 million would be used to increase research, development and testing of screening technologies and other systems.

The $70 million would be used for the following purposes:

To immediately deploy personnel to the Customs and Border Protection's National Targeting Center to develop rules for targeting suspicious packages on passenger aircraft and, as resources are provided, all-cargo aircraft; to provide $20 million for approximately 125 inspectors to be devoted to cargo screening. These personnel would be trained to inspect cargo operations, but in keeping with TSA's Aviation Operations strategy to cross-train its personnel, they would be trained for additional duties in future fiscal years; to provide $15 million to advance

by one-year the TSA plan to expand canine screening teams for limited cargo screening. These activities would be co-located at airports currently using TSA canine for screening of U.S. mail, and would work as a complement to EDS screening at smaller locations; to provide $25 million to fully deploy the ''known shipper'' and profiling programs for cargo being carried on passenger aircraft; to provide $5 million to update the risk and vulnerability assessments for cargo operations; to provide $5 million to launch immediately a pilot program to use explosive detection system, EDS, machines at select locations to screen cargo.

The additional $30 million would be added to the currently budgeted $30 million in TSA's research and development account for air cargo activities, doubling the total amount available for research and development within the air cargo pilot program.

Finally, my amendment provides $80 million to begin addressing the issue of physical security at chemical facilities.

Michael O'Hanlon of the Brookings Institution has called the lack of security at U.S. chemical plants a ''ticking time-bomb.'' The General Accounting Office has reported that chemical plants remain vulnerable to a terrorist attack. Using data from the Environmental Protection Agency, the GAO noted that 123 chemical facilities across the country, if attacked, could inflict serious damage and expose millions of people to toxic chemicals and gases.

There are 3,000 chemical facilities in 49 States that, if attacked, could affect more than 10,000 people each.

The General Accounting Office found that the Federal Government has not comprehensively assessed the chemical industry's vulnerabilities to terrorist attacks, nor has the Federal Government adequately addressed our nuclear vulnerabilities.

The Homeland Security Department is responsible for carrying out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States. The President's National Strategy for Physical Protection of Critical Infrastructure and Key Assets identifies chemical plants as part of the Nation's critical infrastructure. We are talking about chemical plants.

Unfortunately, this administration has paid lipservice to the issue by saying that the Homeland Security Department will take the lead in managing vulnerability assessments of U.S. chemical facilities, but—b-u-t—no funding is identified in this budget to do just that.

When I asked Secretary Ridge who was responsible to secure these facilities, he testified that he thought that securing chemical facilities was the responsibility of the chemical industry. Frankly, I do not believe our communities would be satisfied to wait for the administration to wake up to this danger.

The Congressional Budget Office has estimated that it will cost $80 million to conduct vulnerability assessments for chemical plants. This amendment I have offered would provide those resources.

Protecting this Nation's communities is not easy. Protecting this Nations communities is not cheap. And protecting this Nation's communities cannot wait. After 9/11, Congress passed the Patriot Act, the Maritime Transportation Security Act, the Aviation and Transportation Security Act and the Enhanced Border Security and Visa Entry Reform Act and the President signed all of these with great fanfare. But the President has done little to fulfill the promise of those laws. Now the Senate has before it the funding legislation that will either fulfill the promise of those acts or continue to leave the Nation vulnerable.

We will hear the same old mantra in opposition to this amendment that money cannot possibly solve the problems facing homeland security. I agree that money cannot solve all of our problems but if we fail to invest sufficient funds, if we fail in the effort to protect our people as best we can, we will never even begin to address them. The gaps in our protections and preparations will continue to grow. We all know these caps exist. And, to be sure, if we know where those gaps are, so do the terrorists know where those gaps are. The American people believe that we here in Washington are taking care of the problem. We must make every effort to close those gaps.

In just a few weeks, America will pause to remember the second anniversary of the moments when the airplanes struck the World Trade Centers, the Pentagon, and the Pennsylvania field. We again will remember the mothers and fathers, the brothers and sisters, the firefighters, the police officers, the ambulance drivers. We will remember all of those who lost their lives in those tragic moments. And we should remember those who saved our lives when they sent that plane into the Pennsylvania fields. But as we remember the lives of all these, we owe them more than high-sounding rhetoric. We owe them our best judgment. We owe them rational, responsible action. We owe them a legacy that may truly save lives and prevent another terrorist attack from happening.

I urge all Members to be mindful of their solemn duty to ''provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity'' as we debate this important legislation.

I have gone to considerable lengths to speak concerning my amendment. I urge Senators to support the amendment.

I ask unanimous consent that certain Senators have their names added as cosponsors: Senators LIEBERMAN, CANTWELL, and STABENOW.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. BYRD. And I welcome the cosponsorship of other Senators—all Senators for that matter. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, first, I wish to thank the distinguished Senator from West Virginia for his cooperation in the development of this bill that is now before the Senate. His assistance and participation in the hearings, the review of the President's budget request, our meetings with administration officials to fully understand the priorities as they saw them, and, in many ways, his experience and judgment in helping guide the development of this bill were very essential to the success we had in getting it to this point. His support in getting it through the committee and subcommittee was essential and very important.

This amendment, as the distinguished Senator has pointed out, will add money for many different areas of spending in the legislation that we have presented. Of course, it is because there are many needs there. There are many ways we can allocate and spend resources to try to upgrade our capability of protecting our Nation's homeland. So there is no end to the list of ways we could spend additional funds.

What we have tried to do, though, is be guided by the limitations that have been imposed on the committee by the budget resolution. We have a limited amount of money to spend in this bill. In fact, the amount we have been allocated to spend is $1 billion more than the President's budget request that was submitted to Congress earlier. So this bill provides $29.326 billion. We have tried to allocate it among all the competing needs that we have come to understand through our review of the budget request and the information we have been able to obtain as to what our needs are and what the highest priorities are, and that is what this bill reflects: the judgment of the Appropriations Committee of the priorities that exist and how we can best use the amount of money that is allocated to this committee for this next fiscal year, keeping in mind that we have already appropriated funds in the year we are in now, fiscal year 2003.

We have also added a substantial amount of money for homeland security in the supplemental appropriations bill that was just recently passed by the Senate and signed by the President. Therefore, since this amendment proposes to add another $1.75 billion to the bill that is before us with no offsetting suggestion of where the money would come from, I will be constrained to make a point of order against the amendment because it provides spending in excess of the subcommittee's allocation in violation of the Budget Act. Before doing that, let me make a few observations about the Senator's comments on some specific provisions in the bill.

Facilities along the land borders, which the Senator discussed, are maintained under the General Services Administration, and funds for upgrading, maintaining, and replacing facilities are funded through the General Services Administration and the appropriations bill that has that as part of its jurisdiction.

This committee does not have GSA jurisdiction. What we do have is the responsibility of trying to accommodate the deployment of facilities to implement the U.S. visitor and immigrant status indicator technology. This is a new program. It is to be deployed upon land ports of entry, and funds are included in the committee bill for that purpose.

In addition, the Bureau of Customs and Border Protection has undertaken to hire additional inspectors to be deployed on these borders, to enforce the new rules and to better protect us from people who come across the border who may be a threat to the security of our homeland.

Our indications from the Bureau of Customs and Border Protection are that over 4,000 inspectors have been added to the workforce since September 11, 2001. That has increased coverage at these ports of entry by 25 percent. Over 2,600 inspectors are on the northern border, compared to about 1,600 prior to September 11. There are 613 Border Patrol agents who are assigned to the northern border compared to 368 before September 11. Commissioner Bonner says he plans to have 1,000 agents on the northern border by October of this year. So when the new agents who are funded in this bill are counted, are included, there will be over 11,600 Border Patrol agents in fiscal year 2004. That is funding already in this bill.

We added additional staffing in the wartime supplement. We put in the supplemental $75 million for additional northern border and maritime ports of entry personnel. This was in addition to the money that was previously appropriated for this fiscal year for new personnel. We also included $25 million to transfer Border Patrol agents to the northern border. It is an important new undertaking, and we are cooperating with the administration in trying to meet those needs.

The Bureau of Customs and Border Protection can only hire so many people in any one year. This bill includes the maximum number of new border agents who can be absorbed in one year.

We also think it is important to preserve the Department's flexibility to assess its staffing needs nationwide. We should not come in and say they have to hire 1,000 more than they planned to hire this year. We have to leave to the good judgment of the administrators how they can absorb and find the qualified people to hire, how they can train them in their new duties and deploy them to the places where they can be used. I think it would be a mistake at this point for the Senate to try to superimpose our judgment about a detail of that kind.

We have the same goal. We are on the same team with this administration. We have to listen to the statements and suggestions they make to us about the funds they can use and what they need to do their job within the limits that we have. We have to allocate the funds according to the priorities as we see them.

Up to this point in time, it is the judgment of the committee at least that the funding we have made available for border security agencies, for personnel to carry out the missions of the USA PATRIOT Act, which the Senator mentioned, and other authorizing legislation is funded in the bill to the extent that it is possible to be funded in the bill.

In the case of the Transportation Security Administration, the additional funding suggested in the amendment is $100 million for screening of air cargo. First, the authorizing committee assessed the needs for new authorities and how the responsibilities for screening air cargo would be changed to meet the new threats. Congress responded by passing the Air Cargo Security Improvement Act, S. 165. It authorizes the development and deployment of something called a known shipper database, strengthening security enforcement and compliance measures for indirect air carriers and implementing mandatory security programs for all cargo carriers.

The Transportation Security Administration has undertaken a comprehensive, strategic plan for air cargo security. It is based on threat assessment and risk management.

As I understand it, there are three elements to the approach of the Transportation Security Administration. They strengthen the current known shipper program to verify shipper legitimacy. They have developed a cargo prescreening and profiling system that targets shipments based on a set of guidelines to indicate which shipments may be suspicious. They have a targeted inspection system to identify suspicious cargo utilizing explosive detection systems, explosive trace detection, canine detection, and other approved methods for inspecting air cargo.

This comprehensive approach is consistent with the Department's approach in securing containers that cross our borders by all modes of transportation, and the funding that was requested in the President's bill has been respected. The bill we have before the Senate provides $60 million. Ironically, it is $30 million more than the President requested for this function.

The Transportation Security Administration, according to my understanding, can use this money. But this amendment that has been offered by the Senator from West Virginia would add an additional $100 million in addition to what is already in the bill. I am not sure the administration can use that and use it effectively.

The amendment has additional money for grants for public transit agencies, for enhancing security against chemical and biological threats. We already have $71 million for the Science and Technology Directorate to develop and deploy chemical, biological, and nuclear sensor networks throughout the country, including public transit facilities. That would duplicate and be over and above what is already being spent to try to make sure that we deploy the right kind of defenses to this kind of threat.

Again, I think it is important for us to work with the administration and say: Okay, we have so much money that has been allocated to us to spend for homeland security. How can we best spend that money right now? How much do they need this year? What can they use? What are the highest priorities? Where do we need to spend the money first?

The amendment the Senator has offered also increases port security grants by $460 million, as he pointed out. We already have $150 million in the bill for port security grants, and this is in addition to $365 million provided in 2002 and 2003.

Of the $365 million already provided by the Congress, only $260 million has been obligated by the administration. So think about this: We have a proposal to add $460 million to an account where the money is still there and has not been obligated that has previously been appropriated. How much can be spent is something that has to be taken into account as well, not how much we can appropriate. That is not going to be a measure of the success of this bill or whether or not it has been thoughtfully expended to protect our security. We have to make sure it can be used and that it can be used thoughtfully, consistent with a plan that has been developed by the administration.

The Transportation Security Administration can only obligate about $150 million a year because assessments of ports have to be conducted, they have to be given some kind of priority, and then an application process by the ports for the funds has to be analyzed, assessed, and careful decisions need to be made. It cannot be just a rush to apply for a grant: Hey, they have a new fund in Washington. If you are a port director, if you get your application in now and put pressure on the administration, you may get some funds.

Will it be consistent with the overall national plan? Will it be targeted where the threats are the most imminent and most troublesome, where the money really needs to be spent? Are

other agencies going to be able to take up the slack in helping to deal with threats that are known to exist in our ports?

There is a capacity only to spend so much money at one time. That is the point. The rush to spend money can put the agency in disarray, can give a false sense of security to the people in the country, saying, look, we spent $460 million in addition to what had already been appropriated. But that may not actually help improve our security.

There is no doubt there will be a need for these funds later. There will be a need to increase security at our ports over and above what we are doing in this fiscal year or next fiscal year—and not just in ports but in all modes of transportation. But we need to take a measured, thoughtful approach, and weigh the funding provided for the security of our Nation's homeland security needs. That is what we tried to do, take a balanced approach and make an assessment based on limitations we have and the realities we face.

There is a proposal in this amendment to add $70 million to the Coast Guard operating expenses account to increase the total funding of the Coast Guard. The bill already provides $4.719 billion for Coast Guard operating expenses. This is $12 million more than the President has asked for operating expenses, excluding environmental compliance and restoration, and reserve training, which are funded separately.

Included in the bill for acquisition, construction, and improvements is the amount of $1.035 billion which is $238 million above the President's budget request.

Funding to implement the Maritime Transportation Security Act (MTSA) was not requested in the President's budget because that Act had not been passed until after the President's budget was prepared. No request was made for funding to implement MTSA in the fiscal year 2003 supplemental either. We know funding for the implementation of the MTSA is a priority for the Coast Guard. If we had additional funds available, we would agree to increased funding in fiscal year 2004. But the bill has been very generous to the Coast Guard. We believe funding for the implementation of MTSA should be included in next year's budget request by the President.

The Office for Domestic Preparedness is targeted in this amendment with a funding increase. Mr. President, $729.5 million is provided in this amendment to increase funding for grants to State and local governments.

One of the first calls I made when I realized it was going to be my obligation to chair this subcommittee was to Warren Rudman, our former colleague from New Hampshire, who has been, with Gary Hart, part of a study to assess our homeland security needs. They had published reports and made some presentations in New York, Council on Foreign Relations, and other places.

One of the things I remember former Senator Rudman suggesting to me is, it is impossible to know precisely what is needed and how much it will cost. That is something I have kept in mind.

The fact is, this is not an exact science. We have to use our judgment, make choices, understand that we cannot do everything at once. What we are trying to do is maintain a base level of preparedness through this program.

The Department is going to be better able to assess true needs once the States have had a chance to submit their updated homeland security strategies. We cannot just assume right now the States can identify all of the areas where they need to spend the money, which local governments continue to have needs, and which ones ought to be funded first.

In my judgment, we run the risk of being irresponsible if we increase funding over and above an amount that can logically and systematically be provided through the grant program to State and local governments.

We will have provided through the funds recommended in this bill almost $9 billion through the Office for Domestic Preparedness and the firefighters assistance grants since September 11. A lot of money has been spent already. In addition to those expenditures and the funding in this bill, the Senator suggests we ought to spend another $729.5 million.

We are suggesting the funds appropriated in this bill, in this account, for this fiscal year, are a responsible level of funding for first responders, given the other needs and other demands that come under the responsibility of the Department of Homeland Security.

The amendment also suggests we earmark $80 million for information analysis and infrastructure assessment, a directorate, to conduct assessments for chemical facilities. I am impressed with the concerns reflected in this suggestion. We do not have funding made available to individual industries involved in the chemical business to make these assessments. I am not enough of an expert in that business to know the assessments that have already been made and the security arrangements that many of these businesses and industries already have. One thing we need to keep in mind is that self-interest has motivated business and industries, and anyone who owns a business or a home should do what they can to protect themselves, to be sure their workers are protected, to be sure their families are protected. We all feel that obligation. It is not like everyone has been assuming they had no responsibilities for self-protection.

Businesses and industries have done a great deal, invested huge sums of money, to protect their own assets.

The suggestion is we need to give them more money to do some more analysis, to do some more assessments.

There may be a need for additional critical infrastructure assessment; however, this bill already provides $293.9 million for key asset identification, field assessments of critical infrastructures, and key asset protection implementation to help guide and support the development of protective measures to improve the security of industrial facilities and assets.

Of the amount provided for critical infrastructures, $199.1 million is made available for critical infrastructure and vulnerability assessments of the highest priority infrastructures and assets. But we need the benefit of the advice of the administration, those who are in charge of the programs, to tell us what those are. This amendment that is offered by my friend from West Virginia says it is the chemical industry. That is the only earmark in this part of the bill—$80 million for chemical facilities. There may be other facilities that are more vulnerable or that would cause more damage and displacement of American businesses than the chemical facilities would if they were under a threat of terrorist attack.

The priorities that have to be made and assigned have to be based on a combination of factors: threat, vulnerability, and risk analysis. And we have to leave that up to the administration. I don't feel competent to make that kind of decision. I don't know of any Senator, if this amendment were to be voted on this afternoon, who could just walk in here and decide should that be an earmark or should it not. But it is folded into this big amendment and we are asked to decide whether to target $80 million for just these kinds of facilities. Who is to know whether that is a good decision or not, if they have not been through the hearings, they have not had the opportunity to assess the other options?

So I think it is an unfair choice that we present to other Senators, to have them make that decision right now. Why can't the administration make that decision? I think they are better suited to make that decision than we are right now. We have to work with them and not make prejudgments.

The prioritization is going to be based on a lot of factors. There are 14 critical infrastructure areas—including the chemical sector—5 key asset categories that further break down into about 99 distinct segments, all of which must be considered based on changing threat assessments. So this is not necessarily an effective way to improve our Nation's security, just to earmark money for one particular kind of industry requiring a specific amount of funds to be spent. Why not $180 million? Why not just $40 million? Where does $80 million come from? I don't know. Who knows?

So without the corresponding analysis that helps advise the Senate, it is a mistake for us to be asked to make this kind of choice.

We are telling the terrorist organizations, aren't we, that we are going to spend the money in this sector? We are going to target this sector and emphasize it and make it a high priority, but

not the others? Is that a good way to make decisions in this area or should we let the administration and the infrastructure protection experts decide where the threats really are? What does the intelligence show as to where the threats are? These need to be taken into account.

This amendment, adding $1.75 billion to the bill, violates the Budget Act because it does not offset the spending, it exceeds the subcommittee's allocation that is given to us, and at the appropriate time I will be constrained to make a point of order against the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I know we have been notified that one Senator is on the way over here to speak on this amendment before the Senator makes his point of order. We have at least one, maybe two Senators who wish to speak on this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Senator COCHRAN has said there is no end to the list of homeland security needs. He is absolutely correct on that. We could list these security needs from now until Kingdom come. Additional needs can be found. So he is correct. But that does not mean the amendment I have offered is excessive. It does not mean the amendment is excessive. It is targeted to specific activities that Congress has approved.

As I said in the beginning, I named several pieces of legislation that have been approved and signed into law by the President, some of them with great fanfare. So Congress has approved these acts, and the President has signed them into law.

The chairman is correct in stating the progress we have made in hiring Border Patrol agents and inspectors. But that leaves us nearly 1,500 inspectors short of the goal established in the PATRIOT Act. The President signed that law.

Are we serious or are we not serious about meeting the goals set forth in these acts? My amendment would provide the resources to meet the goals that have been set forth in the acts by Congress, the acts that have been signed by the President.

It has also been noted that the bill already includes $150 million for port security grants. But the Coast Guard has estimated that it will cost $1.1 billion in just the first year for the ports to implement the security plan that the Coast Guard issued on July 1, pursuant to the Maritime Transportation Security Act.

Who signed that act? The President signed it. Who issued the regulations? The Coast Guard. Are they serious or not about port security? Is the President serious? The amendment would result in less than $1 billion of total funding. This is less than the Coast Guard's $1.1 billion estimate.

Our distinguished chairman has said he tried to include a base level of funding for grants to equip and train our police, fire, and medical personnel. And I compliment the chairman. He has done a masterful job in writing the provisions in the bill we have before us, a masterful job in distributing the limited amounts that have been provided to the chairman and to the committee for distribution. He has sought to exercise good judgment. He has done so—with the limitations.

The problem is, we do not have enough funds to appropriately allocate to meet the needs of the country. But I do not believe that establishing a base level of funding is enough. When a nonpartisan organization such as the Council on Foreign Relations estimates a $98 billion shortfall over the next 5 years, I simply cannot understand why the committee funding level is enough. It is $434 million below the level available in fiscal year 2003.

With regard to funding chemical facilities security, the chairman notes there is significant funding in the bill for securing critical infrastructure. Yet, nearly 2 years after 9/11, we have no details—none—from the administration describing how these funds would be used. Secretary Ridge testified to the subcommittee that he believes that securing chemical facilities is the responsibility of the chemical industry.

I do not believe we should continue to wait for the administration to get its act together. We should not allow the budget resolution to artificially limit our ability to address known vulnerabilities in this country. Our citizens do not know about budget resolutions. Our citizens do not know about 302(b) allocations. But they do know they feel vulnerable to terrorist attacks that Secretary Ridge has said are inevitable.

Mr. President, the full committee conducted careful and extensive hearings last year. We had seven Department heads here before the committee. The committee membership was there. The committee hearings were well attended. Senator STEVENS and I carefully selected witnesses to appear before those hearings. There were Governors who appeared. There were mayors who appeared. There were members of county commissions who appeared. First responders appeared. Firemen, policemen, health personnel appeared at those hearings. And we have gone over those hearings carefully. The staff has gone over those hearings and painstakingly gleaned from the rich testimony that was submitted by these public officials and public servants. Based on those and subsequent hearings, we decided that these are needs that ought to be addressed. And so I have tried to address these needs in the amendment.

As I say, the amendment adds $1.75 billion. That would fund 42 hours of the Defense Department expenditures. The Defense Department will be spending $1 billion a day on the military—$1 billion a day. They are spending a billion dollars a week in Iraq. Why can't we spend $1.75 billion on the protection of our own people, and our industries here, the protection of our own infrastructure; $1.75 billion to defend the American people, to defend our infrastructure, to defend our ports, to meet the needs of our ports, $1.75 billion? We spend a $1 billion every 24 hours on our defense budget. Yet when it comes to defending this country, defending its infrastructure, then we say it is too much.

I hope Senators will support the motion to waive the point of order. As I close my remarks at this point, I thank the distinguished chairman for his characteristic courtesy and also for his proficiency, his professional handling of this bill and the hearings. He attended the hearings, started them on time, and asked incisive questions. He is always fair to those on the minority side. I have nothing but praise for him. And I thank the cosponsors of the amendment. I must state again, however, that I feel the need for adding appropriations as I am attempting to do here.

A stitch in time saves nine. There is no question in my mind but that we are underfunding the homeland security needs. The Senator has done the best he could with the limited amount of moneys, but there is no good reason why we can't add moneys to this bill. We have to overcome the point of order, of course. There is a 60-vote point of order. That is difficult. But Senators may come to rejoice in having voted for this amendment. Who knows?

I see the distinguished Senator from New York, Mrs. CLINTON.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from New York.

Mrs. CLINTON. Mr. President, I thank my good friend, the ranking member of the Senate Homeland Security Appropriations Subcommittee and of the full committee, the Senator from West Virginia, for his constancy in sounding the alarm. He is the Paul Revere of the homeland security debate. Because every time we come to the floor to debate and consider provisions that we believe will make our country safer, the Senator from West Virginia is there sounding the alarm.

This time I hope our colleagues on both sides of the aisle will respond to that alarm which he has once again sounded, because his amendment reflects a full and complete understanding of what we know, what the experts tell us is absolutely essential to meeting the homeland security needs of our Nation.

As has already been referred to in many different settings, the amendment the Senator presents to us contains the best thinking of people who

have considered our vulnerabilities and have honestly assessed what it will cost so we can look into the eyes of our constituents and say: We have done the best we knew to do.

Recently the independent Homeland Security Task Force of the Council on Foreign Relations, a task force chaired by former Senator Warren Rudman, issued its third report regarding the state of our homeland defense. While the report noted that we had made progress and that positive action in a number of areas had occurred since September 11, there was still much to be done and we remained woefully unprepared.

The report, ''First Responders: Drastically Underfunded, Dangerously Unprepared,'' says it all in its title. It reminds us as to how much work we truly have in front of us if we intend to address these needs honestly and to equip our frontline homeland defenders with the resources they desperately need.

DRASTICALLY UNDERFUNDED, DANGEROUSLY UNPREPARED

The United States has not reached a sufficient national level of emergency preparedness and remains dangerously unprepared to handle a catastrophic attack on American soil, particularly one involving chemical, biological, radiological, or nuclear agents, or coordinated high-impact conventional means.

How much more specific and dramatic a conclusion from independent experts do we need to have before we act to pass overwhelmingly the amendment that has been presented to us?

The report also emphasizes the pivotal and primary role our first responders play in our national homeland defense:

America's local emergency responders—

We are talking about our police officers, our firefighters, our EMTs, and others who are on the front line, who need to be given the resources that will equip them to prevent horrific attacks, as well as to respond—

will always be the first to confront a terrorist incident and will play the central role in imagining its immediate consequences. . . . the United States—

Namely, the U.S. Government, not the New York State government, or the New York City government, or the Buffalo government, or the West Virginia government, but the United States Government—

has both a responsibility and a critical need too provide them [our first responders] with equipment, training, and other necessary resources to do their jobs safely and effectively.

Again, I don't know how much more specific we need to be. The efforts of these first responders in the minutes and hours following an attack will be critical to saving lives, reestablishing order, and preventing mass panic.

The report speaks about the heroic police and fire professionals who entered the World Trade Center on September 11. They acknowledge what all of us saw: that our emergency responders will be there; they will answer the call; they will perform their duties. What will we do for them?

In providing just a few examples of the needs of these brave police officers and firefighters and EMTs that are unmet, I have picked a few very representative, dramatic examples from the report:

Two-thirds of our fire departments do not meet the consensus fire service standard for minimum safe staffing levels.

On average, fire departments across the country have only enough radios to equip half the firefighters on a shift, and breathing apparatuses for only one-third. Only 10 percent of fire departments in the United States have the personnel and equipment to respond to a building collapse.

Most States' public health labs still lack basic equipment and expertise to respond adequately to a chemical or biological attack. Seventy-five percent of State laboratories report being overwhelmed by too many testing requests.

Most cities do not have the necessary equipment to determine what kind of hazardous materials emergency responders may be facing.

Police departments in cities across the country do not have the protective gear to safely secure a site following an attack using weapons of mass destruction.

I read these statistics, but I also know firsthand from speaking to police officers and firefighters, police chiefs and fire commissioners, and others throughout New York who tell me exactly what we were reading here from this report.

Now, I have to say it is troubling to me that, while we know we have not done enough to equip and fund and provide the resources needed by our first responders, we are seeing, because of budget constraints, cities and counties cutting back on their personnel. According to the International City-County Management Association, the average number of full-time, paid police employees for jurisdictions between 250,000 and 500,000 residents, today, is 16 percent below the figure for 2001. Why is anyone surprised by that? We have seen countless stories about the budget cutbacks that States and counties and cities are experiencing.

Police departments and fire departments are not immune. In the city of New York, after the heroic, incredible performance of these brave firefighters, they watched helplessly as fire stations were closed. So this is something that we know is happening. So not only are we failing to fully fund our first responders, we are seeing the numbers cut back.

When you think about what this report tells us and what the estimate is as to what is necessary for us to protect ourselves, clearly, we are asking that we honestly assess where we are and the funding that is needed. The report says we need approximately $100 billion over the next 5 years—approximately $20 billion a year for 5 years. We spend $5 billion a month in Iraq and Afghanistan. We are asking for 4 months of the expenditures of those two military actions and postconflict activities to make sure we are safe here at home.

These preliminary figures are based on the assessments that are coming directly from first responders and from communities. They were developed in partnership with the Concord Coalition and the Center for Strategic and Budgetary Assessment. It may be conservative, but it is the best assessment we could find.

First, it assumes, however, that State and local governments will continue to spend somewhere between $26 billion and $76 billion of their own funds for homeland security over the next 5 years.

Second, in looking at specific needs, particularly the need for a communications system that actually works and includes everybody, the task force erred on the side of conservative figures they obtained from communications policy experts.

Third, many law enforcement associations could not even assess their own needs. They don't have time to stop and do a survey or try to hire a consultant. So they did the best they could in assessing what they thought their needs were. Clearly, as the task force has pointed out, we should have a thorough national needs assessment. Under Senator BYRD's leadership, he did hold very thorough hearings out of which we got some specific information, and we need to continue a comprehensive needs assessment so that we do know what our needs are so that we can better plan how to meet them.

We certainly would not do for our men and women in uniform what we do for our men and women in uniform at home. I have the honor of serving on the Armed Services Committee. It is a painstaking process to determine what our troops need and how to best plan that they can be protected. I am very proud of that process.

I think it is time we did the same for our front-line defenders, our soldiers in the war against terrorism here at home—primarily our police officers, our firefighters, and our EMTs.

Among the many things we need to be doing, the task force concludes—and I agree—is to create those interoperable communications systems so that first responders can communicate seamlessly across borders, between police and firefighters, and certainly across borders of jurisdictions. We need to extend nationally the Emergency 911 system. I am very proud to be working with my colleague from Montana, Senator BURNS, on groundbreaking legislation to extend the E–911 system. I think it will certainly move us forward as long as we fund it.

We need to enhance our urban search and rescue capabilities. We need to enhance our public health preparedness, particularly by strengthening and expanding the quality and number of laboratories that can track diseases, that can quickly diagnose some kind of biological, chemical, or radiological event.

This report reflects what I hear from all over New York and, of course, from all over the country, whether you are in Los Angeles, where every time the terror alert goes to orange, it costs that city $1.5 million a week and another $1 million a week to protect the Los Angeles International Airport; or whether you are in Denver, a city that has incurred many millions of dollars for emergency preparedness and has purchased mobile emergency equipment but still doesn't have an adequate communications system; or whether you are in Douglas County, NE, which needs resources to buy protective suits for first responders, this is a national problem. Certainly in New York, I know firsthand how inadequately funded many of our brave men and women are.

I know that under the leadership of the chairman of the Homeland Security Appropriations Subcommittee, whom I commend, the committee has worked very hard to come up with a good bill and, given the budgetary constraints under which the committee has operated, they have done an incredible job.

The problem is that the budget resolution we adopted last spring did not adequately reflect the real costs of homeland security. That is why the Senator from West Virginia has an amendment which more honestly assesses those needs. It provides an additional $1.7 billion: $729.5 million for first responders; $602 million for maritime and land security; $238 million for border security; $100 million for air cargo security; and $80 million for chemical facility security.

It is hard to argue with the EPA's own figures that we have 123 chemical facilities located throughout the Nation that have toxic worst-case scenarios where more than 1 million people would be in the so-called vulnerable zone and could be at risk of exposure to a cloud of toxic gas.

Remember the terrible accident in Bhopal, India? Remember that? We have 123 chemical facilities that could produce this kind of extraordinary horror.

We have 600 facilities that could threaten between 100,000 and 1 million people, and 2,300 more that would threaten between 10,000 and 100,000 people in these so-called vulnerable zones.

When I read statistics such as that, it has to make one feel vulnerable, and it certainly makes me, as a Senator with responsibility for my constituents, sick at heart. I do not think any of us want to see these scenarios ever come true and, thank goodness, we have been spared that since September 11.

But that is not the way a great country plans to defend itself. If that were the case, we could have shut down our entire military. After the War of 1812, we could have just said forget it. After the Civil War, we could have said forget it. We could say we do not think we will ever have anything bad in the world happen again, so let's just send everybody home. Let's just let the tanks rust. Let's just give up preparing for the worst-case scenario which will more than likely make it possible for us to avoid such an occurrence.

That is what we are doing when it comes to homeland security. The Congressional Budget Office estimated it will take $80 million to conduct vulnerability assessments associated with our chemical plants. This amendment provides the money for that purpose.

Regarding the first responder funding in the Byrd amendment, there is additional money for State and local grants, $250 million, and I especially appreciate an additional $250 million for high-threat urban area grants; $150 million for FIRE Act grants so we can fund the program fully at the authorized level; and, finally, $79.5 million for the interoperable communications equipment I have talked about in this Chamber so many times since September 11.

We learned tragically that our police and fire departments could not talk with each other. We learned that people coming to our rescue to assist us could not communicate with the New York City police and fire departments.

Later in the debate, I will talk about State and local grants and how important they are and how strongly I believe the Department of Homeland Security and Secretary Ridge should disburse those funds using a threat base rather than a per capita formula. Right now I want to underscore how important it is to get more money into this high-threat urban area category.

In January, I gave a speech at the John Jay College of Criminal Justice in New York City. In that speech, I made some recommendations and released a survey about what I had found as I surveyed cities and counties throughout my State: Seventy percent of New York cities and counties had not received any Federal homeland security funding since September 11. Since January, some money has come forward; more has been appropriated.

But I was in Buffalo, NY, on Sunday speaking with the mayor. They have not received a penny of the money we have appropriated. It is either tied up in Washington or it is tied up in the State capital.

Either explanation is, to me, unacceptable. We need to do more, and in that speech I called for a domestic defense fund.

In March, I proposed that we provide direct funding and we include $1 billion for high-threat urban areas. Later that month, I offered an amendment to the budget resolution that would have provided funding for the domestic defense fund, including the $1 billion for high-threat urban areas for fiscal year 2003. Unfortunately, the amendment was narrowly defeated but at least we began a dialog and a debate about high-threat areas with critical infrastructure, with dense populations.

We are making some progress and, in fact, the supplemental we considered for funding the action in Iraq in April did include $700 million for high-threat urban areas. I thank my colleagues for that funding. I think we all recognize how critical that funding is.

The Department of Homeland Security has begun to allocate high-threat funding based on factors such as credible threat, vulnerability, population, mutual aid agreements, and identified needs of public agencies. And many communities, not just New York and Washington but Houston, Chicago, Los Angeles, Cincinnati, Kansas City, New Orleans, Memphis, Cleveland, Charleston, among others, across our country have received this high-threat funding. This will help us shore up our defenses against our most vulnerable targets.

Regarding New York, I would give anything if terrorists did not have such an interest in New York but we have to accept that reality. New York is such a symbol of our Nation. It is such an incredibly diverse, dynamic place, the most fascinating and exciting city in the world, and it is going to draw that kind of attention. Therefore, we need the support we have been getting and that the Byrd amendment will provide in additional funding that, believe me, we can put to good use.

In recent articles that have appeared in national newspapers, such as USA Today, I read about communities that got homeland security funding and did not know what to do with it. I said: If you really do not know what to do with the money, send it to New York; we have more needs than we can possibly meet.

If we are serious about defending our Nation, then we have to be serious about putting money behind that commitment. What the Byrd amendment does is to say very straightforwardly: We have not done enough. We may have done all we could within the constraints of the budget resolution, and for that I commend the chairman and the ranking member, but the budget resolution was inadequate.

We do not have a budget resolution for our military and occupational expenses in Iraq and Afghanistan. They are not even in the budget. There is not one penny. We passed a $398 billion defense budget last week and there is not one penny for Iraq and Afghanistan.

We did not worry about the budget resolution when it came to supporting our troops. We did what we thought we had to do. Well, we should do the same when it comes to protecting us at home. How on Earth can we do less?

So, yes, we have made some progress since we were attacked. How could we not? How negligent would we have been if we had not done what at least we have started to try to achieve in providing more support? But we have not done nearly enough.

History will judge us harshly if we are found wanting when it comes to defending ourselves on our own soil.

So I hope for the sake of our country, for the sake of our citizens, we will listen to former Senator Warren Rudman

and the task force, we will listen to the distinguished Senator from West Virginia, and we will do our duty, we will vote for the Byrd amendment, and we will send a clear signal to friend and foe alike that we intend to prevent, in every way possible, any further terrorism on our shores. But if anyone dares to take us on, we intend to be ready.

Mr. REID. Will the Senator yield for a question?

Mrs. CLINTON. Yes.

Mr. REID. I appreciate very much the statement of the Senator from New York. Senator BYRD and I were talking earlier. No State has suffered as did New York as a result of the September 11 incident. We all know that. But I bring to the Senator's attention that I offered an amendment earlier today saying that one of the facts that should be taken into consideration is how many tourists are in the community within any given time. Of course, New York is a tourist-oriented community. People are there all the time for various reasons—conventions, just wanting to see the Big Apple. Even today that is in fact the case.

One of the facts I brought to the attention of the Senate the other day is that in Las Vegas, on any given day, there are about 300,000 tourists, and the Senator would agree, I am sure, that the people of Las Vegas—law enforcement, fire, emergency medical responders, first-line responders generally—have as much of an obligation to take care of someone visiting Las Vegas from New York as they do someone who lives there on a full-time basis. The Senator would agree with that, would she not?

Mrs. CLINTON. I certainly would agree with the Senator from Nevada. I believe that is a factor that Secretary Ridge should consider in a threat-based formula where we have large crowds of people who come for attractions such as those that the Senator has in Las Vegas or we have in New York City and certainly other places around our country. That should be taken into account because our police officers, our firefighters are constantly on duty because there is a constant stream of people coming from all over the world to enjoy the attractions.

Mr. REID. I also ask the Senator this: One of the other considerations I brought to the attention of the Senate is that on any given day in Las Vegas there are about 75,000 people from foreign countries. But in looking at some of the statistics I have, even though we have almost 2½ million people who visit Las Vegas yearly who come from other countries, New York City—not the State of New York but New York City—has 5½ million people who come from foreign countries to visit. So on any given day in New York City, instead of the 75,000 we have in Las Vegas, the Senator has 150,000, approximately.

Now, would the Senator agree that someone who is visiting New York City from Turkey, Germany, or Japan, the first-line responders have an obligation to make sure they are taken care of in the event of an emergency just as someone who is a New York resident?

Mrs. CLINTON. I certainly do agree with that.

Mr. REID. I hope there is some consideration given to people who are in New York City, Las Vegas, all of the States—Orlando, FL, where we have Disney World—that have these large numbers of tourists come from various parts of our country and around the world, and I hope the American people understand that. I compliment the Senator from New York for her outstanding statement in bringing to the attention of the people of this country and the Senate the information that only can come from someone who represents the State of New York.

Mrs. CLINTON. I thank the Senator from Nevada.

Mr. BYRD. Mr. President, will the Senator yield?

Mrs. CLINTON. Certainly.

Mr. BYRD. Mr. President, I want to thank the very distinguished Senator from New York, Mrs. CLINTON, on the ringing defense of the provisions that are set forth in the amendment that I and several other Senators are cosponsoring. I do not think any Senator could come to this floor with better credentials than those of the Senator from New York, Mrs. CLINTON. She represents the State and the city that was the hardest hit by the terrorist attacks on 9/11. There is only one other State and one other jurisdiction that suffered, but she has made an extraordinary plea coming from the experiences that she has suffered as a result of 9/11.

I was chairman of the Appropriations Committee in the Senate, and she came to my office not once, not twice, not three times but many times in support of the appropriations that the Senate was considering and that the Senate finally enacted. She had a great impact on me as we sat and talked and as I listened to her recount the problems of her city, the problems of New York City and of New York State that resulted from those attacks.

So I thank her for her support of the amendment and say that no one in the Senate could have made a finer statement in support, and no one in the Senate would better understand the needs the American people have as we try to prepare against any future terrorist attacks. I thank her and her staff for the excellent effort they have put into this matter.

I yield the floor.

Mrs. CLINTON. I thank the Senator from West Virginia and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of the Byrd amendment. The Senator from West Virginia has clearly identified that there are inadequate resources being devoted to homeland security, and the paramount concern and responsibility of this body is to protect the homeland. We have to do that. It cannot simply be protected by rhetoric. There have to be real resources applied to the task.

In the wake of 9/11, this Congress laid out very clearly and very deliberately, after much consideration and consultation, major legislation such as the Transportation Security Act of 2002, the Enhanced Border Security and Visa Entry Reform Act of 2002, the Aviation and Transportation Security Act, and the USA PATRIOT Act. All of these legislative pronouncements laid out a framework to secure our homeland and, as Senator BYRD points out, we are not living up to the requirements that were clearly identified by that legislation in terms of appropriations.

Specifically addressed by Senator BYRD's amendment is a shortfall in seaports, Coast Guard, and land transit security of $602 million; police, fire, and emergency medical teams of $729.5 million; security at United States borders with Canada and Mexico of $238.5 million; air cargo security, $100 million; and chemical facility security, $80 million.

Now, all of these protections are imperative because what we have discovered from those who wish us ill—terrorist cells—is first they are sophisticated; second, they are ruthless; and third, they tend to strike at areas which are the least protected, not the most protected.

We have made significant improvements in our air transportation system in terms of passenger travel, screening passengers, and I do not think most security consultants would say that would be the primary route of a new attack against us. We still have miles to go with respect to seaport security, maritime security, security at the borders, air cargo security. Again, given the nature of our opponents, our adversaries, it is likely they would look to these places, rather than areas we have reinforced or fortified, to launch another attack.

The Transportation Security Agency, as we all know, is responsible for all modes of transportation security. Yet the TSA, as I have suggested, has focused almost exclusively on our air transportation system with passenger travel throughout the United States and throughout the world. With a $4.8 billion budget, TSA has committed only $86 million for maritime and land security activities in this budget proposed by the administration. In contrast, $4.3 billion was requested for aviation security. In fact, the budget requests for administrative costs at TSA, their headquarters and the mission support centers, consist of amounts to $218 million, 2.5 times greater than the total request for maritime and land security activities.

As a result, the budget proposed by the President, the budget Senator BYRD seeks to amend, does not fully recognize the potential threats to our

ports, to our interstate buses, trucks that carry hazardous material, trains, our transit system, chemical factories—and the list, unfortunately, is longer.

Let me for a moment concentrate on one area of particular concern; that is, public transit. In the last Congress, I had the opportunity, responsibility, and privilege of being the chairman of the subcommittee in the Banking Committee that dealt with transit issues. We had several hearings with respect to numerous transit issues but particularly with respect to transit security. We found, and the GAO verified, there is a huge demand for resources to protect our transit systems, our subway systems, our bus systems. This bill hardly measures up to that.

The Byrd amendment—and I commend the Senator—would increase our efforts in transit security by $57 million. Frankly, based upon the testimony I heard last year before my committee, this is literally the proverbial drop in the bucket. There are some estimates—one by the American Public Transportation Association—that the needs for transit security through all the transit systems in this country would amount to $6 billion, primarily in the areas of communication, surveillance, detection systems, personnel, and training.

For the benefit of my colleagues, I will state that in the wake of the tragedy of 9/11, there was something remarkable taking place that minimized our casualities both in New York City and in Washington, DC. Particularly in Washington, DC, the subway system was the major source or route of evacuation for literally thousands and thousands of people. This system in Washington has been the beneficiary of a great deal of attention. It might be because of the proximity to the appropriators but, indeed, it had effective communications, it had a well-managed and well-trained group of operators, and they were able to move people literally underneath the Pentagon even though that building had been attacked. In New York City, the transit operators, these individual transit police officers and station masters, were able successfully to evacuate the subways and move people out because of communication systems, because of training, because of the infrastructure already there.

Those two systems—New York City and Washington, DC—are some of the most sophisticated in the country. Other parts of the country, other areas do not have the communication systems; they do not have the training; they do not have the expertise. That would go for probably every system, to varying degrees, throughout my country.

In my home State of Rhode Island, we have a statewide bus system, which is a good system, but they would be the first to say they need more training; they need more communications equipment; they need redundant communication systems in the event of an emergency so they can get through to the operators and the operators can get through to their dispatchers and controllers. That is just one example of the tremendous need for help for transit security.

There are approximately 6,000 transit agencies in the United States. These transit agencies provide over 9 billion trips per year, representing 43 billion passenger miles.

Yet there is very minimal funding in this bill for transit security.

Once again, if you believe, as I, that our adversaries are cunning, ruthless, and will strike at the most vulnerable portions of our country, transit is a target that I am sure is being considered. We have to do something to protect our riders, the literally millions of riders a year.

I hope we can support enthusiastically the Byrd amendment. It would represent a significant increase in our homeland security. It would address the areas that have been neglected in this bill sent to us by the administration.

Once again I emphasize, particularly in the area of transit security, even if we were to pass the Byrd amendment, if we wanted to ensure that all of our transit systems have the most up-to-date equipment and communications, that all of their personnel were well trained, we would be talking not about an additional several million dollars but we would be talking about literally billions of dollars.

I commend the Senator from West Virginia for his leadership. This is not the first time he has come to this floor to argue eloquently and passionately that we should defend our homeland. I am sure it will not be the last. I hope we can support this amendment.

Mr. BYRD. Will the Senator yield?

Mr. REED. I yield.

Mr. BYRD. Let me express my appreciation to the Senator for his support of the amendment; more than that, for his steadfast support of the appropriations as we have dealt with this problem time and again on the floor.

The Senator, as is Senator CLINTON, is a member of the Armed Services Committee, and his support for this amendment tells a lot. Here is the support of two Senators on the Armed Services Committee. They have been on there quite a while. They have seniority.

The Senator from Rhode Island is an outstanding member of the committee. I deeply appreciate his support of this amendment. I appreciate his patriotism and his eloquence and support of preparing this country against such attacks as it was subjected to on September 11, 2001.

Mr. REED. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate the indulgence of the Members. I thank the distinguished Senator from Mississippi for giving me an opportunity to spend a few minutes before making a motion on the amendment offered by the distinguished Senator from West Virginia, Mr. BYRD, to give me a chance to express my views on this amendment and to begin by thanking my seatmate and colleague of these many years for offering this amendment. Once again, his eloquence and his leadership and his vision are giving this body an opportunity to do something right for the American people.

We have all felt the sense of anxiety in this country since the startling events of September 11, 2001. There have certainly been no limits to the number of speeches given to the importance of making our Nation more secure, taking steps to see to it that our airports, our harbors, our borders, receive the kind of support and backing needed to keep this Nation as secure as we possibly can be, with the full understanding that as a nation, an open society, a nation where freedom and liberties are extended to all, this is not an easy path to walk—to be an open, free nation and simultaneously to be more secure. How we balance those interests requires a great deal of thought, a great deal of work.

The Senator is offering a reflection of what has been suggested by the Council on Foreign Relations in the report analyzing where we are today, 2 years after the events of September 11.

To quote the authors of that report, we are ''still dangerously unprepared, underfunded for a catastrophic terrorist attack.''

I think we ought to take their words to heart and we ought to do what we can to see to it that first responders—our fire departments, our police departments—are going to receive the kind of backing and support they ought to be getting from the Federal Government.

What the distinguished Senator from West Virginia is offering is a modest proposal. The money is not significant, I know that. But when you consider the gap that exists—the Council on Foreign Relations suggests that we are underfunding first responders by more than $98 billion. That is a huge amount of money. But if you go even further, reading the report, the number actually is twice that amount when you consider what needs to be done at other levels of government as well, to maximize our protection.

Unfortunately, we are coming way short of that number. So while we talk about this issue and identify the various problems that exist, this 62-page report, released on Monday, points out that we have a lot more work to do.

Senator BYRD has offered us an opportunity to close some of that gap. That is all, it is just some of this gap that will be closed by his amendment. I am disturbed that we are not going to be doing more. I fully support what the Senator from West Virginia is offering, but I think the American public would expect more. I suspect most did not have an opportunity to read this report or even hear news reports about it. But

as certainly as I am standing here today, there are going to be events that will come. I wish I didn't have to say that, but I think all of us know that to be the case. From what we are witnessing in Iraq today, what we have seen in Liberia, what we have seen in various targets around the globe, none of us should operate under the illusion that we are going to be immune from any future attacks because of what we have done since 9/11.

There are those gathered in places around the globe, as I share these words this afternoon, who are planning to attack this country, whether abroad or at home. They are planning it. Be certain of it. They are going to look for the opportunities to do us great harm and great damage. Any conclusion other than that would be foolhardy. They are doing it, and the question is, What are we doing to see to it that we are maximizing the protection of the people we have been charged to represent?

The painful conclusion is that we are not doing enough yet. Obviously, we cannot do this all at once, but we have a report telling us that after 2 years we are still woefully short of meeting those obligations. We have an opportunity. We have to make choices here. They are not comfortable choices, but we need to make these choices.

The time will come when a judgment will be made, and the question will be asked of us: What did you do, when you knew better? You were being told over and over again that you hadn't done enough yet. What did you do on that day in July, prior to your August break, when you were given an opportunity by the Byrd amendment to invest more resources to make these first responders better prepared? Where were you? How did you cast your vote?

Because the memories of 9/11, even after just 2 years, seem to be fading, it would be a catastrophic and tragic mistake, in my view, not to heed the counsel and advice of my colleague from West Virginia and step up and do what is right here and provide backing. I hope for unanimous support for this amendment. I cannot think of a more important or meaningful message we can send that we are prepared to take whatever steps are necessary to maximize the protections of our people within constitutional limitations.

My fear is the less we do along the lines suggested by the Senator from West Virginia, the more likely we are to take steps to limit the freedoms of average Americans. That seems to be the direction we are heading, to restrain or prevent individuals from doing certain things or examining or investigating individual people, rather than to strengthen the first responders and provide more harbor protection, to see to it our harbors and ports are going to be better protected.

Senator BYRD is offering us an opportunity, in a modest way, to answer that question that history will ask of us at some point. When you knew you were likely to be attacked again, when you knew you were likely to be victimized by terrorists, on that day in July when you were asked to make a choice to do more, to step to the plate, how did you cast your ballot? How did you represent your constituents when confronted with that choice? Senator BYRD is providing that opportunity to us this afternoon, and I hope our colleagues will join me in supporting this amendment to take a modest step, and that is all this is, to answer the deep concerns that have been expressed by our former colleague, Warren Rudman, and other individuals who prepared this report for the Council on Foreign Relations.

This report is a serious document. These are serious conclusions reached by serious individuals who have done their homework. This is not a political document. It is a document that lays out, chapter and verse, where the shortcomings are and what needs to be done by this National Government to try to close these gaps. Senator BYRD is offering us that chance to do it.

I thank him profoundly for this suggestion that he has made to us. I am going to have several amendments myself later on in this debate to deal with fire departments across the country to increase, if we can, the resources to see to it they can have the tools necessary to respond to the challenges they will see. This amendment is more comprehensive, the amendment being offered by Senator BYRD. We will have other suggestions to make as well. But this is the first opportunity for us to say that our memories have not faded.

While others may focus on other events as they captivate the attention of the media, we remember what happened on 9/11. While there is no certainty we can stop it from happening again, we want to take the steps necessary to see to it that we make it that much harder for those who would do us harm to achieve their goals.

For those reasons, I strongly endorse this amendment and urge my colleagues to do likewise by casting a vote in favor of the Byrd amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I make a point of order under section 302(f) of the Congressional Budget Act that the Byrd amendment provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I realize this is not debatable. I shall shortly move to waive the point of order, which will be debatable, not that I intend to take long in debating it. But if the Chair will indulge me momentarily, I want to thank Senator DODD for his very forceful and cogent and persuasive statement in support of the amendment. He is extremely eloquent. He intends to follow up this statement after a little while with an amendment of his own. But I thank him profusely, without being profuse, for an excellent, excellent statement. I believe his perspicacity will be rewarded in time. I believe it will be. I know the American people are better off for having him in the Senate and for the support he has given to this amendment. I hope the Senate will prevail in support of the statement of the Senator from Connecticut.

Now, Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ALEXANDER). Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there debate on the motion to waive?

Mr. REID. Mr. President, I know the Senator from Mississippi has been very patient today. We have one additional Senator who says he is on his way. I am confident he is. So if the Senator from Mississippi would be patient, he should be here shortly.

I note the absence of a quorum.

Mr. BYRD. Mr. President, will the Senator withhold?

Mr. REID. I am happy to withhold. Of course I will.

Mr. BYRD. Mr. President, while Senator NELSON is coming to the floor, let me just remind my colleagues that I offered an amendment last January to add $5 billion to the omnibus appropriations bill for 2003 for homeland security programs such as port security, nuclear security, airport security, and first responders. The White House labeled the amendment as extraneous spending and the amendment was defeated.

So what happened? Ten weeks later, the White House requested a $4.4 billion supplemental. And a month later, Congress approved $5.1 billion of supplemental homeland security funding. So the White House was a day late and several hundred million dollars short. All the White House accomplished was the delay of critical homeland security investments for 3 months.

That was a repeat of the same old tune we heard from the White House at the time Senator STEVENS and I wrote a letter to the White House and to Secretary Ridge urging that there be more money for homeland security. Secretary Ridge responded with a letter to Senator STEVENS and to me saying that the White House believed that our amendment was extraneous for the moment and that the White House would be submitting its own request in due time.

So it seems that whenever we have attempted to offer legislation to protect our own country, to protect the people of the country, to protect the infrastructure of the country, to protect the industries of the country from attack, the administration always says it does not need these moneys and that in due time it will submit its own request. And so that seems to be the record today.

Today we are debating an amendment to add just $1.75 billion for homeland security. And the majority, speaking for the administration, says the amendment is too large. Mr. President, history has a way of repeating itself. The Senate should approve this amendment today. The Senate should not wait for the White House to recognize real homeland security vulnerabilities. Delay does not make the Nation more secure.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I rise to speak on behalf of the amendment offered by the Senator from West Virginia.

There are a lot of important reasons to enact this amendment. There is no greater calling for the National Government now than to protect the homeland. We see all the instability in the world and the fact that Iraq has now become a magnet for a lot of bad guys in all the world who want to do damage to the United States. In Iraq, almost one American soldier a day is being assassinated.

By the way, the assassinations are taking place in three different ways. On the eve of my arrival, 2 weeks ago, in Baghdad, very sadly and unfortunately, one of our Florida National Guard soldiers from Gainesville was assassinated. In this particular case, the soldier was on guard duty for a delegation that had gone to a meeting at the university. And in the hubbub of all the crowds at the university, this soldier was standing guard for the party that was meeting. The soldier was vulnerable because of the crowds. And our soldiers are vulnerable between that position and that position—being the upper part of the body armor, the Kevlar, and the helmet. And, in this particular case, in the hubbub of that crowd, someone tapped that soldier on the shoulder. He turned around, and he was shot in the face. That is one method of assassination.

Another method is to use a landmine with a remote control device, and usually a landmine placed on a part of a road where the road narrows, so when the convoy comes along that area, the landmine can be detonated. And it is usually targeted at a lightly armored vehicle such as a humvee. We have had that happen a number of times.

And then a third method, which has been used more frequently recently, is the use of the rocket-propelled grenades. In the case of the soldiers last night who were assassinated, it was being fired from a position behind bushes, near a roadside.

But another method is where a convoy is moving out, and they are moving rapidly, and someone on a downtown street tries to insert into that convoy and then shoots an RPG either at the vehicle in front of them or to the rear of them.

So, clearly, there is a lot of trauma and mischief that is going on in that part of the world. But it is a foretelling of what people want to do to the United States. It is not just the Fedayeen and it is not just the Baathists and it is not just the Saddam loyalists. Iraq is now attracting outsiders who want to do damage to the United States.

So if they target there, clearly they are going to be targeting here as well. This, by the way, is another reason, when we try to protect ourselves against terrorists, our protection is only so good as the timeliness of our intelligence and the accuracy of our intelligence. Does that ring a bell? And I hope we get through all of that and get it straightened out as well.

But the issue before us is the protection of the homeland. You cannot protect the homeland on the cheap. If the question is how we allocate the moneys—if it should go to tax cuts or protecting the homeland—then that gets to be a pretty simple answer. The people want the homeland protected.

Although there is some measure of protection that is offered, now Senator BYRD has offered additional protection. The debate has already been held, and I will not repeat, except to emphasize one thought: Florida, my State, has 15 deepwater ports. It is a place of great vulnerability because of all the containers that come into this country, only 2 to 3 percent of them are checked.

If we are looking for weapons as easily concealed, for example, as a shoulder-mounted heat-seeking missile that can bring down a commercial airliner, how easy that is to slip into the country in a container in port. Senator BYRD is offering a total of $610 million, $460 million over the existing $150 million in the bill, for expenses for port security. I can tell you every one of those port managers in my State—and I think I can speak also for the other ports of the other States—are strapped with so many expenses. They desperately need additional help for security at their ports.

I rest my case. It is a matter of common sense in the protection of the homeland. I have only spoken about one part of the appropriations in this amendment. I encourage our colleagues to support Senator BYRD's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the hour has gotten late and the vote is nearly upon us, but I did not want this opportunity to pass by without commending my colleague from West Virginia on his amendment. When we talk about the need for homeland security and the efforts to safeguard the American people, Senator BYRD has been leading the charge here in the Senate, and here in Washington, every step of the way for the past 22 months. Tonight he again reminds us about putting the Nation's priorities in order. As he rightly argues, an additional $1.8 billion for increased port security, enhanced chemical and electrical security, and additional aid to our first responders struggling out there to protect Americans is no burden, it is an imperative.

In the past several days, as I have prepared for this debate, I have had the opportunity to follow up with mayors across Massachusetts to see how they are coming along in their efforts to protect their citizens. They are working hard, and they are doing their best, but they are not getting the help they need. Mayor Ed Lambert in Fall River, MA, has, to date, only gotten $150,000 to protect his city of 95,000. One-hundred and fifty thousand dollars for a city that has had to reduce its police force by more than 30 police officers. He has the responsibility to protect an extremely important reservoir that serves 200,000 citizens of Southeastern Massachusetts and $150,000 doesn't get him very far.

The Mayor of Holyoke, MA, Mike Sullivan, didn't even fare that well. His city is home to one of the nerve centers of the Northeast's electricity grid. And yet he has gotten no homeland security assistance to date to help defray the costs of protecting this piece of critical infrastructure which his police force constantly monitors. He has also gotten no instruction from the federal government regarding what he should be doing to keep it safe and secure.

So if any of our colleagues wonder what is happening in the homeland or questioning whether first responders in their cities and towns need help, I recommend that they simply pick up the phone and call their mayors. The mayors and local officials will tell them what an extraordinary need there is. They will also tell them of the great pressure and anxiety they feel to try to do more to protect the public's safety at a time when most of them are wrestling with crushing and unprecedented budget shortfalls.

This amendment makes an important downpayment, and sends a strong signal to mayors and first responders across the country. It says that the U.S. Senate knows that more needs to be done, that not enough is being done, and that we are prepared to begin helping you meet the awesome challenges you face. I thank the Senator from West Virginia for standing firm on this amendment, and for all he has done to force our government to recognize and address the extraordinary homeland security needs confronting this nation. I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Florida, Mr. NELSON, and I thank the distinguished Senator from Massachusetts, Mr. KENNEDY, for their excellent statements. I thank them for supporting the amendment. I hope the

Senate will vote to waive the point of order.

The PRESIDING OFFICER. Is there further debate on the motion to waive?

If not, the question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. LEAHY) would each vote ''yea.''

The PRESIDING OFFICER (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 50, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—43

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kohl	Stabenow
Corzine	Landrieu	Wyden
Daschle	Lautenberg	
Dayton	Levin	

NAYS—50

Alexander	Dole	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner
DeWine	McConnell	

NOT VOTING—7

Crapo	Graham (FL)	Lieberman
Domenici	Kerry	
Edwards	Leahy	

The PRESIDING OFFICER. On this question, the yeas are 43 and the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

NATIONAL HAZARDOUS MATERIALS TRANSPORTATION MONITORING AND RESPONSE CENTER

Mr. REID. Mr. President, I thank the Senator from West Virginia, Mr. BYRD, for his work on this important Homeland Security appropriations bill. As the Senator knows, I am pleased that the bill we are discussing today includes within the Transportation Security Administration ''$13 million for the hazardous materials permit program and truck tracking system to provide for nationwide coverage.'' As you are aware, the Federal Government has issued warnings that terrorists may exploit the 800,000 daily hazardous waste and dangerous goods shipments in new attacks on the U.S.—either as weapons of mass destruction or in the manufacture of such weapons. So the funding you and Chairman COCHRAN have included in this bill is very timely and important.

Mr. BYRD. I agree this is important and timely funding for one of the many needs facing our Nation as we deal with terrorist threats.

Mr. REID. I want to ask the Senator if he is aware that the University of Nevada Las Vegas is working to initiate development of a National Hazardous Materials Transportation Monitoring and Response Center that would build upon existing commercially available satellite based nationwide truck monitoring and communications technology. The center would ensure a secure location for nationwide hazardous material truck monitoring. It would also link, for the first time, the ability to remotely identify an incident anywhere in the country with the ability to immediately alert the appropriate emergency responders and law enforcement officials.

Mr. BYRD. Yes, I understand this project is in development in Nevada. I encourage the Department to consider using a portion of the $13 million appropriated for hazardous materials tracking to help initiate the development of this project.

Mr. REID. I thank my colleague from West Virginia and the Chairman COCHRAN for their support of those efforts and look forward to working with the committee on this important issue.

Mr. NICKLES. Mr. President, I rise in support of H.R. 2555, the Homeland Security Appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations.

I want to commend the distinguished chairman and the ranking member for bringing the Senate a spending bill within the Subcommittees' 302(b) allocation. Moreover, they and their staffs need to be congratulated on reporting the very first Homeland Security Appropriations bill.

The pending bill provides $29.4 billion in total budget authority and $30.6 billion in total outlays for fiscal year 2004. For discretionary spending the Senate bill is at the subcommittee's 302(b) allocation for budget authority and outlays. The Senate bill is $1.4 billion in BA and outlays above the President's budget request.

The pending bill funds the programs of the Department of Homeland Security, including the Bureau of Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, the U.S. Coast Guard, the Transportation Security Administration, the U.S. Secret Service, the Office for Domestic Preparedness, and several other offices and activities.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2555, DEPT. OF HOMELAND SECURITY APPROPRIATIONS, 2004; SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 2004, in millions of dollars)

	General purpose	Mandatory	Total
Senate-Reported Bill:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
Senate Committee allocation:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
2003 level:			
Budget authority	28,269	889	29,158
Outlays	27,558	818	28,376
President's request:			
Budget authority	27,114	831	27,945
Outlays	28,323	847	29,170
House-passed bill:			
Budget authority	29,411	831	30,242
Outlays	30,500	847	31,347
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	.....	.....	.....
Outlays	.....	.....	.....
2003 level:			
Budget authority	252	(58)	194
Outlays	2,179	29	2,208
President's request:			
Budget authority	1,407	.....	1,407
Outlays	1,414	.....	1,414
House-passed bill:			
Budget authority	(890)	.....	(890)
Outlays	(763)	.....	(763)

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

MORNING BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JUSTIFICATION FOR WAR

Mr. CORNYN. Mr. President, I rise to say a few words about the war in Iraq.

My recent visit to the Middle East confirmed that the largest obstacle to a free and prosperous Iraq is the significant number of people who still live in fear of Saddam Hussein and his sons. That is an understandable fear, considering the years of torture so many endured under the iron fist of the Hussein regime.

With today's news from Central Command of the deaths of Uday and Qusay Hussein, we are two steps closer to removing that fear, two steps closer to rebuilding a once-great nation, and two steps closer to ensuring lasting security and freedom for the Iraqi people. I thank all the dedicated men and women in our Armed Forces who helped make these two steps possible.

Throughout the past few weeks, we have heard some on this floor raise questions about the justification for the war in Iraq.

Last week on this floor, the senior Senator from North Dakota had this to say, and I quote:

This administration told the world Iraq had weapons of mass destruction, that they are trying to develop nuclear capability, there is a connection to al-Qaida, and each and every one of those claims is now in question, every one of them. It is not just 16 words in the State of the Union. It is far more serious than that.

I find this charge to be simply indefensible. It is an accusation that flies in the face of everything that we have seen about Saddam Hussein's regime. It offends the reasoning mind. It maligns all good Members of this body who weighed the intelligence about Iraq in the balance and decided that this war was just and right—and voted for it. I might add, months before the President's State of the Union speech.

We have heard similar statements echoed from others on this floor and in the press in recent weeks. I have the utmost respect for my fellow Senators. Yet I must confess I am dumbfounded at how soon they forget the truth about the vile regime of Saddam Hussein.

I believe their line of reasoning goes something like this: They charge that the President was looking for excuses to go to war with Iraq, and that his claims concerning weapons-of-mass-destruction were just a pretense for this war.

I find this line of reasoning nonsensical at best—and downright offensive at worst.

First, if one buys the idea that Saddam Hussein did not possess the weapons or the capabilities the administration assigned to him, the dictator did not fool us alone as to his guilt. Every significant intelligence service in the world, including the vast majority of those in nations who opposed this war, were convinced that Iraq possessed these weapons. That is why the U.N. Security Council unanimously passed Resolution 1441, which declared Iraq in material breach of its obligations under numerous previous resolutions, including failing to account for weapons of mass destruction that Iraq had previously admitted to building and stockpiling.

As Richard Butler, the former head of the U.N. arms inspection team in Iraq, wrote in 2001:

It would be foolish in the extreme not to assume that [Saddam] is developing long-range missile capabilities; at work again on building nuclear weapons; and adding to the chemical and biological warfare weapons he concealed during the UNSCOM inspection period.

Yet it is that same logical position that some in this body are arguing against today. Those who make accusations based on their political desires, not the facts, lump the international political community, the media, the intelligence community, and the President of the United States into some fantastic form of shadowy conspiracy. This is hardly responsible, and I believe it does a great disservice to the American people.

Second, if one honestly argues that because of one offending sentence every other claim made by the administration concerning Iraq is now under question, you run into a very hard brick wall of solid fact. Perhaps my colleagues will explain what form of gas Saddam used to kill more than 100,000 Kurds, including 5,000 in just one day. Perhaps they will explain why, prior to kicking out the U.N. inspection team in 1998, Iraqi officials admitted that they had produced biological weapons agents—including 4 tons of VX, 8,500 liters of anthrax and 19,000 liters of botulinum toxin—and biological weapons delivery munitions, including aerial bombs, aerial dispensers, and Scud missile warheads. Perhaps they will explain why, for more than a decade, Saddam Hussein stymied inspectors, buried research facilities, built mobile biological weapons labs, intimidated scientists, and even removed the tongues of those who questioned his regime.

I would ask my colleagues who have made these arguments to answer a question for me, then. Under their line of reasoning, why did our President seek the authority to pursue this war? If, as they claim, there was no overarching consensus that Saddam Hussein represented a danger to American security and peace in the Middle East and around the world, why did the President undertake this war? Why did so many vote to support the President, here in the Senate and in the United Nations?

War is a serious enterprise, one that is not undertaken without risk. The fact that Baghdad fell in 3 weeks, with so few casualties among coalition forces, fulfilled our greatest hopes for this conflict. I know I am thankful for that fact, and I know the President is as well. I also know that the case for this war remains solid.

This was a case built not on one piece of evidence provided by British intelligence, but on a much deeper long-term purpose. It was built on the noble goal of ending the decades of brutal and violent works by Saddam Hussein, and on our clear duty to ensure America's security in the post-9/11 world by removing state-sponsors of terrorism and opposing regimes that threaten other nations with weapons of mass destruction.

Three-hundred thousand people, maybe more, are buried in mass graves spread throughout Iraq, in nearly a hundred reported sites. They stretch from Basrah to Baghdad, from Najaf to Kirkuk. They are silent monuments to Saddam's legacy of ruthlessness and evil.

The suggestion in the face of these silent witnesses that Iraq, the Middle East, and America are not better off today than we were before this war is simply ludicrous.

We have finished the fighting. Now we must finish the job. We seek to make Iraq secure, to make it a place where the rule of law can be established, so that civilian leaders and the Iraqi Governing Council can establish a new government for a new nation.

This is not an easy task—and it is not without cost. But it must be done, so that Iraq can flourish as a free nation, and so that the victories won, the lives risked and lost, will not be in vain.

Those we spend their time playing political games with our mission in Iraq, even while our brave men and women labor to secure and stabilize this fledging nation, dishonor our soldiers in the field and the memories of all of those who sacrificed their lives opposing the bloodthirsty regime of Saddam Hussein.

President Clinton argued in 1998 that if America did not act, Saddam Hussein would:

. . . go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you, he's use the arsenal.

President Bush agreed with that argument, and he dediced to do something about it. Many of us agreed with that argument, and we voted to support the President. And I am confident history will record it as the right decision—a decision based strongly on the principles of human freedom that inspired America's foundation.

Last week, Prime Minister Blair reminded us that we have a duty as a powerful nation to take great care regarding what kind of world we leave for our children. I believe that the task that falls to us at this moment in history is spreading the blessings of liberty, bringin the light of freedom to a nation imprisoned in the darkness.

Let those who are more comfortable playing political games—play on. Those of us who wish to accomplish something greater will labor on, undeterred, always confident in our ultimate goal: We seek a just, free, and peaceful world—for ourselves, for the Iraqi people, and for future generations.

IN REMEMBRANCE OF STROM THURMOND

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD my remarks of December 9, 2002, before the U.S. Capitol Historical Society.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

''Who well lives, long lives; for this age of ours should not be numbered by years, days and hours.''

We are gathered here today to salute a friend and colleague who has lived long and spent his days well.

Strom Thurmond has been a teacher, an athletic coach, an educational administrator, a lawyer, a State legislator, a circuit court judge, a county superintendent, a soldier, a Presidential nominee, and a Governor—and all of that was packed into just his first 52 years.

In 1954, Strom won his first election to the Senate as a write-in candidate—beginning

his Senate sojourn with the singular achievement of being the only person in history to be elected to the Senate in that fashion.

As he began his Senate service with a ''first'' he also leaves it by setting two more records—that of being the longest serving Senator in U.S. history and also being the oldest person to serve in the U.S. Senate. May I note here that he is also the only person in the Senate who is old enough to be my big brother. But, Strom, like Casey Stengel, I'll never make the mistake of being 70 again.

Strom Thurmond's life is not just about length and achievement, it is about personal service and commitment.

Now, I am not speaking here about Strom's well-known appreciation for the gentler sex. I am speaking about his love of his country and his commitment to serve it.

Consider the fact that Strom Thurmond volunteered for service in World War II. He did that when he could have stayed safely at home. Strom was beyond draft age in 1942. Additionally, as a judge, he held draft-exempted status. Yet he went. And in 1944, Strom Thurmond was part of D-Day—the invasion of the beaches of Normandy that signaled the defeat of worldwide fascism. He risked his life to serve the nation he loved.

After the war, Strom Thurmond served the State that he loved by becoming its Governor.

In 1948, Governor Strom Thurmond tried again to serve the country that he loved by running for President as a States rights Democrat. He carried four States and won 39 electoral votes. Undaunted, in 1954 Strom found another way to serve his beloved State and country by being elected to the U.S. Senate. It is in this role, that of U.S. Senator, that we have come to understand the extraordinary service of this man from South Carolina.

Strom Thurmond is a man who, because of the quantity of his years, has seen enormous change—the rise and fall of Nazi Germany; the Russian Revolution; the rise and fall of the Soviet empire; two world wars; space exploration; civil rights upheaval; and incredible advances in technology and medicine. Indeed, the world is very different from the one that Strom Thurmond knew as a young man. He has been witness to the ''vicissitudes of fortune, which spares neither man nor the proudest of his works, which buries empires and cities in a common grave.''

And yet Strom has never lost his desire to serve, to make his contribution, to add his voice and his views to the rich conglomeration of beliefs and viewpoints which, when mixed together, yield an idea called America.

Strom is never one to become discouraged, disheartened or disenchanted. He loves his country, and he has been a faithful and devoted defender of the Nation's need for a strong defense. No summer soldier, no sunshine patriot, he.

Youth is not a time of life—it is a state of mind. It is not a matter of red cheeks, red lips and supple knees. It is a temper of the will; a quality of the imagination. Youth means a temperamental predominance of courage over timidity, of the appetite for a adventure over a life of ease. This often exists in a man of 50, more than in a boy of 20. Nobody grows old by merely living a number of years; people grow old by deserting their dreams.

Years may wrinkle the skin, but to give up enthusiasm wrinkles the soul.

Whether 70 or 16, there is in every being's heart a love of wonder; the sweet amazement at the stars and starlike things and thoughts.

You are as young as your faith, as old as your doubt; as young as your self-confidence, as old as your fear; as young as your hope, as old as your despair.

In the central place of your heart, there is a wireless station. So long as it receives messages of beauty, hope, cheer, grandeur, courage, and power form the Earth, from men and from the Infinite—so long are you young. When the wires are all down and the central places of your heart are covered with the snows of pessimism and the ice of cynicism, then are you grown old, indeed!

In the words of Pericles: ''It is only the love of honor that never grows old.''

Today, it is not the length but the quality of Strom Thurmond's life which we celebrate. For that marvelous life of character and courage I salute him. It is a privilege to know him, an honor to serve with him, and an education to ponder his remarkable life.

MULTIPLICATION TABLE OF HAPPINESS

Count your garden by the flowers
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all;
Count your nights by stars, not shadows,
Count your life by smiles, not tears,
And on this beautiful December afternoon,
Count your age by friends, not years.

Mr. McCONNELL. Mr. President, I rise today to pay tribute to an American political icon, patriot, war hero, and lifelong South Carolinian, Senator Strom Thurmond. While many will recall Senator Thurmond's half-century career on the political stage, I shall fondly remember the many kindnesses he extended to my family and me. He was a warm-hearted, gentle man, and I will count it as one of my life's honors to have served with him in the U.S. Senate.

I join my colleagues in extending my heartfelt condolences to his family who have lost a beloved husband, father, and grandfather. Strom was a legend in the Senate and touched many of us during his long career. In fact, I will always remember Senator Thurmond's 90th birthday party when he turned to the audience and said, ''If you all eat right, exercise, and don't drink whiskey, you'll be here for the 100th birthday party.'' Strom Thurmond was a remarkable American; I don't think we'll see another one like him for a long time, if ever.

Mr. KYL. Mr. President, we mourn the loss of Strom Thurmond, the legendary Senator who held his first public office in the late 1920s and who died on June 27 in his hometown of Edgefield, SC. The State of South Carolina lost a beloved native son and the Senate lost a cheerful, robust, honorable, and dedicated colleague. He was someone who was always eager to help me and to accommodate my concerns. It was an honor to work with him on issues of national defense, foreign policy, and many other matters important to the people of the United States.

South Carolinians' outpouring of respect when he died was massive. Senator Thurmond had been a judge, a soldier who landed in Normandy as a member of the 82nd Airborne Division in 1942, a Governor of South Carolina, and chairman of the Judiciary and Armed Services committees in this body. He was also someone who changed his mind on an issue of great import—race in America—and he was a fine example to his fellow citizens on that score.

Strom Thurmond was an indomitable spirit. He represented continuity in the U.S. Senate, becoming, in 1996, its oldest serving Member and, in 1997, its longest serving Member. Those are for the record books. But on a personal level, I can say I admired tremendously his buoyant spirit. I appreciated him for assisting me in so many ways, and for his stalwart service to our country.

THAILAND'S BUSINESS AS USUAL

Mr. McCONNELL. Mr. President, in the struggle for freedom in Burma, I am becoming increasingly convinced that Thailand is on the side of the representative junta in Rangoon.

To with, the Foreign Minister of Thailand was recently quoted: ''We are trying to find an exit for the Myanmar Government, the also reduce pressure from the international community.''

Instead of trying to find an ''exit'' for the repressive State Peace and Development Council, SPDC, Thailand should be trying to secure the release of democracy leader Daw Aung San Suu Kyi and other democrats jailed in the wake of the brutal May 30 attack on the National League for Democracy, NLD.

Thailand's ''business-as-usual'' approach places that country at odds with other Associated of Southeast Asian Nation, ASEAN, members—including Malaysia. Given the SPDC's refusal to release Suu Kyi and other Burmese democrats, Malaysian Prime Minister Mahathir rightly commented that Burma could be expelled from ASEAN ''as a last result.''

Thai Prime Minister Thaksin Shinawatra must defend democracy in Burma and should join with Malaysia and other ASEAN members in holding the SPDC accountable for their actions.

Thailand should take note that I included a provision in S. 1426, the fiscal year 2004 Foreign Operations appropriations bill, that conditions United States assistance to that country on a determination by the Secretary of State that Thailand: one, supports the advancement of democracy in Burma and is taking action to sanction the military junta in Rangoon; two, is not hampering the delivery of humanitarian assistance to people in Thailand who have fled Burma; and three is not forcibly repatriating Burmese to Burma.

It is past time for Thailand to prove its commitment to the cause of freedom and the rule of law in Burma. The Thai Foreign Minister has an opportunity to set the record straight in Bali this week. He should not miss it.

TRIBUTE TO LINDA FLATT

Mr. REID. Mr. President, I rise to pay tribute to my fellow Nevadan, Linda Flatt, from Henderson, NV.

Linda is a living example of how a person can turn her grief into action and help others.

On June 29, 1993, Linda's son Paul took his own life. He was 25 years old. In addition to having to accept the loss of her son, Linda had to accept the way she lost him.

First, Linda attended suicide survivors meetings. She transformed herself from being a victim to a survivor. She could have stopped there but she did not.

Even when she was able to accept her son's suicide, Linda realized it affected other people. All she had to do was look at her own family. Paul had left behind many relatives and friends. Unfortunately, for every family like Linda's, there are many more in Nevada and nationwide.

Linda educated herself about the problem of suicide. Eventually she linked up with the Suicide Prevention Action Network and came to Washington for a National Awareness Event. This marked the beginning of Linda Flatt's transformation from suicide survivor to community activist.

Since 1998, Linda Flatt has made it her business, as a private citizen, to educate people in Nevada about suicide. She has not just told them it is a problem; she has told them there is a solution. Prevention is the solution.

On the national front, we have developed a strategy for suicide prevention. But Nevada, which had the highest rate of suicide in the country until this year, did not. Linda Flatt did not think that was right.

Linda took the national model, and started presenting it to the Nevada Legislature. She learned about State government and the legislative process. She contacted the press and the media. She lined up witnesses for hearings. She proposed resolutions and budgets. And finally, this year, the Nevada Legislature passed SB 49, which creates a State Office of Suicide Prevention in Nevada.

On behalf of the citizens of the State of Nevada, I wish to thank Linda Flatt for her tireless efforts and unwavering faith. To say that Linda Flatt is a model citizen does not really do her justice. She has already made a difference in the lives of countless people and will, no doubt, continue to do so. I feel great pride in knowing and recognizing the accomplishments of Linda Flatt.

PROTECT ACT OF 2003 TECHNICAL AMENDMENT

Mr. HATCH. Mr. President, I rise to commend my colleagues in the House of Representatives for passing S. 1280, the PROTECT Act of 2003 Technical Amendment. This bill is directed to that portion of the PROTECT Act authorizing a pilot program to study the feasibility of instituting a national background check for volunteers who work with children. The National Center for Missing and Exploited Children will provide their expertise by evaluating criminal records of volunteers provided by the Federal Bureau of Investigation to determine if the volunteers are fit to interact and work with children.

When authorizing the pilot program, Congress immunized the National Center for its operation of the child abuse cyber-tip line but neglected to extend it to their activities connected to their operation of the background check pilot program. In order for the Center to fully implement the pilot program, this bill immunizes the Center for decisions it makes based on the criminal records provided to them in any one of the following instances: 1. a decision that the records indicate that a volunteer is not fit to work with children; 2. a decision that an individual is fit to serve as a volunteer based on the government providing incomplete or inaccurate criminal history records; or, 3. a decision that an individual is fit to serve as a volunteer where the Center is provided no criminal history records.

Chairman SENSENBRENNER, Senator BIDEN, and I have been the principal authors of this bill. We all agree that this is the proper interpretation of this technical amendment. I commend Chairman SENSENBRENNER in the House of Representatives for moving this time-sensitive bill through the House of Representatives so quickly.

Mr. BIDEN. Mr. President, I rise to commend the other body for its prompt action on S. 1280, legislation introduced by Chairman HATCH and myself and passed unanimously by the Senate on July 14. Enactment of S. 1280 will clear the way for the commencement of the Child Safety Pilot Program created by the Protect Act, a program designed to keep our kids safe from pedophiles and other criminals.

S. 1280 builds upon language included in the Protect Act at section 108 which authorized a pilot program to study the feasibility of national criminal history background checks for volunteers with organizations that work with children. In section 108, the National Center for Missing and Exploited Children is authorized to assist child-serving organizations in evaluating criminal history records to determine whether potential volunteers are fit to work with children.

We need to do all that we can to keep pedophiles and other convicted felons away from our kids. That was the intent of the background check provisions Senator HATCH, Chairman SENSENBRENNER, and I worked to include in the Protect Act. Instead of giving volunteer organizations raw criminal history data, the National Center for Missing and Exploited Children, ''NCMEC'', agreed to review the FBI's data to determine whether it reveals a criminal history rendering someone unfit to work with children.

Under section 108 of the Protect Act, NCMEC will evaluate FBI-provided criminal history records, make a determination whether these records render a potential volunteer unfit to work with children, and pass this resulting fitness determination on to the requesting volunteer organization. Unfortunately, the Protect Act did not limit NCMEC's civil liability in this area. NCMEC volunteered to take on this task, but they indicated they would be unable to make fitness determinations if they are subject to civil suits by aggrieved volunteers. And while the Protect Act provided NCMEC with a shield from civil liability for operating its cyber tip line, so long as NCMEC does so consistent with the purpose of the tip line, no similar protection was provided with respect to NCMEC's activities under the pilot background check program.

S. 1280 extends NCMEC's immunity from civil liability to actions they take pursuant to the pilot program. NCMEC will still be subject to suit for any criminal actions they take, and liable civilly if a plaintiff can show actual malice or intentional misconduct on NCMEC's part. Specifically, S. 1280 immunizes NCMEC for decisions it makes based on the criminal records provided to them by the FBI in any of the following instances: 1. When NCMEC provides a volunteer organization with a fitness determination indicating that a volunteer is not fit to work with children; 2. When NCMEC provides a volunteer organization with a fitness determination that an individual is fit to serve as a volunteer based on incomplete or inaccurate criminal history records provided by the FBI; or 3. When NCMEC provides a volunteer organization with a fitness determination that an individual is fit to serve as a volunteer based on a lack of criminal history records from the FBI. As an author of S. 1280, I understand my interpretation of the legislation is consistent with that of Chairmen HATCH and SENSENBRENNER.

Enactment of S. 1280 will permit the pilot programs authorized in the Protect Act to begin on the date called for in the legislation, July 29, 2003. I thank my colleagues in the other body for taking prompt action on S. 1280. I thank Chairman HATCH for his continued devotion to child safety issues, and I look forward to the commencement of the Child Safety Pilot Program next week.

CANADIAN HARP SEAL HUNT

Mr. LEVIN. Mr. President, the Humane Society of the United States, HSUS, has recently brought to my attention a matter that I want to share with my colleagues. According to this prestigious organization, the Canadian government provides millions of dollars of subsidies to the sealing industry every year. These subsidies facilitate the slaughter of innocent animals and artificially extend the life of an industry which has ceased to exist in most developed countries.

In 2001, a group of independent veterinarians traveled to observe the seal

hunt. What they witnessed was shocking to all who are concerned about the humane treatment of animals. The images are difficult to envision but harder to believe: skinning of live animals and the dragging of live seals across the ice using steel hooks.

Few would argue that this industry still serves a legitimate purpose. A number of years ago, an economic analysis of the Canadian sealing industry concluded that it provided the equivalent of only 100 to 150 full-time jobs each year. In addition, the analysis found that these jobs cost Canadian taxpayers nearly $30,000 each. The report concluded that when the cost of government subsidies provided to the industry was weighed against the landed value of the seals each year, the net value of the sealing industry was close to zero.

There is little about the Canadian sealing industry that is self-sustaining. The operating budget of the Canadian Sealers Association continues to be paid by the Canadian government; their rent each month is paid by the provincial government of Newfoundland and Labrador; seal processing companies continue to receive subsidies through the Atlantic Canada Opportunities Agency; Human Resources Development Canada, and other federal funding programs for staffing and capital costs. The sealing industry, through the Sealing Industry Development Council and other bodies, receives assistance for product research and development, and for product marketing initiatives, both overseas and domestically. All the costs of the seal hunt for ice breaking services and for search and rescue, provided by the Canadian Coast Guard, are underwritten by Canadian taxpayers.

Many believe that subsidizing an industry that only operates for a few weeks a year and employs only a few hundred people on a seasonal, part-time basis is simply a bad investment on the part of the Canadian government. The HSUS has already called upon the Canadian government to end these archaic subsidies and instead work to diversify the economy in the Atlantic region by facilitating long-term jobs and livelihoods.

The clubbing of baby seals can't be defended or justified, and Canada should end it just as we ended the Alaska baby seal massacre 20 years ago.

FBI CHALLENGES

Mr. GRASSLEY. Mr. President, the Federal Bureau of Investigation faces tremendous challenges in the war on terrorism, particularly with its internal operations, where a culture of fear, retaliation, and coverup demoralize agents and weaken the organizations.

Director Mueller has taken at least two important steps to address this culture. First, he has recognized it, making him one of the first Directors in recent memory to acknowledge the problem. His appointment of Judge Griffin Bell and Dr. Lee Colwell to study the Office of Professional Responsibility, OPR, is an excellent example of his recognizing the seriousness of the problem.

Second, Director Mueller has translated this attitude into action. For example, earlier this year, he justly and fairly punished a senior manager, which was especially noteworthy because he had been handpicked by the Director for the job. Just a few years ago, I could not have imagined an FBI Director taking action against a top official the way he did with Robert Jordan, the Assistant Director of OPR. By implementing the recommended punishment of the Justice Department Inspector General (DOJ OIG), Director Mueller fairly applied high standards to a senior-level FBI official.

I commend the Director for these positive developments, and that is why I feel the following issues are important.

Specifically, I am concerned about the FBI recently awarding contracts to several former senior officials involved in wrongdoing during their careers. The former top officials are Charles Mathews III, who recently retired from the position of Special Agent in Charge of the Portland, OR, Division; Thomas Coyle, who held the position of Assistant Director, Personnel Division; and Special Agent in Charge of the Buffalo, NY, Division; and Joseph Wolfinger, who retired in the late 1990s from the position of Assistant Director of the Training Division in Quantico, VA.

First, it is my understanding that Mr. Mathews recently was selected to accompany several current FBI officials on a trip to Jakarta, Indonesia, to conduct training for law enforcement and security officials.

Second, it is my understanding that MPRI, an Alexandria VA, defense and security contracting company, was awarded a contract worth between $500,000 and $1.5 million to conduct counter-intelligence training for FBI agents. Mr. Wolfinger, who holds the title of Senior Vice President and General Manager, heads MPRI's "Alexandria Group," which "will provide the highest quality education, training, and organizational expertise, to law enforcement and corporations around the world," according to the company's Web site. Mr. Coyle is listed as "Senior Law Enforcement Affiliate" for the company.

One reason I have questions about these former officials and/or their companies obtaining contracts is that they were involved in the Ruby Ridge scandal (Mathews) and the "Pottsgate" scandal (Wolfinger). Mr. Coyle was involved with both Ruby Ridge and Pottsgate.

Ruby Ridge refers not only the deadly 1992 standoff at the Idaho home of Randall Weaver, but also the ensuring coverups of misconduct and lying by senior FBI officials. The Pottsgate scandal refers to the sham conference held in 1997 so friends and co-workers of then-Deputy Director Larry Potts could fly to Washington for his retirement party on the taxpayers' dime, rather than their own personal money.

It is not worth repeating the long and sorry history of the misconduct of all the senior-level officials involved in the Ruby Ridge standoff; Pottsgate; the ensuing investigations, re-investigations, and reviews of investigations; and the failure to take appropriate disciplinary action in both matters. A full recounting covering more than a dozen officials who were involved in wrongdoing would take hundreds of pages.

The most comprehensive, public details of these two scandals are outlined in the DOJ OIG's report, entitled "A Review of Allegations of a Double Standard of Discipline at the FBI," issued in November 2002.

The FBI's reputation and integrity suffered enough when these men escaped any appropriate discipline for wrongdoing during their careers. Not only did they avoid accountability, but recent developments indicate that their former colleagues and friends are rewarding them with lucrative contracts. I am sure this is not the lesson Director Mueller wants agents and the public to learn about the FBI and the way it handles misconduct in its top ranks.

Before I explain my other concerns about Mr. Mathews, Mr. Wolfinger/MPRI, and Mr. Coyle/MPRI profiting—either directly of indirectly—from these contracts, a brief explanation of their involvement in misconduct is necessary. The following is based on the DOJ OIG's report on the double standard in discipline.

Mr. Mathews, in June 1994, led an internal inquiry into the findings of a previous criminal investigation regarding allegations of FBI misconduct during the Ruby Ridge standoff. Danny Coulson, for whom Mr. Mathews worked from 1988 to 1990 in Portand, OR, was one subject of the criminal probes and Mr. Mathews' inquiry.

Mr. Mathews' probe led to discipline for several agents and officials at the scene of the standoff, but not for any headquarters officials—including Mr. Coulson and his boss, Mr. Potts. Later, the Justice Department, DOJ, conducted criminal and administrative investigations into new allegations, including that Mr. Mathews and his investigation covered up misconduct. While under investigation for those issues, Mr. Mathews was promoted twice, and shortly after that DOJ investigation ended in 2001, he was promoted a third time to head the Portland, OR, Division. After contradictory conclusions at the senior levels of the DOJ under former Attorney General Janet Reno, Mr. Mathews, like other senior officials, escaped any discipline.

However, the November 2002 DOJ OIG report later determined that:

> Mathews should have been disciplined for failure to carry out [his] assigned duties—completing thorough and impartial inquiries—regardless of whether there was evidence of improper motivation. Moreover,

like DOJ OPR, we believe that there was sufficient evidence in the record to sustain a finding that [Mathews] acted with an improper purpose. (Page 64)

The DOJ OIG report also stated:

We also believe that Mathews' failure to rescue himself despite his relationship with Coulson, taken together with his statements and the unsubstantiated findings in his report regarding approval of the rules of engagement, established by a preponderance of the evidence that Mathews conducted an inadequate investigation. (Page 64)

The Pottsgate scandal refers to the allegation, among others, that Mr. Wolfinger, in October of 1997, arranged a conference to justify official business travel to Washington, DC, of senior officials so they could attend the retirement party of Mr. Potts, who was Deputy Director of the FBI at the time. The investigation focused on whether: the ''conference'' was a sham; it was used to justify the personal travel of officials to Washington for the party; those officials misrepresented their actions on travel forms and other government documents; and the officials were less than honest to investigators about their actions.

Mr. Wolfinger, the Assistant Director of the Training Division in Quantico, VA, was the organizer of the Thursday, October 9, 1997, retirement party for Mr. Potts. Just 7 days before the party, Mr. Wolfinger ordered a subordinate to send out a communication to the field announcing a conference for Special agents in charge, SACs, on Friday, October 10, 1997, the day after the party.

This ''conference'' was unusual in several ways, as the DOJ OIG November 2002 report points out. The conference—

announcement did not contain a conference schedule, a starting or concluding time, a training identification number, or travel instructions. The conference was scheduled for a Friday, normally a travel day for FBI employees following the conclusion of conferences. (Page 17)

The DOJ OIG report identifies other unusual characteristics of the ''conference.'' Only five people attended: Mr. Wolfinger, the subordinate he ordered to organize it, two SACs, and another individual. The agent who was ordered to give a presentation was told of the conference only 3 days before, on October 7, 1997. The conference had no formal agenda, and it lasted between 45 minutes and 90 minutes, rather than all day.

Despite the damning evidence, a disciplinary board of Senior Executive Service, SES, officials decided the ''conference'' was not a sham, though the board did conclude ''the planners exercised poor judgment in not properly preparing for it.'' (Page 26)

The DOJ OIG report notes that it is unclear exactly what action, if any, the board during two meetings decided to take against Mr. Wolfinger, who retired shortly after the board's meetings. Ultimately, however, it appears that Mr. Wolfinger was not punished. Michael Defeo, the Assistant Director of FBI OPR at the time, told the DOJ OIG that ''no recommendation as to Wolfinger was ultimately made . . .'' (Page 28)

Mr. Coyle, a coworker of Mr. Wolfinger at MPRI, was one member of the disciplinary board in the Pottsgate matter. The DOJ OIG concluded:

Coyle should not have participated because, at a minimum, an appearance of a conflict of interest existed, if not an actual conflict of interest. (Page 30)

As the DOJ OIG report notes, at the time of the board's decisions, Mr. Coyle and Mr. Potts were subjects of the Ruby Ridge investigation. The DOJ OIG wrote:

It was well known that many people wanted to attend the Potts retirement party to show support for him because of the Ruby Ridge investigation. That attitude was likely to be especially strong for someone like Coyle who also was a Ruby Ridge subject. We believe that Coyle should have recused himself or been removed from these Board proceedings. (Page 30)

The actions of these officials during their careers at the FBI are troubling. That is why I sent Director Mueller a letter today asking questions about the contracts these men were awarded. I asked for a response by Wednesday, August 27, 2003.

Mr. Chairman, I also ask that the letter, dated today, July 22, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 22, 2003.

Hon. ROBERT MUELLER,
Federal Bureau of Investigation,
Washington, DC.

DEAR DIRECTOR MUELLER: The purpose of this letter is to inquire about the FBI recently awarding contracts to several former senior officials. The former top officials are Charles Mathews III, who recently retired from the position of Special Agent in Charge of the Portland, Oregon Division; Thomas Coyle, who held the position of Assistant Director, Personnel Division, and Special Agent in Charge of the Buffalo, New York Division; and Joseph Wolfinger, who retired in the later 1990s from the position of Assistant Director of the Training Division in Quanticao, Virginia.

First, it is my understanding that Mr. Methews recently was selected to accompany several current FBI officials on a trip to Jakarta, Indonesia, to conduct training for law enforcement and security officials.

Second, it is my understanding that MPRI, an Alexandria, Virginia defense and security contracting company, was awarded a contract worth between $500,000 and $1.5 million to conduct counter-intelligence training for FBI agents. Mr. Wolfinger, who holds the title of Senior Vice President and General Manager, heads MPRI's ''Alexandria Group,'' which ''will provide the highest quality education, training and organizational expertise, to law enforcement and corporations around the world,'' according to the company's Web site. Mr. Coyle is listed as ''Senior Law Enforcement Affiliate'' for the company.

(1) Mr. Wolfinger and Mr. Coyle.

(A) Please provide a list of Mr. Wolfinger's involvement in counterintelligence cases during his career in the FBI, including the John Walker spy case. This list should include the name of the counterintelligence investigation, a brief description of the case, his role in the case, his title and place of work at the time. Also, please provide detailed information on any counterintelligence training Mr. Wolfinger participated in or led during his career at the FBI.

(B) What role did Mr. Wolfinger, David Szady, Assistant Director of the Counterintelligence Division, and Beverly Andrews, a Deputy Assistant Director in the Counterintelligence Division, play in the John Walker spy case? This reply should include their titles and place of work at the time, their duties and responsibilities, and the time period each person worked on the case.

(C) Did their relationship play any role in the awarding of the contract to Mr. Wolfinger and MPRI?

(D) Did any FBI official, in the course of awarding the contract, consider the potential appearance of favoritism if the contract was awarded to Mr. Wolfinger and MPRI?

(E) Please describe in detail the role that Mr. Wolfinger and Mr. Coyle play in supervising MPRI contract personnel conducting the counterintelligence training, and their role in fulfilling the contract in general.

(F) What objective performance measurements does the DBI employ to check whether MPRI personnel on this contract are tardy or absent from some training sessions, or lack the appropriate security clearances?

(G) Please provide all documents and materials relating to performance evaluations of MPRI contract personnel, including for Mr. Wolfinger and Mr. Coyle.

(H) Who was/were the deciding official(s) at the FBI who selected Mr. Wolfinger/MPRI for this contract? In addition, please identify all the persons involved in the contract process, including those persons dealing with the Request For Proposal, evaluating bids and making the decision to award the contract.

(I) Please provide all records generated in the course of selecting a company for this contract, including information submitted by MPRI, Mr. Wolfinger, and other bidders on the contract, as well as FBI records. This reply should include the FBI's Request For Proposal, detailed criteria used to evaluate the bidders and select MPRI.

(J) Please provide any records of contacts between the deciding official(s) for this contract and Mr. Szady or Ms. Andrews. This list of contacts should include copies of, among other things, all (1) e-mail; (2) facsimiles; (3) facsimile logs; (4) correspondence; (5) memoranda; (6) telephone bills and logs; (7) notes; (8) working papers; (9) reports; (10) minutes of meetings, transcripts or electronic recording that the FBI or its employees, contractors or counsel have in their control or possession regarding the contract.

(K) Please provide a copy of the contract. In addition, provide in summary form the compensation and general conditions and terms, as well as any modifications, deletions and changes.

(2) Mr. Mathews

(A) By what criteria and on what basis was Mr. Mathews selected for the trip of FBI officials to Jakarta, Indonesia for a training seminar? This reply should include details of Mr. Mathews qualifications for the specific purpose of the trip. This reply should also include, if relevant, the FBI's Request for Proposal, Mr. Mathews bid, and other bids. If this was not a competitively bid contract, please explain the selection process in detail.

(B) Who was/were the deciding official(s) at the FBI who selected Mr. Mathews for this trip? Please identify all persons—including title and place of work—involved in selecting Mr. Mathews for the trip.

(C) Was Mr. Mathews compensation approximately $7,000 for this 10-day trip, plus expenses? If not, please explain what his compensation was, including expenses billed to the FBI.

(D) Please provide the names, affiliation and titles of all other persons who went on the trip, whether they are or were employed by the U.S. government or not.

(E) Please provide detailed information on the nature and purpose of the trip, including the names and a brief synopsis of lectures or seminars provided by Mr. Mathews and others on the trip.

(F) What official government-issued identification or identity documents did Mr. Mathews use for his travel?

(G) Please provide a copy of Mr. Mathews' contract for this trip. In addition, please provide copies of, among other things, all (1) e-mail; (2) facsimiles; (3) facsimile logs; (4) correspondence; (5) memoranda; (6) telephone bills and logs; (7) notes; (8) working papers; (9) reports; (10) minutes of meetings, transcripts or electronic recordings that the FBI or its employees, contractors or counsel have in their control or possession regarding the contract.

(I) Will Mr. Mathews be considered for future contracts with the FBI?

I ask that these questions be answered, and requested documents provided, by Wednesday, August 27, 2003. Once the answers and documents are provided, I ask that the appropriate FBI officials brief interested committee staff on this matter.

Sincerely,

CHARLES E. GRASSLEY.

PRISON RAPE ELIMINATION ACT OF 2003

Mr. KENNEDY. Mr. President, I commend the Senate for the bipartisan cooperation in approving the Prison Rape Elimination Act.

I especially commend my lead Republican co-sponsor, Senator SESSIONS and his dedicated staff, Andrea Sander, William Smith, and Ed Haden. It has been a privilege to work with Senator SESSIONS and the two lead sponsors of this legislation in the House, Congressmen FRANK WOLF and BOBBY SCOTT.

I commend as well the extraordinary coalition of churches, civil rights groups, and concerned citizens who made this achievement possible. The coalition includes Amnesty International, Human Rights Watch, the Justice Policy Institute, the NAACP, the National Association of Evangelicals, the National Council for La Raza, Prison Fellowship, Salvation Army, the Sentencing Project, the Southern Baptist Convention, and the Youth Law Center.

The coalition has been ably led by Michael Horowitz, a senior fellow at the Hudson Institute. I also commend Mariam Bell from Prison Fellowship and the Wilberforce Forum, Vincent Schiraldi from the Justice Policy Institute, Lara Stemple from Stop Prison Rape, and John Kaneb, the courageous citizen of Massachusetts whose unyielding effort and commitment to human rights has been invaluable to this legislation.

It has taken us nearly a century to get here. It was Winston Churchill who said in 1910 that the ''mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country.''

Today, in 2003, we know that hundreds of thousands of inmates in our Nation—hundreds of thousands, not only convicted prisoners but pretrial detainees and immigration detainees as well—are victims of sexual assault each year. Of the 2 million prisoners in the United States, it is conservatively estimated that 1 in every 10 has been raped. According to a 1996 study, 22 percent of prisoners in Nebraska had been pressured or forced to have sex against their will. Human Rights Watch has reported ''shockingly high rates of sexual abuse'' in U.S. prisons.

Prison rape has devastating physical and psychological effects on its victims. It also has serious consequences for communities. Six hundred thousand inmates are released from prison or detention each year, and their brutalization clearly increases the likelihood that they will commit new crimes after they are released.

Infection rates for HIV, other sexually transmitted diseases, tuberculosis, and hepatitis are far greater for prisoners than for the population as a whole. Prison rape undermines the public health by contributing to the spread of these diseases, and often giving potential death sentences to its victims because of AIDS.

In 1994, the Supreme Court ruled that ''being violently assaulted in prison is simply not part of the penalty that criminal offenders pay for their offenses against society.'' Federal, State, and local government officials have a duty under the Constitution to prevent prison violence. Too often, however, officials fail to take obvious steps to protect vulnerable inmates.

The Prison Rape Elimination Act has been carefully drafted to address the crisis of prison rape, while still respecting the primary role of States and local governments in administering their prisons and jails. The act directs the Department of Justice to conduct an annual statistical analysis of the frequency and effects of prison rape. It establishes a special panel to conduct hearings on prison systems, specific prisons, and specific jails where the incidence of rape is extraordinarily high. It also directs the Attorney General to provide information, assistance, and training for Federal, State, and local authorities on the prevention, investigation, and punishment of prison rape. It authorizes $40 million in grants to strengthen the ability of State and local officials to prevent these abuses.

Finally, the act establishes a commission that will conduct hearings in the next 2 years and recommend national correctional standards on issues such as staff training, inmate classification, investigation of rape complaints, trauma care for rape victims, and disease prevention.

These standards should apply as soon as possible to the Federal Bureau of Prisons. Prison accreditation organizations that receive Federal funding will be required to adopt the standards. Each State must certify either that it has adopted and is in full compliance with the national standards, or that the State will use 5 percent of prison-related Federal grants to come into compliance with the standards. States that fail to make a certification will have their grants reduced by 5 percent.

The Prison Rape Elimination Act is an important first step. We know that prison education programs reduce recidivism and facilitate the reentry of prisoners into society. Pell grant eligibility should be restored to prisoners who are scheduled for release. Because the high incidence of HIV and hepatitis B and C in prisoners threatens the health of many others, medical testing and treatment for infected prisoners should be expanded and improved. Congress should also repeal the provisions of the Prison Litigation Reform Act that prevent inmates who have been abused from raising their claims in court.

I commend our Senate and House colleagues for their strong support of the Prison Rape Elimination Act, and I look forward to its enactment.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on September 17, 2001. In Wilmington, DE, a 25-year-old man was charged with a hate crime after he and a 22-year-old friend fled a liquor store with several bottles of alcohol. When the Middle Eastern manager of the store attempted to stop the pair, the thief yelled, ''Bin Laden, you're going to pay for it,'' before striking him.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

Mrs. FEINSTEIN. Mr. President, during the height of the war in Iraq, I came to the floor to honor those from California who had made the ultimate sacrifice. And I paid tribute to these service members who embody the very best of the American spirit, those willing to give their own lives so we and others around the world can enjoy the blessings of freedom.

At least eight men with California connections have died in Iraq since May 1 due either to accident or hostile enemy fire. I strongly believe that they

and the others from across our country must be awarded the same respect and admiration as any American, in any war, at any time in our history.

SGT Atanasio Haro Marin Jr., 27, known as ''Nacho'' to his family, was born in Momax, Mexico, and lived there with his mother while his father worked in California to support seven children. The family was reunited in Los Angeles when he was 2 years old, moving to suburban Baldwin Park. He competed on the Sierra Vista High School track team and also ran in a Los Angeles marathon. Upon graduation, he joined the National Guard. When his tour of duty ended, he transferred to the Army.

Sergeant Marin was assigned to Battery C, 3rd Battalion, 16th Field Artillery Regiment, and died on June 3, when his checkpoint south of Balad, Iraq, was attacked with gunfire and rocket-propelled grenades. He was 27 years old.

He last saw his family during a January leave, 2 months before he left for the Middle East. He called home twice in April and sent a Mother's Day card that read: ''Don't worry, be happy.''

A native of Eureka, CA, CPT Andrew David La Mont was the youngest of nine children and came from a family with strong ties to the military. His father and grandfather were career military men.

''He was a tremendous son and a fantastic marine,'' said his mother, Vivian La Mont. He was single and had served with the Marines since graduating from San Diego State University in 1994. La Mont had previously served in Kosovo and Afghanistan.

Twenty-one-year-old LCPL Jason Moore was described as a rather wild young man with a boundless spirit, whose enthusiasm led him to the Marine Corps.

Moore died on May 19 in Iraq when the CH–46 Sea Knight helicopter he helped crew crashed into a canal. Four other Camp Pendleton marines were killed in the same incident.

His parents, Bill and Gale Moore, buried their only son at Fort Rosecrans National Cemetery.

He graduated from San Marcos High School in 2000. His neighbor Deane Terry said Moore was clearly bound for Marine aviation from a young age, after his interest in the Civil Air Patrol and radio-controlled planes.

''He was going to continue to aim high one way or another,'' said Terry, whose son was Moore's playmate. Terry described the day Moore returned from Marine boot camp and stood straight and proud in his uniform in the Terry living room.

''He was so excited to be a Marine,'' said Terry, who added that Moore joined the high school swim team just to prepare himself physically for the service. ''He went at the Corps at full speed, not hesitating, not looking back.''

PVT Jose Gonzalez spoke very little English when he arrived as a freshman at John Glenn High School in Norwalk, CA. By the time he graduated in 2001, he had earned high honors in college preparatory classes.

The Mexican native also played varsity baseball, becoming a player who coach Bill Seals could count on at nearly any position: pitching or playing in the outfield or infield. He always wore his team hat to school, every day, year-round. The coach said it was about pride.

With his diploma in hand, Gonzalez embraced another part of American life: the military. He entered the Marine Corps 2 months after graduation and became a supply clerk.

Gonzalez deployed to Iraq with Camp Pendleton's 1st Force Service Support Group and survived the war. On May 12, he was killed when ordnance he was handling detonated. He was just 19 years old.

In Norwalk, Gonzalez is survived by parents and two teenage sisters. Gonzalez was not forgotten at his old high school. John Glenn students have created a memorial on the auditorium stage—they leave flowers, candles, and signs offering tribute to the soft-spoken man who died for his adopted country.

The last time Paul Tokuzo Nakamura, of Santa Fe Springs, called home from Iraq was on Father's Day, when he told his family that all was well.

''The first thing he told me was that he had showered and had steak for dinner,'' his father, Paul Nakamura, said Wednesday. ''We know he was lying. He didn't want us to worry.''

The 21-year-old Nakamura joined the Army Reserves out of patriotism despite his father's protests.

''One day he said, 'Mom, Dad, I'm so proud I was born in the United States,''' his mother, Yoko, 55, told those gathered at a memorial service.

Nakamura was stationed with the 437th Medical Company, based in Colorado Springs, CO. He was sent to the Middle East in February and was killed on June 19, when the ambulance he was in was struck by a rocket-propelled grenade in Al Iskandariyah, south of Baghdad.

''He was a rascal—you would tell him not to do something, and he would do it anyway,'' said his sister, Pearl. He was a lifeguard who taught swimming at the Santa Fe Springs Aquatic Center since he was 17 and was on his high school's water polo team.

Twenty-five-year-old Army Ranger Andrew Chris followed in the footsteps of his relatives when he joined the military in 2001. Both of his grandfathers served in World War II, his father served in the Army, his uncle in Special Forces and his brother Derek in the Navy. It was a way to connect with the generations of his family.

Chris was killed in combat operations on June 25, just a few days after arriving in Iraq. Ordnance exploded near the vehicle Chris was riding in, and the Army Ranger died immediately.

Before Chris joined the Army, he lived for 5 years in California, most of them in San Diego. After he graduated from high school in Florence, AL, he moved to Lemoore, south of Fresno, to live with his brother.

He spent many weekends exploring and camping in the mountains of California and Arizona. He was also well read, with a special interest in World War II and planned to teach high school history when he completed his military career.

Andrew Chris was quiet and reserved, and extremely loyal to family and friends. He had visited his brother Derek's family just before he was sent to Iraq.

Josh Chris said knowing that his brother died doing what he loved has made it easier to accept. ''He was spiritually and emotionally ready.''

From the outset of the conflict in Iraq, I have learned a great deal about those who have died from the local newspapers. Yet there have been a few individuals whose stories remain largely untold to the public.

One of those is Marine CPL Douglas Jose Marencoreyes, a 28-year-old from Chino, who was assigned to the Light Armored Vehicle-Air Defense Battery, 4th Light Armored Reconnaissance Battalion. He was killed when the transport truck he was riding in rolled over.

I also learned relatively little about 19-year-old Ryan Cox, from Derby, KS, who was stationed at 29 Palms, CA, and died due to a noncombat weapons discharge on June 15.

Still, we know that he loved to surf and skydive and that, according to his mother, Robin Hamilton, he was doing what he wanted to do. ''He was serving his country. I couldn't have asked for a better son.''

Nor, for that matter, could the United States. We must never forget to remind those left behind—mothers and fathers, wives and children—of how proud we are of America's brave sons and daughters.

We must never lose sight of their achievement or their sacrifice, not to mention the enormous sacrifices made by their families, the ones left behind.

AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

Mr. KENNEDY. Mr. President, I welcome the opportunity to commend the American Political Science Association on the 50th anniversary of its Congressional Fellowship Program.

Since 1953, the association's fellowships have brought talented journalists, scientists, scholars, sociologists, and domestic and foreign policy specialists to spend a few months as staff members in our offices in Congress.

I have consistently been impressed with the skill of these fellows in my Senate office over the years, and their expertise has been an important asset.

Their detailed knowledge of their professions is outstanding, and contributes significantly to our work on the issues before us.

The association's Congressional Fellowship Program has been a valuable addition to the Senate over the past five decades, and their work is more important now than ever. The American Political Science Association deserves great credit for sponsoring these fellowships.

BUILDING ON WELFARE REFORM ACT

Mr. NELSON of Nebraska. Mr. President, it has become clear that welfare programs created in the 1960s to be safety nets became spider webs by the 1990s. The old welfare system provided monetary assistance but did not do enough to provide job training, education, and other paths towards self-sufficiency. The welfare reforms of 1996 changed the old system and gave States more freedom to attempt new and innovative approaches to move people from welfare to work.

This legislation expired last year, and Congress must look to enhance the successes of the 1996 law. I am pleased today to join Senator CARPER in cosponsoring the Building on Welfare Reform Act—a bill that will continue to help people move from welfare to work.

During my time as Governor, Nebraska began programs like Employment First and Families First that provided much-needed assistance to low-income families and helped them find a way to leave the cycle of welfare dependency. The average time a family spent on assistance fell nearly two-thirds and Nebraska taxpayers saved $14 million.

The best path to self-sufficiency is work. This bill increases the percentage of welfare recipients who must work from 50 to 70 over the next 5 years. The bill also requires a 32-hour workweek from able welfare recipients. States will receive credit for moving people from welfare to work, not just off welfare. This will encourage States to solve problems that present an obstacle to meaningful work and lasting independence from public assistance programs.

Since 1996, welfare reform has been successful, not just because it requires work but also because it provides the resources to families to meet the work requirements. Our welfare reform proposal provides funding for childcare, transitional jobs, and public-private educational partnerships that will allow welfare recipients to gain the skills they need to advance in the workplace and become independent.

Because a strong family is essential to breaking the cycle of poverty, our welfare reform proposal encourages families to stay together and provides assistance to families who do. Another provision provides additional funds to prevent teen pregnancy with a bonus to States that meet this goal.

Given flexibility and resources, States have worked their own magic since the welfare program was revamped, and I will continue to support this approach as we embark on the next generation of welfare reform.

TRIBUTE TO INTERNS

Mr. HARKIN. Mr. President, today I extend my appreciation to my summer 2003 class of interns: Anne Wilzbacher, Joanna Busch, Angela Wilson, Cliff Sullivan, Nick Herbold, Alex Nelson, Omar Ul Haq, Theresa Reilly, Derek Wulf, Kalsoom Lakhani, Dave Townsend, Haley Wallace, Josh Craft, Ermira Babamusta, Becca North, Abby Smith, Michael Kuehner, Charles Monterio and Carolyn Timberlake. Each of them has been a tremendous assistance to me and to the people of Iowa over the past several months, and their efforts have not gone unnoticed.

Since I was first elected into the Senate in 1984, my office has offered internships to young Iowans and other interested students. Through their work in the Senate, our interns have not only seen the legislative process, but also personally contributed to our Nation's democracy.

It is with much appreciation that I recognize Anne, Joanna, Angela, Cliff, Nick, Alex, Omar, Theresa Derek, Kalsoom, Dave, Haley, Josh, Ermira, Becca, Abby, Michael, Charles and Carolyn for their hard work this summer. It has been a delight to watch them take on their assignments with enthusiasm and hard work. I am very proud to have worked with each of them. I hope they take from their summer a sense of pride in what they've been able to accomplish and an increased interest in public service and our democratic system and process.

ADDITIONAL STATEMENTS

HONORING ANGELA CONNOLLY

• Mr. HARKIN. Mr. President, I rise today to recognize the government leadership exemplified by Angela Connolly, the Chairwoman of the Polk County Board of Supervisors, in Des Moines, IA, who has been selected the National County Leader of the Year. American City and County, a national magazine about local government, honored Angela at the 2003 Annual Conference of the National Association of Counties that took place earlier this month. I have known Angela many years, and can testify to her commitment to the use of government in making people's lives better.

Angela has exercised her leadership on a number of issues that have greatly impacted Iowa's capital city in a positive way. Her advocacy and tireless work on the Iowa Events Center will bring a premiere entertainment and athletics venue to central Iowa, and she was key in securing Vision Iowa funding for the Capital City Vision Projects, which include a new science center, a higher education learning center, a riverwalk, and a home for the World Food Prize. Angela also led the board of supervisors through a reorganization that significantly reduced a budget deficit and brought about efficiencies in the delivery of county services.

Angela Connolly was elected to the Polk County Board of Supervisors in 1998, and is currently serving her second term and is the 2003 chairperson. Prior to her election, Angela served more than 20 years as a Polk County employee. Angela is active in many civic and community activities, serving on a dozen boards and commissions and nearly 20 additional committees and community organizations. A champion of health and human services, she serves on boards advocating for services for children, persons with disabilities, and mental health treatment. Among the boards she serves are: the Metro Mayors Group, Greater Des Moines Partnership, Greater Des Moines Convention and Visitors Bureau, Polk County Housing Trust Fund, Metropolitan Advisory Council, Polk County Health Services, Polk County Correctional Services, and the Des Moines Arts Festival.

Angela Connolly is an exemplary leader in county government, who serves her constituents with honor and integrity. I look forward to continuing to work with her to make Iowa a great place to call home.•

TRIBUTE TO THE CLARK COUNTY FIRE DEPARTMENT

• Mr. BUNNING. Mr. President, I pay tribute to the Clark County Fire Department and its personnel for their progress in improving fire protection for the citizens of Clark County. Their recent accomplishments have not gone unnoticed.

Through hard work and increased investment in manpower, equipment, training, and facilities, the firefighters of Clark County have made great strides to serve their fellow Kentuckians. They finished construction of the Rogers-Parrish Fire Station No. 3 in Trapp which compliments the fire protection provided by the main station on Barnes Drive and Station No. 2 on Fulton Road. Cooperation by the City of Winchester was instrumental to increasing fire protection by investing in better fire hydrants, better water distribution systems, and more advanced fire training facilities.

While funding is a significant component to improving fire protection, no dollar sign can be placed on the bravery, courage, and commitment inherent in those who put themselves into harm's way to protect those in danger. The firefighters of the Clark County Fire Department are heroes to so many and deserve our gratitude. At a moment's notice, they can be relied upon to respond to any emergency regardless of the circumstances to assure the safety of those in need.

As our Nation takes measures to strengthen our homeland security, it

will be imperative that fire departments throughout Kentucky and across America follow the example of the Clark County Fire Department and work with local municipalities to improve fire protection services. I am proud of their efforts and am grateful for how well they have represented the Commonwealth. I thank the Senate for allowing me to recognize the Clark County Fire Department and its personnel for their service to their community and to our Nation. They are Kentucky at its finest.●

TRIBUTE TO THOMAS D. CLARK

● Mr. BUNNING. Mr. President, I pay tribute to Thomas D. Clark, Kentucky's most prominent historian. On Monday, July 14, 2003, Mr. Clark celebrated his 100th birthday, Remarkably, Mr. Clark's life has spanned nearly half of Kentucky's history.

Thomas Clark is an esteemed southern historian and writer, agrarian and preservationist. Having grown up on a cotton farm in Mississippi, Mr. Clark came to the State as a graduate student enrolled in the University of Kentucky in 1928. Less than 3 years later he decided to settle in Kentucky and delve into its history.

In 1937, Mr. Clark's ''A History in Kentucky'' was published, and it is still considered the definitive work on Kentucky history by the State Department for Libraries and Archives. Mr. Clark was declared Kentucky's historian laureate for life in 1990, and to this day, maintains his enthusiasm and passion for Kentucky history. That he lived and experienced much of the history he wrote is testament to this man's inimitable and authoritative qualities.

In addition to being Kentucky's premier historian, Mr. Clark paid the State a great service by saving part of its history. In 1936 he stopped the State librarian, who had run out of storage space, from selling truckloads of records as scrap. He then encouraged the Governor to create a State archive and established a special documents collection at the University of Kentucky's library.

Mr. Clark's ardor for Kentucky and its history and his tenacity for historical preservation makes this man one of Kentucky's greatest heroes. For generations to come, Kentucky will be indebted to this man. I thank the Senate for allowing me to recognize Mr. Clark and voice his praises. He is Kentucky at its finest.●

HINSDALE CELEBRATES ITS 250TH BIRTHDAY

● Mr. GREGG. Mr. President, today in honor of Hinsdale, NH. This great American community is celebrating the 250th anniversary of its founding, and I am proud to recognize this historic event.

Over 4,000 people call themselves citizens of Hinsdale. From the town's incorporation in 1753 through today, they have made enormous contributions to not only New Hampshire's economic and cultural heritage but to our country's as well. Colonel Ebenezer Hinsdale, who many consider to be the founder of the town, was described as a ''man for all seasons.'' He was a missionary, a farmer, a soldier and a conservationist long before that term became commonplace. He built Fort Hinsdale and served in the French and Indian Wars. He truly was a man of action. It is therefore appropriate that this community bears his surname because successive generations of residents have continued to build upon the example he set. For example, Charles A. Dana, a Hinsdale native, served as the Assistant Secretary of War during the Civil War and later was the editor of the old New York Sun, one of the most prominent daily newspapers in its day. Another native, Jacob Estey, founded and manufactured the Estey Organ which was a must-have musical instrument in the late 1800's. William Haile became the first Republican Governor of New Hampshire in 1857 when the Republicans were still a fledgling party. Clearly, he must have possessed strong leadership qualities.

In addition, Hinsdale can rightly claim to be the birthplace of the automobile. In 1875, George A. Long, then an apprentice in the Holman & Merriman machine shop, built and successfully demonstrated a steam car right in Hinsdale. The first test of his invention, which was described as a boiler set upon a carriage with regular wooden wheels, was scheduled to take place late one night that year to avoid embarrassment. Of course, news of the test leaked out and a curious crowd gathered to watch George Long's car run a few yards then stop. He made improvements in it and he, and his invention, soon became known for running horses and buggies right off the road. He later built a second steam auto with an advanced two-cylinder engine. This auto included adjustable seats for two, rubber tires, two speeds and front wheel brakes. Truly, George Long was a man ahead of his time.

All of these people and their stories illustrate the rich heritage for which Hinsdale can rightly be proud. It is my honor to salute the citizens of this great community as they celebrate Hinsdale's 250th birthday.●

COMMEMORATING THE 50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

● Mr. WYDEN. Mr. President, I would like to congratulate the American Political Science Association on five decades of tremendous success in its Congressional Fellowship Program. Since 1953, the A.P.S.A. has trained and supported over 1800 Fellows, bringing top academic scholars, political journalists, experienced public servants, and others to the Hill. For 9 months, they learn from and contribute to the political process. These Fellows include political scientists, sociologists, journalists, domestic and foreign policy specialists, physicians, Native American Hatfield Fellows, staff from other legislative bodies, and international scholars. All of them have benefited greatly from the opportunity to take part in the legislative process, and Congress as an institution has been improved by their participation.

Throughout my careers in both the House and in the Senate, I have had the pleasure of hosting A.P.S.A. Congressional Fellows in my office. Beginning in 1985, I have hosted eight Fellows, two of whom are with my office now. Joe Bowersox, an associate professor of political science at Willamette University in Salem, OR, works on forestry issues, wildfire prevention, and a host of other environmental issues. Thad Kousser, an assistant professor of political science at the University of California, San Diego has assisted with the budget, health care, and preventing government waste. Like all of the Fellows I host, they are treated as professional staff. They have prepared me for hearings, met with constituents and policy experts, drafted statements, worked out of my State offices in Oregon, and helped me to craft legislation.

I am able to give so much responsibility to A.P.S.A. Fellows because they have gone through such extensive training in their program. In the fall before they begin work, the Fellows attend 3 weeks of intensive instruction in a broad range of domestic and foreign policy issues as well as practical politics. The training is hosted by the Johns Hopkins School of Advanced International Studies and taught by a collection of Washington's top experts. After this orientation, the Fellows attend a 4-day Advanced Legislative Institute Seminar run by the Congressional Research Service. Even after they have joined an office, the Fellows continue their education by attending the Wilson Seminar Series on Friday afternoons. This comprehensive preparation is a large part of what has made the program so successful.

The program has also benefited from the enduring commitment of the American Political Science Association to keep the connections between academia and Congress strong. It is administered out of the Association's national headquarters and has in recent years been expertly led by Jeff Biggs, a former A.P.S.A. Fellow himself. Other distinguished alumni of the program include Thomas Mann, Norman Ornstein, Rep. BOB FILNER, former Rep. Steve Horn, and Vice President DICK CHENEY. I hope that the next 50 years of the Fellowship will be as successful as its first five decades.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT DETAILING THE PROGRESS OF SPENDING BY THE EXECUTIVE BRANCH DURING THE FIRST TWO QUARTERS OF FISCAL YEAR 2003 IN SUPPORT OF PLAN COLOMBIA—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Appropriations:

To The Congress of The United States:

Consistent with section 3204(e), Public Law 106–246, I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2003 in support of Plan Colombia.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 22, 2003*.

MESSAGE FROM THE HOUSE

At 5:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1280. An act to amend the PROTECT Act to clarify certain volunteer liability.

S. 1399. An act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the ''William J. Scherle Post Office Building''.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 23. An act to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks.

H.R. 1437. An act to improve the United States Code.

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery system.

H.R. 2249. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service, and for other purposes.

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''.

H.R. 2357. An act to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs and to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 212. Concurrent resolution recognizing and supporting the goals and ideals of the Year of the Korean War Veteran, and for other purposes.

H. Con. Res. 230. Concurrent resolution honoring the 10 communities selected to receive the 2003 All-America City Award.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, July 22, 2003, by the President pro tempore (Mr. STEVENS):

S. 246. An act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

H.R. 733. An act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver Historic Site, and for other purposes.

H.R. 2330. An act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 23. An act to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1437. An act to improve the United States Code; to the Committee on the Judiciary.

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery system; to the Committee on Veterans' Affairs.

H.R. 2249. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''; to the Committee on Governmental Affairs.

H.R. 2357. An act to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs and to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 212. Concurrent resolution recognizing and supporting the goals and ideals of the Year of the Korean War Veteran, and for other purposes; to the Committee on Veterans' Affairs.

H. Con. Res. 230. Concurrent resolution honoring the 10 communities selected to receive the 2003 All-America City Award; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported than on today, July 22, 2003, she had presented to the President of the United States the following enrolled bill:

S. 246. An act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–234. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to tax issues related to the phase out of the Oldsmobile; to the Committee on Finance.

HOUSE RESOLUTION NO. 192

Whereas, The phase out of the Oldsmobile line of General Motors is bringing to a close an historic chapter in American automotive history. The end of this component of one of the world's largest corporations also has significant administrative and tax considerations that need to be addressed quickly to provide for a fair and smooth transition for those whose livelihoods are jeopardized; and

Whereas, As compensation for the loss of years of goodwill and the erosion of the value of large financial investments, Oldsmobile dealerships will be paid a one-time settlement. As federal tax laws now stand, this payment would be subject to personal and business federal taxes as income. In reality, however, the settlement money clearly should be categorized as involuntary converted property. Under this determination, the manufacturer's settlement would be treated like other property that can be converted to similar purposes over a specific period of time; and

Whereas, Every effort should be made to encourage the reinvestment of settlement resources to mitigate job loss, lessen the economic stress to local communities, and protect families from more serious financial difficulties. In addition, it would be poor public policy for the federal government to reap a tax revenue windfall as a result of this rare and unique situation; and

Whereas, As the home of the Olds automotive legacy and 20 of the top 50 Oldsmobile dealerships, Michigan has a major stake in the fair treatment of these businesses and individuals. It would be wrong for the tax code to act as a disincentive to the reinvestment of the settlement dollars in job-creating enterprises; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact H.R. 2374 to amend the Internal Revenue Code to consider certain transitional dealer assistance related to

the phase out of Oldsmobile as an involuntary conversion; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States House, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES— Monday, July 21, 2003

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 481. A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes (Rept. No. 108–108).

S. 926. A bill to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies (Rept. No. 108–109).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with amendments:

S. 908. A bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes (Rept. No. 108–110).

By Mr. GRASSLEY, from the Committee on the Judiciary and the Committee on Finance, jointly, without amendment:

S. 1416. A bill to implement the United States-Chile Free Trade Agreement.

S. 1417. A bill to implement the United States-Singapore Free Trade Agreement.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CHAFEE:

S. 1437. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mr. INOUYE, and Mrs. MURRAY):

S. 1438. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

By Mr. BUNNING:

S. 1439. A bill to amend part E of title IV of the Social Security Act to reauthorize adoption incentives payments under section 473A of that Act and to provide incentives for the adoption of older children; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. LEAHY):

S. 1440. A bill to reform the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 1441. A bill to amend title 18, United States Code, with respect to false information regarding certain criminal violations concerning hoax reports of biological, chemical, and nuclear weapons; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 1442. A bill to preserve the political independence of the National Women's Business Council; to the Committee on Small Business and Entrepreneurship.

By Mr. CARPER (for himself, Mr. NELSON of Nebraska, and Ms. COLLINS):

S. 1443. A bill to amend part A of title IV of the Social Security Act to reauthorize the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 1444. A bill to amend the Head Start Act to increase the reservation of funds for programs for low-income families with very young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. BIDEN, and Mr. INHOFE):

S. Res. 198. A resolution expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S . 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 229

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S . 229, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 249

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 249, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse.

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 337

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 337, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Solid Waste Disposal Act to prohibit the use of arsenic-treated lumber as mulch, compost, or a soil amendment, and to prohibit the manufacture of arsenic-treated wood for use as playground equipment for children, fences, walkways, or decks or for other residential or occupational purposes, and for other purposes.

S. 346

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 346, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements.

S. 373

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 373, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 478

At the request of Mr. SARBANES, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 518

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. TALENT), the Senator from Michigan (Ms. STABENOW) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 640

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 720

At the request of Mr. JEFFORDS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 720, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 775

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 775, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry-specific clients eligible for hazard mitigation and disaster assistance.

S. 894

At the request of Mr. WARNER, the names of the Senator from Maine (Ms. COLLINS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 973

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S . 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 976

At the request of Mr. WARNER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act , the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 985

At the request of Mr. DODD, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1153

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 1190

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1190, a bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1265

At the request of Mr. CORZINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1265, a bill to limit the applicability of the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2004-2005, published in the Federal Register on May 30, 2003.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S . 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1301

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1301 , a bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

S. 1335

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1335 , a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1363

At the request of Mr. REID, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1363, a bill to prohibit the study or implementation of any plan to privatize, divest, or transfer any part of the mission, function, or responsibility of the National Park Service.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1397

At the request of Mr. GREGG, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1423

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1423, a bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

S. 1429

At the request of Mr. CHAFEE, the names of the Senator from Maine (Ms. SNOWE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1429, a bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Minnesota (Mr. COLEMAN), the Senator from Ohio (Mr. DEWINE), the Senator from Ohio (Mr. VOINOVICH), the Senator from Maine (Ms. SNOWE), the Senator from Montana (Mr. BURNS) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

S. RES. 167

At the request of Mr. CAMPBELL, the names of the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from Montana (Mr. BAUCUS), the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Res. 167, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

AMENDMENT NO. 1317

At the request of Mr. BYRD, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 1317 proposed to H.R. 2555, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1317

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 1317 proposed to H.R. 2555, supra.

AMENDMENT NO. 1317

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 1317 proposed to H.R. 2555, supra.

AMENDMENT NO. 1317

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 1317 proposed to H.R. 2555, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE:

S. 1437. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Finance.

Mr. CHAFEE. Mr. President, I am pleased to be introducing the Child Support Fairness and Tax Refund Interception Act of 2003 today.

The Child Support Fairness and Tax Refund Interception Act of 2003 closes a loophole in current Federal statute by expanding the eligibility of one of the most effective means of enforcing child support orders—that of intercepting the Federal tax refunds of parents who are delinquent in paying their court-ordered financial support for their children.

Under current law, eligibility for the Federal tax refund offset program is limited to cases involving minors, parents on public assistance, or adult children who are disabled. Custodial parents of adult, non-disabled children are not assisted under the IRS tax refund intercept program, and in many cases, they must work multiple jobs in order to make ends meet. Some of these parents have gone into debt to put their college-age children through school.

The legislation I am introducing today will address this inequity by expanding the eligibility of the Federal tax refund offset program to cover parents of all children, regardless of whether the child is disabled or a minor. This legislation will not create a cause of action for a custodial parent to seek additional child support. It will merely assist the custodial parent in recovering debt that is owed for a level of child support that was determined by a court.

Improving our child support enforcement programs is an issue that should be of concern to us all as it remains a serious problem in the United States. According to the most recent government statistics, there are approximately seventeen million active cases in which a child support order requires a noncustodial parent to contribute to the support of his or her child. Of the almost $25 billion owed in 2001, only $14 billion has been collected. In 1998, only 23 percent of children entitled to child support through our public system received some form of payment, despite Federal and State efforts. Similar shortfalls in previous years bring the combined delinquency total to approximately $88 billion. We can fix this injustice in our federal tax refund offset program by helping some of our most needy constituents receive the financial assistance they are owed.

While previous Administrations have been somewhat successful in using tax refunds as a tool to collect child support payments, more needs to be done. The IRS tax refund interception program has only collected one-third of tardy child support payments. The Child Support Fairness and Tax Refund Interception Act of 2003 will remove the current barrier to fulfilling an individual's obligation to pay child support, while helping to provide for the future of our nation's children.

I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the text of legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1437

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 ''Child Support Fairness and Tax Refund Interception Act of 2003''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Enforcing child support orders remains a serious problem in the United States. There are approximately 17,100,000 active cases in which a child support order requires a noncustodial parent to contribute to the support of his or her child. Of the $24,700,000,000 owed in 2001 pursuant to such orders, $14,200,000,000, or 57 percent, has been collected.

(2) It is an injustice for the Federal Government to issue tax refunds to a deadbeat spouse while a custodial parent has to work 2 or 3 jobs to compensate for the shortfall in providing for his or her children.

(3) The Internal Revenue Service (IRS) program to intercept the tax refunds of parents who owe child support arrears has been successful in collecting a tenth of such arrears.

(4) Congress has periodically expanded eligibility for the IRS tax refund intercept program. Initially, the program was limited to intercepting Federal tax refunds owed to parents on public assistance. In 1984, Congress expanded the program to cover parents not on public assistance. Finally, the Omnibus Budget Reconciliation Act of 1990 made the program permanent and expanded the program to cover parents of adult children who are disabled.

(5) The injustice to the custodial parent is the same regardless of whether the child is disabled, non-disabled, a minor, or an adult, so long as the child support obligation is provided for by a court or administrative order. It is common for parents to help their adult children finance a college education, a wedding, or a first home. Some parents cannot afford to provide such help because they are recovering from debt incurred to cover expenses that would have been covered if the parent had been paid the child support owed in a timely manner.

(6) This Act addresses such injustices by expanding the IRS tax refund intercept program to cover parents of all adult children, regardless of whether the child is disabled.

(7) This Act does not create a cause of action for a custodial parent to seek additional child support. This Act merely helps the custodial parent recover debt owed for a level of child support that was set by a court after both sides had the opportunity to present arguments about the proper amount of child support.

SEC. 3. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

Section 464 of the Social Security Act (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking ''(as that term is defined for purposes of this paragraph under subsection (c))''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''(1) Except as provided in paragraph (2), as used in'' and inserting ''In''; and

(ii) by inserting ''(whether or not a minor)'' after ''a child'' each place it appears; and

(B) by striking paragraphs (2) and (3).

By Ms. CANTWELL (for herself, Mr. INOUYE, and Mrs. MURRAY):

S. 1438. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation with my friend and colleague Senator MURRAY, as well as the vice chairman of the Indian Affairs Committee Senator INOUYE, that provides an equitable settlement to the Spokane Tribe of Indians. This bill addresses the decision of the Federal Government to take lands belonging to the tribe in order to construct the Grand Coulee Dam on the Columbia River.

For more than half a century, the Grand Coulee Project has made an extraordinary contribution to this Nation. It helped pull the economy out of the Great Depression. It provided the electricity that produced aluminum required for airplanes and weapons that ensured our national security. The project continues to produce enormous revenues for the United States, it is a key component of the agricultural economy in eastern Washington, and plays a pivotal role in the electric systems serving the entire western United States.

However, these benefits have come at a direct cost to tribal property that became inundated when the U.S. Government built the Grand Coulee Dam. Before dam construction, the free flowing Columbia River supported robust and plentiful salmon runs and provided for virtually all of the subsistence needs of the Spokane Tribe. After construction, the Columbia and its Spokane river tributary flooded tribal communities, schools, and roads, and the remaining stagnant water continues to erode reservation lands today.

The legislation Senators INOUYE, MURRAY, and I are introducing today is similar to P.L. 103–436, which was enacted in 1994 to provide the neighboring Confederated Colville Tribes. This bill would provide the Spokane Tribe of Indians' with compensation that is directly proportional to the settlement afforded the Colville Tribes. Specifically, the Spokane Tribe would receive 39.4 percent of the past and future compensation awarded the Colville Tribes pursuant to the 1994 legislation. This percentage is based on the proportion of tribal lands impacted after the Federal Government built the Grand Coulee Project.

The United States has a trust responsibility to maintain and protect the integrity of all tribal lands within its borders. When Federal actions physically or economically impact harm, our Nation has a legal responsibility to address and compensate the damaged parties. Unfortunately, despite countless efforts, half a century has passed without justice to the Spokane people.

The time has come for the Federal Government to finally meet is fiduciary responsibility for converting the Spokane tribe's resources to its own benefit. Senators INOUYE, MURRAY, and I believe that the legislation we are proposing today will finally bring a fair and honorable closure to these matters. We are pleased to see similar bipartisan legislation was introduced earlier this year in the U.S. House of Representatives.

I look forward to working with the Indian Affairs Committee and my Senate colleagues as this legislation proceeds through the Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no obligation, the bill was ordered to be printed in the RECORD, as follows:

S. 1438

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 'Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act.'

SEC. 2. FINDINGS.

Congress finds the following:

(1) From 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost.

(2) The Corps of Engineers—

(A) identified a number of sites, including the site at which the Grand Coulee Dam is located; and

(B) recommended that power development at those sites be performed by local governmental authorities or private utilities under the Federal Power Act (16 U.S.C. 791 et seq.).

(3) Under section 10(e) of that Act (16 U.S.C. 803(e)), a licensee is required to compensate an Indian tribe for the use of land under the jurisdiction of the Indian tribe.

(4) In August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site.

(5) In the mid-1930's, the Federal Government, which is not subject to the Federal Power Act (16 U.S.C. 791a et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam.

(6) At the time at which the Grand Coulee Dam project was federalized, the Federal Government recognized that the Spokane Tribe and the Confederated Tribes of the Colville Reservation had compensable interests in the Grand Coulee Dam project, including compensation for—

(A) the development of hydropower;

(B) the extinguishment of a salmon fishery on which the Spokane Tribe was almost completely financially dependent; and

(C) the inundation of land with loss of potential power sites previously identified by the Spokane Tribe.

(7) In the Act of June 29, 1940, Congress—

(A) in the first section (16 U.S.C. 835d) granted to the United States—

(i) all rights of Indian tribes in land of the Spokane Tribe and Colville Indian Reservations that were required for the Grand Coulee Dam project; and

(ii) various rights-of-way over other land under the jurisdiction of Indian tribes that were required in connection with the project; and

(B) in section 2 (16 U.S.C. 835e) provided that compensation for the land and rights-of-way was to be determined by the Secretary of the Interior in such amounts as the Secretary determined to be just and equitable.

(8) In furtherance of that Act, the Secretary of the Interior paid—

(A) to the Spokane Tribe, $4,700; and

(B) to the Confederated Tribes of the Colville Reservation, $63,000.

(9) In 1994, following 43 years of litigation before the Indian Claims Commission, the United States Court of Federal Claims, and the United States Court of Appeals for the Federal Circuit, Congress ratified an agreement between the Confederated Tribes of the Colville Reservation and the United States that provided for damages and annual payments of $15,250,000 in perpetuity, adjusted annually, based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration.

(10) In legal opinions issued by the Office of the Solicitor of the Department of the Interior, a Task Force Study conducted from 1976 to 1980 ordered by the Committee on Appropriations of the Senate, and hearings before Congress at the time at which the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103–436; 108 Stat. 4577) was enacted, it has repeatedly been recognized that—

(A) the Spokane Tribe suffered damages similar to those suffered by, and had a case legally comparable to that of, the Confederated Tribes of the Colville Reservation; but

(B) the 5-year statute of limitations under the Act of August 13, 1946 (25 U.S.C. 70 et seq.) precluded the Spokane Tribe from bringing a civil action for damages under that Act.

(11) The inability of the Spokane Tribe to bring a civil action before the Indian Claims Commission can be attributed to a combination of factors, including—

(A) the failure of the Bureau of Indian Affairs to carry out its advisory responsibilities in accordance with that Act; and

(B) an attempt by the Commissioner of Indian Affairs to impose improper requirements on claims attorneys retained by Indian tribes, which caused delays in retention of counsel and full investigation of the potential claims of the Spokane Tribe.

(12) As a consequence of construction of the Grand Coulee Dam project, the Spokane Tribe—

(A) has suffered the loss of—

(i) the salmon fishery on which the Spokane Tribe was dependent;

(ii) identified hydropower sites that the Spokane Tribe could have developed; and

(ii) hydropower revenues that the Spokane Tribe would have received under the Federal Power Act (16 U.S.C. 791a et seq.) had the project not been federalized; and

(B) continues to lose hydropower revenues that the Federal Government recognized were owed to the Spokane Tribe at the time at which the project was constructed.

(13) More than 39 percent of the land owned by Indian tribes or members of Indian tribes that was used for the Grand Coulee Dam project was land of the Spokane Tribe.

SEC. 3. STATEMENT OF PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe, using the same proportional basis as was used in providing compensation to the Confederated Tribes of the Colville Reservation, for the losses suffered as a result of the construction and operation of the Grand Coulee Dam project.

SEC. 4. DEFINITIONS.

In this Act:

(1) Secretary.—The term ''Secretary'' means the Secretary of the Treasury.

(2) Confederated Tribes Act.—The term ''Confederated Tribes Act'' means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103–436; 108 Stat. 4577).

(3) Fund Account.—The term ''Fund Account means the Spokane Tribe of Indians Settlement Fund Account established under section 5(a).

(4) SPOKANE TRIBE.—The term ''Spokane Tribe'' means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

SEC. 5. SETTLEMENT FUND ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—There is established in the Treasury an interest bearing account to be known as the ''Spokane Tribe of Indians Settlement Fund Account''.

(b) DEPOSIT OF AMOUNTS.—

(1) INITIAL DEPOSIT.—On the date on which funds are made available to carry out this Act, the Secretary shall deposit in the Fund Account, as payment and satisfaction of the claim of the Spokane Tribe for use of land of the Spokane Tribe for generation of hydropower for the period beginning on June 29, 1940, and ending on November 2, 1994, an amount that is equal to 39.4 percent of the amount paid to the Confederated Tribes of the Colville Reservation under section 5(a) of the Confederated Tribes Act, adjusted to reflect the change, during the period beginning on the date on which the payment described in subparagraph (A) was made to the Confederated Tribes of the Colville Reservation and ending on the date of enactment of this Act, in Consumer Price Index for all urban consumers published by the Department of Labor.

(2) SUBSEQUENT DEPOSITS.—On September 30 of the first fiscal year that begins after the date of enactment of this Act, and on September 30 of each of the 5 fiscal years thereafter, the Secretary shall deposit in the Fund Account an amount that is equal to 7.88 percent of the amount authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes Act through the end of the fiscal year during which this Act is enacted, adjusted to reflect the change, during the period beginning on the date on which the payment to the Confederated Tribes of the Colville Reservation was first made and ending on the date of enactment of this Act, in the Consumer Price Index for all urban consumers published by the Department of Labor.

(c) ANNUAL PAYMENTS.—On September 1 of the first fiscal year after the date of enactment of this Act, and annually thereafter, the Secretary shall pay to the Spokane Tribe an amount that is equal to 39.4 percent of the annual payment authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes Act for the fiscal year.

SEC. 6. USE AND TREATMENT OF SETTLEMENT FUNDS.

(a) TRANSFER OF FUNDS TO SPOKANE TRIBE.—

(1) INITIAL TRANSFER.—Not later than 60 days after the date on which the Secretary receives from the Spokane Business Council written notice of the adoption of the Spokane Business Council of a resolution requesting that the Secretary execute the transfer of settlement funds described in section 5(a), the Secretary shall transfer all or a portion of the settlement funds, as appropriate, to the Spokane Business Council.

(2) SUBSEQUENT TRANSFERS.—If not all funds described in section 5(a) are transferred to the Spokane Business Council under an initial transfer request described in paragraph (1), the Spokane Business Council may make subsequent requests for, and the Secretary of the Treasury may execute subsequent transfers of, those funds.

(b) USE OF INITIAL PAYMENT FUNDS.—Of the settlement funds described in subsections (a) and (b) of section 5—

(1) 25 percent shall be—

(A) reserved by the Spokane Business Council; and

(B) used for discretionary purposes of general benefit to all members of the Spokane Tribe; and

(2) 75 percent shall be used by the Spokane Business Council to carry out—

(A) a resource development program;

(B) a credit program;

(C) a scholarship program; or

(D) a reserve, investment, and economic development program.

(c) USE OF ANNUAL PAYMENT FUNDS.—Annual payments made to the Spokane Tribe under section 5(c) may be used or invested by the Spokane Tribe in the same manner and for the same purposes as other tribal government funds.

(d) APPROVAL BY SECRETARY.—Notwithstanding any other provision of law—

(1) the approval of the Secretary of the Treasury or the Secretary of the Interior for any payment, distribution, or use of the principal, interest, or income generated by any settlement funds transferred or paid to the Spokane Tribe under this Act shall not be required; and

(2) the Secretary of the Treasury and the Secretary of the Interior shall have no trust responsibility for the investment, supervision, administration, or expenditure of those funds after the date on which the funds are transferred to or paid to the Spokane Tribe.

(e) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments and distributions of any portion of the principal, interest, and income generated by the settlement funds described in section 5 shall be treated in the same manner as payments or distributions under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (Public Law 99–346; 100 Stat. 677).

(f) TRIBAL AUDIT.—After the date on which the settlement funds described in section 5 are transferred or paid to the Spokane Tribe, the funds—

(1) shall be considered to be Spokane Tribe governmental funds; and

(2) shall be subject to an annual tribal governmental audit.

SEC. 7. SATISFACTION OF CLAIMS.

Payment by the Secretary under section 5 constitutes full satisfaction of the claim of Spokane Tribe to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project from June 29, 1940, through the fiscal year preceding the fiscal year in which this Act is enacted.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BUNNING:

S. 1439. A bill to amend part E of title IV of the Social Security Act to reauthorize adoption incentives payments under section 473A of that Act and to provide incentives for the adoption of older children; to the Committee on Finance.

Mr. BUNNING. Mr. President, the Adoption Incentive Program has been a successful program, which provides States with real incentives to find permanent homes for foster children. However, AIP's authorization expires on September 30, 2003, and the program needs to be reauthorized this year.

Under current law, States receive incentive payments for increasing the number of adoptions from the public foster care system. The amount of payments is based on the number of adoptions above a State's baseline, which is the highest number of adoptions in a State since 1997.

Currently, States receive $4,000 for each foster child adopted above the baseline number. The State can also receive $6,000 for each adoption above a baseline for children with special needs. While each State relies on individual criteria, ''special needs'' can include a child's age, ethnicity, disability or having siblings.

AIP's success cannot be questioned. In fact, according to the Congressional Research Service, there was a 61 percent increase in adoptions of children from the public foster care system from 1997 to 2001.

At the same time, states have earned about $144 million in adoption incentives for adoptions from 1998, to 2001. In my State, Kentucky has received about $1.6 million in adoption incentives during this time period.

However, it is now time to reauthorize and strengthen the program.

One of the biggest challenges in the foster care system today is finding adoptive homes for older children. In fact, according to the Adoption and Foster Care Analysis and Reporting System, AFCARS, which is part of the Department of Health and Human Services, once children reach the age of 9, their chances of adoption diminish.

As of 2001, there were over 100,000 American children waiting to be adopted. Quit frankly, this is too many children waiting for loving homes, regardless of their age. The bill I am introducing continues to give States incentives to find homes for these kids, particularly older children.

My bill, the Adoption Incentive Program Reauthorization Act of 2003, reauthorizes the program from 2004 to 2008, at $43 million a year.

The bill continues to give States a payment of $4,000 for every child adopted above the State's baseline. Also, the bill requires States to establish a separate baseline for adoptions of children over the age of 9, and will provide a payment of $6,000 for all older children adopted above the baseline.

Children deserve the stability and support of a permanent home and a permanent family. The Adoption Incentive Program has already proven successful in encouraging states to act aggressively on a foster child's behalf. It is now time to strengthen the program for the years to come.

I look forward to working on this issue with the other Members of Congress who are interested in adoption and hope we can get the program reauthorized soon.

By Mr. GRASSLEY (for himself and Mr. LEAHY):

S. 1440. A bill to reform the Federal Bureau of Investigation; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I am proud to be reintroducing the FBI Reform Act of 2003 with Senator PATRICK LEAHY. This reform bill is designed to address the accountability problems that have plagued the FBI for years. For almost a decade, I have been engaged in FBI oversight, and during that time, I have seen numerous scandals and coverups. I am pleased to see that Director Mueller is committed to changing the culture of the FBI. He is making good strides toward overcoming past bad policies and procedures at the Bureau. However, Congress also has a role to play in this overhaul of the FBI.

A little over a year ago, a bill similar to this one was approved unanimously by the Judiciary Committee. Since then, a number of the provisions of that bill were enacted in separate legislation. However, some of the most important provisions of that bill—provisions protecting whistleblowers, creating a Security Career Program and Counterintelligence Polygraph Program, and ending the double standard for discipline of senior FBI executives—have yet to be taken up by the full Senate. These provisions are needed to maintain America's confidence in the FBI.

When I was growing up, I was surrounded by a generation that believed the FBI could do no wrong. Yet today at a time when we rely on the FBI to protect us from acts of catastrophic terrorism that endanger the lives of the American people, a time when the need for confidence in the FBI is at its greatest, Americans' trust and confidence in the FBI has been shaken. Do not get me wrong, the majority of FBI agents and especially those who are posted all over the heartland of this country, are honorable, hard working Federal servants who are doing a great job of protecting us from harm. However, there are a few bad apples that must be dealt with because their actions give the Bureau a black eye. The spy cases of Robert Hanssen and Chinese espionage in Los Angeles have highlighted internal security problems. Retaliation against agents like John Roberts, Frank Perry, and Patrick Kiernan, who did their duty investigating internal wrongdoing and spoke the truth to Congress, highlight continuing cultural hostility to criticism. This bill goes a long way to address these systemic problems and shore up trust and confidence in the FBI in the wake of these concerns.

While Congress sometimes follows a hands-off approach to the FBI, the Judiciary Committees hearings and other oversight activities over the last 2 or 3 years have highlighted the actions that Congress needs to take to do its part in reforming the Bureau. The hearings that spurred this legislation demonstrated the need to extend adequate whistleblower protections to the FBI, enhance the Bureau's internal security program, end the double-standard for discipline, and modernize the FBI's information technology systems. These and additional management issues the committee has explored are reflected in this bill. As the Patriot Act has increased the FBI's powers, as the American people have increased their reliance on the FBI to stop terrorism, and as we continue to increase the FBI's funding, it is time for Congress to take action with a more hands-on approach. Let me provide some more detail about the most important provisions of the FBI reform bill.

First, title I of the bill contains much needed protections for FBI whistleblowers. As my colleagues know, I have long held that good government requires that the brave men and women who blow the whistle on wrongdoing be protected. It is my strong belief that disclosures of wrongdoing by whistleblowers are an integral part of our system of checks and balances. However, although whistleblowers play a critical role in ensuring that waste, fraud, and abuse are brought to light and that public health and safety problems are exposed, the same whistleblower protection laws that apply to almost all other Federal employees do not currently apply to the FBI. In fact, it is a violation for FBI agents to report problems to Congress. That restriction leaves patriotic, loyal FBI employees with little recourse. This bill will fix that problem.

I truly believe that reform at the FBI will only occur when FBI employees feel free to blow the whistle on wrongdoing. Without adequate whistleblower protections, I am concerned that agents, such as Coleen Rowley and others, who speak out about abuses and problems at the FBI will be subject to retaliation. Thus, this bill finally gives FBI whistleblowers the same rights and protections that other Federal employees currently possess. When this bill is passed, FBI employees who are retaliated against for blowing the whistle will be able to avail themselves of all the protections afforded by the Whistleblower Protection Act.

In order to enhance internal security at the FBI, title II of the bill requires the FBI to establish a career security program and ensure that appropriate management tools and resources are devoted to that task. Modeled after the Department of Defense Acquisition Career Program, security professional career development requirements would bring the FBI into line with the other Federal agencies that handle top secret intelligence. This bill establishes and defines the Career Security Program and sets out the framework for career development and training in internal security. With the development of a Career Security Program, the FBI can meet the challenges of espionage, information technology vulnerability, and the threat of direct terrorist attack.

This bill requires the Attorney General to establish policies and procedures for career management of FBI security personnel. It directs the Director of the FBI to appoint a Director of Security who would chair a security career program board that would advise in the management of hiring, training, education, and career development. The bill also requires the FBI Director to designate certain positions as security positions. The bill requires that career paths to senior positions be published, and it ensures that all FBI personnel would have the opportunity to acquire the education, training and experience needed for senior security positions. Moreover, in order to ensure that security professionals gain the stature that special agents enjoy, the bill provides that special agents would not have preference for security positions and security positions could not be restricted to special agents unless the Attorney General makes a special determination.

Furthermore, the bill would direct that education, training, and experience requirements be established for each position and that before assignment as a manager or a deputy manager of a significant security program, a person would have to complete an accredited security program management course and have at least 6 years security experience, including 2 years in a similar program.

In addition to the Security Career Program, the bill will also enhance security through the creation of an FBI counterintelligence polygraph program. The program would consist of the periodic screening of employees and contractors who have access to sensitive information or restricted data. While the program recognizes the value of polygraph screening, it also provides safeguards for those subject to polygraph examination. The bill directs that the program have procedures to address false positives, ensure quality control, requires that no adverse personnel action could be taken solely by reason of physiological reaction on an exam without further investigation, and provides that employees would have prompt access to unclassified reports of their exams that relate to adverse personnel action. Thus, title III provides increased security while at the same time protecting employee rights.

Title IV requires the Attorney General to report on the legal authority for the FBI's programs and activities. This report will help the FBI focus on its most important duty—preventing terrorism—by cutting back on the FBI's jurisdiction, which has become cumbersome and unwieldy. Currently, the FBI investigates over 300 different Federal offenses, which are divided between violent crime, white collar crime, organized crime, drugs, national security, and civil rights. In many of these areas, there are instances of concurrent or overlapping jurisdiction with other Federal law enforcement agencies who specialize in investigating these crimes.

The FBI needs to scale back on the broad range of investigations which are duplicated by other Federal and State agencies. The Bureau needs to completely jettison some of these areas and in other areas, the Bureau could simply take a secondary role, allowing another agency to take the lead. In order to assist the FBI in scaling back its jurisdiction, this bill directs the Attorney General to report to Congress on the legal authority for FBI programs and activities, identifying those that have express statutory authority and those that do not. The bill also requires the Attorney General to recommend what criminal statutes for which he believes the FBI should have investigative responsibility.

Additionally, there exists a gross inequality in the way Senior Executive Service, SES, employees of the FBI and rank and file agents are disciplined. SES employees are often given a slap on the wrist for an infraction, whereas the rank and file agents are often punished to the letter of the law. Title V of the bill attempts to address this double standard. The bill attempts to address the double standard by providing some flexibility in how SES employees can be punished. The Senate Judiciary Committee has heard repeatedly that this inflexibility is one of the main causes for the inequality in punishment at the FBI. Under the current

system, the minimum suspension that an SES employee can receive is 14 days. This means that the FBI's management is often left with the choice of either an overly harsh penalty or no penalty at all. Often they decide not to impose any meaningful disciplinary action.

In order to attempt to remedy this problem our bill lifts the 14-day minimum suspension for SES disciplinary cases to provide for additional options in disciplining senior executive employees. Hopefully, this change will help to remedy this double standard. In addition, our bill would require the Office of Inspector General to submit to the Judiciary Committees of both houses, for 5 years, annual reports by the FBI Office of Professional Responsibility on its investigations, recommendations, and their disposition including an analysis of whether any double standard is being employed.

Finally, title VI of the bill attempts to provide further enhancement to security at the Department of Justice as a whole. This title would implement recommendations of the Webster Commission for enhancing security at the DOJ. It requires the Attorney General to submit a report to Congress on the manner by which the Department plans to improve protection of security information at the DOJ. Moreover, this title authorizes funds to meet the demands for increased security at the DOJ. Also, the bill would authorize funds for the DOJ Office of Intelligence Policy and Review to help meet the increased demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance computer and telecommunications security.

Mr. President, I say to my fellow colleagues, it is time we acted on the reforms in this bill. It has been almost a year since this bill passed unanimously out of committee. Let's act to reform the FBI and help maintain America's trust and confidence in the Bureau.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1440

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 ''Federal Bureau of Investigation Reform Act of 2003''.

TITLE I—WHISTLEBLOWER PROTECTION

SEC. 101. INCREASING PROTECTIONS FOR FBI WHISTLEBLOWERS.

Section 2303 of title 5, United States Code, is amended to read as follows:

''§ 2303. Prohibited personnel practices in the Federal Bureau of Investigation

''(a) DEFINITION.—In this section, the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A).

''(b) PROHIBITED PRACTICES.—Any employee of the Federal Bureau of Investigation who has the authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of the Bureau or because of—

''(1) any disclosure of information by the employee to the Attorney General (or an employee designated by the Attorney General for such purpose), a supervisor of the employee, the Inspector General for the Department of Justice, or a Member of Congress that the employee reasonably believes evidences—

''(A) a violation of any law, rule, or regulation; or

''(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(2) any disclosure of information by the employee to the Special Counsel of information that the employee reasonably believes evidences—

''(A) a violation of any law, rule, or regulation; or

''(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety,

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

''(c) INDIVIDUAL RIGHT OF ACTION.—Chapter 12 of this title shall apply to an employee of the Federal Bureau of Investigation who claims that a personnel action has been taken under this section against the employee as a reprisal for any disclosure of information described in subsection (b)(2).

''(d) REGULATIONS.—The Attorney General shall prescribe regulations to ensure that a personnel action under this section shall not be taken against an employee of the Federal Bureau of Investigation as a reprisal for any disclosure of information described in subsection (b)(1), and shall provide for the enforcement of such regulations in a manner consistent with applicable provisions of sections 1214 and 1221, and in accordance with the procedures set forth in sections 554 through 557 and 701 through 706.''.

TITLE II—FBI SECURITY CAREER PROGRAM

SEC. 201. SECURITY MANAGEMENT POLICIES.

The Attorney General shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in security positions in the Federal Bureau of Investigation.

SEC. 202. DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Attorney General, the Director of the Federal Bureau of Investigation (referred to in this title as the ''Director'') shall carry out all powers, functions, and duties of the Attorney General with respect to the security workforce in the Federal Bureau of Investigation.

(b) POLICY IMPLEMENTATION.—The Director shall ensure that the policies of the Attorney General established in accordance with this Act are implemented throughout the Federal Bureau of Investigation at both the headquarters and field office levels.

SEC. 203. DIRECTOR OF SECURITY.

The Director shall appoint a Director of Security, or such other title as the Director may determine, to assist the Director in the performance of the duties of the Director under this Act.

SEC. 204. SECURITY CAREER PROGRAM BOARDS.

(a) ESTABLISHMENT.—The Director acting through the Director of Security shall establish a security career program board to advise the Director in managing the hiring, training, education, and career development of personnel in the security workforce of the Federal Bureau of Investigation.

(b) COMPOSITION OF BOARD.—The security career program board shall include—

(1) the Director of Security (or a representative of the Director of Security);

(2) the senior officials, as designated by the Director, with responsibility for personnel management;

(3) the senior officials, as designated by the Director, with responsibility for information management;

(4) the senior officials, as designated by the Director, with responsibility for training and career development in the various security disciplines; and

(5) such other senior officials for the intelligence community as the Director may designate.

(c) CHAIRPERSON.—The Director of Security (or a representative of the Director of Security) shall be the chairperson of the board.

(d) SUBORDINATE BOARDS.—The Director of Security may establish a subordinate board structure to which functions of the security career program board may be delegated.

SEC. 205. DESIGNATION OF SECURITY POSITIONS.

(a) DESIGNATION.—The Director shall designate, by regulation, those positions in the Federal Bureau of Investigation that are security positions for purposes of this Act.

(b) REQUIRED POSITIONS.—In designating security positions under subsection (a), the Director shall include, at a minimum, all security-related positions in the areas of—

(1) personnel security and access control;

(2) information systems security and information assurance;

(3) physical security and technical surveillance countermeasures;

(4) operational, program, and industrial security; and

(5) information security and classification management.

SEC. 206. CAREER DEVELOPMENT.

(a) CAREER PATHS.—The Director shall ensure that appropriate career paths for personnel who wish to pursue careers in security are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior security positions and shall make available published information on those career paths.

(b) LIMITATION ON PREFERENCE FOR SPECIAL AGENTS.—

(1) IN GENERAL.—Except as provided in the policy established under paragraph (2), the Attorney General shall ensure that no requirement or preference for a Special Agent of the Federal Bureau of Investigation (referred to in this title as a ''Special Agent'') is used in the consideration of persons for security positions.

(2) POLICY.—The Attorney General shall establish a policy that permits a particular security position to be specified as available only to Special Agents, if a determination is made, under criteria specified in the policy, that a Special Agent—

(A) is required for that position by law;

(B) is essential for performance of the duties of the position; or

(C) is necessary for another compelling reason.

(3) REPORT.—Not later than December 15 of each year, the Director shall submit to the Attorney General a report that lists—

(A) each security position that is restricted to Special Agents under the policy established under paragraph (2); and

(B) the recommendation of the Director as to whether each restricted security position should remain restricted.

(c) OPPORTUNITIES TO QUALIFY.—The Attorney General shall ensure that all personnel, including Special Agents, are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior security positions.

(d) BEST QUALIFIED.—The Attorney General shall ensure that the policies established under this Act are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law.

(e) ASSIGNMENTS POLICY.—The Attorney General shall establish a policy for assigning Special Agents to security positions that provides for a balance between—

(1) the need for personnel to serve in career enhancing positions; and

(2) the need for requiring service in each such position for sufficient time to provide the stability necessary to carry out effectively the duties of the position and to allow for the establishment of responsibility and accountability for actions taken in the position.

(f) LENGTH OF ASSIGNMENT.—In implementing the policy established under subsection (b)(2), the Director shall provide, as appropriate, for longer lengths of assignments to security positions than assignments to other positions.

(g) PERFORMANCE APPRAISALS.—The Director shall provide an opportunity for review and inclusion of any comments on any appraisal of the performance of a person serving in a security position by a person serving in a security position in the same security career field.

(h) BALANCED WORKFORCE POLICY.—In the development of security workforce policies under this Act with respect to any employees or applicants for employment, the Attorney General shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

SEC. 207. GENERAL EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS.

(a) IN GENERAL.—The Director shall establish education, training, and experience requirements for each security position, based on the level of complexity of duties carried out in the position.

(b) QUALIFICATION REQUIREMENTS.—Before being assigned to a position as a program manager or deputy program manager of a significant security program, a person—

(1) must have completed a security program management course that is accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or is determined to be comparable by the Director; and

(2) must have not less than 6 years experience in security, of which not less than 2 years were performed in a similar program office or organization.

SEC. 208. EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—The Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and implement education and training programs for persons serving in security positions in the Federal Bureau of Investigation.

(b) OTHER PROGRAMS.—The Director shall ensure that programs established under subsection (a) are established and implemented, to the maximum extent practicable, uniformly with the programs of the Intelligence Community and the Department of Defense.

SEC. 209. OFFICE OF PERSONNEL MANAGEMENT APPROVAL.

(a) IN GENERAL.—The Attorney General shall submit any requirement that is established under section 207 to the Director of the Office of Personnel Management for approval.

(b) FINAL APPROVAL.—If the Director does not disapprove the requirements established under section 207 within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director of the Office of Personnel Management.

TITLE III—FBI COUNTERINTELLIGENCE POLYGRAPH PROGRAM

SEC. 301. DEFINITIONS.

In this title:

(1) POLYGRAPH PROGRAM.—The term ''polygraph program'' means the counterintelligence screening polygraph program established under section 302.

(2) POLYGRAPH REVIEW.—The term ''Polygraph Review'' means the review of the scientific validity of the polygraph for counterintelligence screening purposes conducted by the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

SEC. 302. ESTABLISHMENT OF PROGRAM.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation and the Director of Security of the Federal Bureau of Investigation, shall establish a counterintelligence screening polygraph program for the Federal Bureau of Investigation that consists of periodic polygraph examinations of employees, or contractor employees of the Federal Bureau of Investigation who are in positions specified by the Director of the Federal Bureau of Investigation as exceptionally sensitive in order to minimize the potential for unauthorized release or disclosure of exceptionally sensitive information.

SEC. 303. REGULATIONS.

(a) IN GENERAL.—The Attorney General shall prescribe regulations for the polygraph program in accordance with subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(b) CONSIDERATIONS.—In prescribing regulations under subsection (a), the Attorney General shall—

(1) take into account the results of the Polygraph Review; and

(2) include procedures for—

(A) identifying and addressing false positive results of polygraph examinations;

(B) ensuring that adverse personnel actions are not taken against an individual solely by reason of the physiological reaction of the individual to a question in a polygraph examination, unless—

(i) reasonable efforts are first made independently to determine through alternative means, the veracity of the response of the individual to the question; and

(ii) the Director of the Federal Bureau of Investigation determines personally that the personnel action is justified;

(C) ensuring quality assurance and quality control in accordance with any guidance provided by the Department of Defense Polygraph Institute and the Director of Central Intelligence; and

(D) allowing any employee or contractor who is the subject of a counterintelligence screening polygraph examination under the polygraph program, upon written request, to have prompt access to any unclassified reports regarding an examination that relates to any adverse personnel action taken with respect to the individual.

SEC. 304. REPORT ON FURTHER ENHANCEMENT OF FBI PERSONNEL SECURITY PROGRAM.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report setting forth recommendations for any legislative action that the Director considers appropriate in order to enhance the personnel security program of the Federal Bureau of Investigation.

(b) POLYGRAPH REVIEW RESULTS.—Any recommendation under subsection (a) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

TITLE IV—REPORTS

SEC. 401. REPORT ON LEGAL AUTHORITY FOR FBI PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report describing the statutory and other legal authority for all programs and activities of the Federal Bureau of Investigation.

(b) CONTENTS.—The report submitted under subsection (a) shall describe—

(1) the titles within the United States Code and the statutes for which the Federal Bureau of Investigation exercises investigative responsibility;

(2) each program or activity of the Federal Bureau of Investigation that has express statutory authority and the statute which provides that authority; and

(3) each program or activity of the Federal Bureau of Investigation that does not have express statutory authority, and the source of the legal authority for that program or activity.

(c) RECOMMENDATIONS.—The report submitted under subsection (a) shall recommend whether—

(1) the Federal Bureau of Investigation should continue to have investigative responsibility for each statute for which the Federal Bureau of Investigation currently has investigative responsibility;

(2) the legal authority for any program or activity of the Federal Bureau of Investigation should be modified or repealed;

(3) the Federal Bureau of Investigation should have express statutory authority for any program or activity of the Federal Bureau of Investigation for which the Federal Bureau of Investigation does not currently have express statutory authority; and

(4) the Federal Bureau of Investigation should—

(A) have authority for any new program or activity; and

(B) express statutory authority with respect to any new programs or activities.

TITLE V—ENDING THE DOUBLE STANDARD

SEC. 501. ALLOWING DISCIPLINARY SUSPENSIONS OF MEMBERS OF THE SENIOR EXECUTIVE SERVICE FOR 14 DAYS OR LESS.

Section 7542 of title 5, United States Code, is amended by striking ''for more than 14 days''.

SEC. 502. SUBMITTING OFFICE OF PROFESSIONAL RESPONSIBILITY REPORTS TO CONGRESSIONAL COMMITTEES.

(a) IN GENERAL.—For each of the 5 years following the date of enactment of this Act, the Office of the Inspector General shall submit to the chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives an annual report to be completed by the Federal Bureau of Investigation, Office of Professional Responsibility and provided to the Inspector General, which sets forth—

(1) basic information on each investigation completed by that Office;

(2) the findings and recommendations of that Office for disciplinary action; and

(3) what, if any, action was taken by the Director of the Federal Bureau of Investigation or the designee of the Director based on any such recommendation.

(b) CONTENTS.—In addition to all matters already included in the annual report described in subsection (a), the report shall also include an analysis of—

(1) whether senior Federal Bureau of Investigation employees and lower level Federal Bureau of Investigation personnel are being disciplined and investigated similarly; and

(2) whether any double standard is being employed to more senior employees with respect to allegations of misconduct.

TITLE VI—ENHANCING SECURITY AT THE DEPARTMENT OF JUSTICE

SEC. 601. REPORT ON THE PROTECTION OF SECURITY AND INFORMATION AT THE DEPARTMENT OF JUSTICE.

Not later than 9 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the manner in which the Security and Emergency Planning Staff, the Office of Intelligence Policy and Review, and the Chief Information Officer of the Department of Justice plan to improve the protection of security and information at the Department of Justice, including a plan to establish secure electronic communications between the Federal Bureau of Investigation and the Office of Intelligence Policy and Review for processing information related to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. 602. AUTHORIZATION FOR INCREASED RESOURCES TO PROTECT SECURITY AND INFORMATION.

There are authorized to be appropriated to the Department of Justice for the activities of the Security and Emergency Planning Staff to meet the increased demands to provide personnel, physical, information, technical, and litigation security for the Department of Justice, to prepare for terrorist threats and other emergencies, and to review security compliance by components of the Department of Justice—

(1) $13,000,000 for fiscal years 2004 and 2005;

(2) $17,000,000 for fiscal year 2006; and

(3) $22,000,000 for fiscal year 2007.

SEC. 603. AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.

There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal years 2004 and 2005;

(2) $7,500,000 for fiscal year 2006; and

(3) $8,000,000 for fiscal year 2007.

Mr. LEAHY. Mr. President, I am pleased to introduce today, with my friend the senior Senator from Iowa, the FBI Reform Act of 2003.

This legislation stems from the lessons learned during a series of Judiciary Committee hearings on oversight of the FBI that I chaired beginning in June 2001. The important changes which are being made under the FBI's leadership after the September 11 attacks and the new powers granted the FBI by the USA PATRIOT Act have resulted in FBI reform becoming a pressing matter of national importance.

Since 9/11 and the anthrax attacks later that fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. The men and women of the FBI are performing this task with great professionalism at home and abroad. We have all felt safer as a result of the full mobilization of the FBI's dedicated Special Agents, its expert support personnel, and its exceptional technical capabilities. We owe the men and women of the FBI our thanks.

For decades the FBI has been an outstanding law enforcement agency and a vital member of the United States intelligence community. As our hearings and recent events have shown, however, there is room for improvement at the FBI. To fully rise to its current challenges, the FBI must face and understand the mistakes of the past and make the changes needed to ensure that they are not repeated. In meeting the international terrorist challenge, the Congress has an opportunity and obligation to strengthen the institutional fiber of the FBI based on lessons learned from recent problems the Bureau has experienced.

This view is not mine alone. When FBI Director Mueller testified at his confirmation hearings in July 2001, he forthrightly acknowledged ''that the Bureau's remarkable legacy of service and accomplishment has been tarnished by some serious and highly publicized problems in recent years. Waco, Ruby Ridge, the FBI lab, Wen Ho Lee, Robert Hanssen and the McVeigh documents—these familiar names and events remind us all that the FBI is far from perfect and that the next director faces significant management and administrative challenges.'' Since then, the Judiciary Committee has forged a constructive partnership with Director Mueller to get the FBI back on track.

Congress sometimes has followed a hands-off approach about the FBI. But with the FBI's new increased powers, with our increased reliance on the Bureau to prevent terrorism, and with the increased funding provided by the Congress should come increased scrutiny and accountability. Until the Bureau's problems are resolved and new challenges overcome, we should be taking a hands-on approach.

Indeed our hearings and other oversight activities have highlighted tangible steps the Congress should take in an FBI Reform bill as part of this hands-on approach. Among other things, these hearings demonstrated the need to extend whistleblower protection, end the double standard for discipline of senior FBI executives, and enhance the FBI's internal security program to protect against espionage as occurred in the Hanssen case.

Director Mueller once said it is ''critically important'' that he ''hears criticisms of the organization . . . in order to improve the organization.'' I could not agree more. More than ever, the FBI must be open to new ideas, to criticism from within and without, and to facing up to and learning from past mistakes.

During the last Congress, the Judiciary Committee unanimously approved the Leahy-Grassley FBI Reform Act of 2001. Unfortunately, our bipartisan efforts were stymied by an anonymous Republican hold, which prevented the bill from being considered on the floor. While we did eventually succeed in passing three of the bill's important reform provisions as part of the Department of Justice authorization act, other needed reforms were senselessly blocked. These reforms, which remain as important and urgent as ever, are included in the bill we introduce today.

There are five key elements of our bill.

First, it strengthens whistleblower protection for FBI employees and protects them from retaliation for reporting wrongdoing.

Second, it addresses the issue of a double standard for discipline of senior executives by eliminating the disparity in authorized punishments between Senior Executive Service members and other Federal employees.

Third, it establishes an FBI Counterintelligence Polygraph Program for screening personnel in exceptionally sensitive positions with specific safeguards.

Fourth, it establishes an FBI Career Security Program, which would bring the FBI into line with other U.S. intelligence agencies that have strong career security professional cadres whose skills and leadership are dedicated to the protection of agency information, personnel, and facilities.

And fifth, it requires a set of reports that would enable Congress to engage the Executive branch in a constructive dialogue building a more effective FBI for the future.

The FBI Reform Act is designed to strengthen the FBI as an institution that has a unique role as both a law enforcement agency and a member of the intelligence community. As the Judiciary Committee continues its oversight work and more is learned about recent FBI performance, additional reforms may prove necessary. Especially important will be the lessons learned from the attacks of September 11, the anthrax attacks, and implementation of the USA PATRIOT Act and other counterterrorism measures.

We need to help the FBI become as effective, as accountable and as agile as the American people need it to be to counter the threat of terrorism on our shores.

Strengthening the FBI cannot be accomplished overnight, but with this legislation, we take an important step into the FBI's future.

By Mr. BIDEN:

S. 1441. A bill to amend title 18, United States Code, with respect to false information regarding certain

criminal violations concerning hoax reports of biological, chemical, and nuclear weapons; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce ''The Protection Against Terrorist Hoaxes Act of 2003.'' This bill would amend Title 18 of the United States Code to, make it a Federal crime to knowingly make a hoax report, involving a biological, chemical, nuclear weapon, or other weapon of mass destruction. Likewise, this bill would make it a criminal offense to knowingly send such a hoax weapon to another.

Since the terrorist attacks of September 11, our Nation has witnessed a number of terror hoax reports. This in turn has triggered an equally large number of reports of suspected biological agents. No part of the Nation has been spared, and my home State of Delaware has had several hundred reports of possible biological agents. The FBI has reported to Congress the staggering statistics involving these bioterrorism hoaxes and other reports of suspected biological agents. Prior to September 11, the FBI had responded to about 100 cases involving potential use of ''weapons of mass destruction,'' 67 of which involved alleged biological weapons. Since mid-September 2001, however, that number has increased by 3,000 percent.

The good news is that most of these reports were either hoaxes or reports made by well-meaning people whose suspicions were raised. The bad news is that any hoax reports were made in the first place, triggering panic on the part of the public, and often forcing the Federal, State, and local governments to waste valuable time and resources responding to them. In one particularly egregious case, it has been reported that an employee of the Connecticut Department of Environmental Protection falsely reported to security that he had found a yellowish-white powder on his desk with the misspelled label ''ANTHAX.'' The employee, a 48-year-old solid waste management analyst, knew the material was not toxic, it was determined to be coffee creamer, but persisted in the false account. Eight hundred State employees were evacuated from the building for 2 days while law enforcement officials tested the building, at a cost of $1.5 million in lost worker's time, another $40,000 in decontamination costs, and an undisclosed amount of money spent on rescue and law enforcement. The employee is being charged in Federal court—not for the hoax report, but for lying to Federal officials after the fact.

Indeed, the Justice Department reported to Congress that there is a gap in the existing Federal law regarding the prosecution of bioterrorism hoaxes. That is, while it is a crime to threaten to use, for example, anthrax as a weapon against another person, it is not a crime to make a hoax anthrax report. Accordingly, the Justice Department has repeatedly asked Congress to enact legislation which specifically addresses hoaxes which involve purported biological substances, as well as chemical, nuclear and other weapons of mass destruction. Just this month, the Justice Department stated in testimony, ''changes in title 18 to expand the reach of the law to prohibit conduct resulting in such hoaxes would provide prosecutors with an appropriate tool to respond to these situations.''

We should answer the call and act now to give law enforcement the tools they need to combat these despicable crimes. The Federal interest is indisputable, as States and localities are simply not equipped with the expertise or resources to evaluate and respond to these hoaxes. A comprehensive prohibition on such false reports is necessary to preserve scarce and vital Federal resources.

Accordingly, as Ranking Member of the Judiciary Subcommittee on Crime, Corrections and Victims' Rights, I introduce a bill today which contains both criminal provisions and civil penalties for the hoax reporting of bioterrorism incidents. My bill simply says that if you knowingly engage in conduct—such as deliberately sending baking powder through the mail to your congressman or calling 911 to falsely report the presence of anthrax in a public building—that is likely to create the false impression concerning the presence of anthrax, or other similar things, that you have committed A Federal offense, punishable by up to 5 years in jail. Moreover, such a person may be fined the greater of either $10,000 or the amount of money expended by the government to respond to the false information. Finally, such a person may also be ordered to reimburse the government if costs were incurred in responding to the false hoax. Let me be clear—this bill will not target innocent mistakes or people who make a report concerning a suspected substance; it is aimed, rather, at deliberate hoax reports by those who know they are spreading false information.

I have said many times on the floor of this body that the terrorist win if they succeed in sowing seeds of panic into our daily lives. We cannot and will not let that happen. Similarly, we will not let these hoaxers get away with words and deeds which have the same effect. I urge my colleagues to support the Protection Against Terrorist Hoaxes Act of 2003.

By Ms. LANDRIEU:

S. 1442. A bill to preserve the political independence of the National Women's Business Council; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, the National Women's Business Council provides Congress, the Small Business Administration, and the Interagency Committee on Women's Business Enterprise with independent advice and policy recommendations to foster women's business ownership. Now many of my colleagues may not know a great deal about the Council, its members, and what they do. But I can tell you that as a member of the Senate Committee on Small Business and Entrepreneurship, the Council's advice is very helpful as we develop legislation that affects small businesses throughout the country.

The Council has broad latitude to address nearly any issue that it considers to be important for women in business. Whether it relates to health insurance, the economy, or fiscal policies, the Council brings a unique and valuable perspective. Women make up 46 percent of the Nation's executive, administrative and managerial occupations and head up 7.1 million sole proprietorships. The National Women's Business Council is their voice.

The Council's independent voice is the key to its success and influence. The structure of the Council helps to maintain that independence. The Council has 15 members. The Chair is appointed by the President and must be a prominent businesswoman. Six members come from women's business organizations, including representatives of women's business center sites. The remaining eight members are political appointees, split evenly between Democrats and Republicans. These political slots are appointed by the SBA Administrator based upon the recommendations of the Chair and Ranking Members of the Senate Business and Entrepreneurship Committee and the House Small Business Committee. All of these ''party-affiliated'' members must be small business owners.

This bipartisan balance in the Council's membership helps to ensure that any policy recommendations or positions the Council takes will reflect the needs of women in business and not the political agenda of one political party over another. Certainly, the political balance is not completely even because the Chair is appointed by the President, but the Democrats have a strong voice with four members on the Council. That will only be true, however, as long as the Democratic seats are filled.

Unfortunately, this has not always been the case. Vacancies on the Council are supposed to be filled no later than 30 days after a seat becomes open. However, over the past two years, the SBA has routinely failed to meet this 30-day statutory deadline. The Council Chair was vacant from May 29, 2001 to May 21, 2002, a period of 11 months and 22 days. As a result, the Council could not even meet.

Vacancies in the party-affiliated seats hurt the Council's independence. Of the party-affiliated seats reserved for the President's party, one seat was vacant for three months; two were vacant for a period of seven months; and another went vacant for 21 months. Two of the seats reserved for Democrats remained vacant for nearly two years, another seat was vacant for seven months, and the fourth seat remains vacant today. In the past, these

vacancies have not been filled in a manner consistent with maintaining a bipartisan balance and the independence of the Council. Let me give you an example.

In February of this year the Council announced its support for Association Health Plans. This is an important issue for many small businesses and for the economy on the whole. At the time, the Council had three Republican members and no Democrats. Regardless of what opinion you may have of the Association Health Plans issue, the Council's position can be dismissed by some as being political because of the partisan imbalance on the Council at the time it made its endorsement. Instead of being an unquestioned resource for Congress and policy makers to rely on, the Council faces potential criticism that it is nothing more than a mouthpiece for one party over another.

Today, I am introducing legislation to protect the independence of the Council. The National Women's Business Council Independence Preservation Act of 2003 will ensure that the Council maintains its value as an advisor to Congress and the Administration. This measure simply requires that vacancies in the party-affiliated seats be filled evenly so that the Council maintains a bipartisan balance. This will help to ensure that the Council's policy advice is free from any partisan taint.

My legislation also ensures accountability by requiring the SBA Administrator to report to Congress on vacancies that remain unfilled for more than 30 days. The report must cite the reasons for the vacancies, what is causing any delays in filling the positions, whether nominees were available for consideration, at what stage in the vetting process nominees are, whether there are any objections to the nominees and what those objections are, an estimate for when the vacancies will be filled, and any other relevant information relating to the vacancies.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1442

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Women's Business Council Independence Preservation Act of 2003''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The National Women's Business Council provides an independent source of advice and policy recommendations regarding women's business development and the needs of women entrepreneurs in the United States to—

(A) the President;

(B) Congress;

(C) the Interagency Committee on Women's Business Enterprise; and

(D) the Administrator of the Small Business Administration.

(2) The members of the National Women's Business Council are small business owners, representatives of business organizations, and representatives of women's business centers.

(3) The chair and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women's Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President and four of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women's Business Council will provide Congress with non-partisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women's Business Council and to ensure that the Council continues to provide Congress with advice on a non-partisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107).

SEC. 3. MAINTAINING THE POLITICAL INDEPENDENCE OF THE NATIONAL WOMEN'S BUSINESS COUNCIL.

Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended—

(1) by striking ''A vacancy'' and inserting the following:

''(1) IN GENERAL.—A vacancy''; and

(2) by adding at the end the following:

''(2) PARTISAN BALANCE.—When filling vacancies under paragraph (1), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties.''

''(3) ACCOUNTABILITY.—If a vacancy is not filled within the 30-day period required under paragraph (1) or if there exists an imbalance of party-affiliated members on the Council for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the respective 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled.''.

By Mr. CARPER (for himself, Mr. NELSON of Nebraska, and Ms. COLLINS):

S. 1443. A bill to amend part A of title IV of the Social Security Act to reauthorize the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

Mr. CARPER. Mr. President, I come to the floor to take this time to talk about the reauthorization of welfare reform, the reform launched a half dozen years ago. The authorization for those reforms has expired once, has been renewed for a year, and will expire again at the end of this year.

When Bill Clinton ran for President in 1992, he said a number of things for which he is remembered. He said: It is the economy, stupid. And it is always the economy, stupid, as far as I am concerned. But he also said we ought to change welfare as we know it. And we have.

Welfare reform was very much needed in the mid-1990s. A lot of people who ended up on welfare stayed there for long periods of time. And one of the reasons why they stayed there for so long was because they and their families were better off being on welfare than not. If people on welfare went to work, they lost some things. They lost maybe health care for their kids, eligibility for food stamps, nutritional support for their families, affordable housing. They certainly had to pay more for affordable housing.

And what would they gain by going to work and getting off welfare? The right to pay taxes: State income taxes, Federal income taxes, Social Security taxes, Medicare taxes, and others. After losing those certain things and gaining the right to pay those taxes, they would have to deal with the costs included in childcare. Who is going to take care of my kids? How will I pay for it? How will I get to work? Is there transportation? Is there transit? Do I have a car? Is it a working car? If I don't, how do I get one or pay for it or maintain it?

The reforms adopted in 1996 were actually endorsed by the National Governors Association which served as a catalyst for the adoption of Federal law. There were a number of principles that underscored or underwrote that welfare reform initiative of the mid-1990s. The first was work first. We should not place emphasis on finding people for jobs that may not exist. We ought to help people to go to work first.

The second principle was, work ought to pay more than welfare. People actually ought to be better off because somebody in that family is going to work every day.

The third principle was really a tough love principle. There ought to be limits on the amount of time that people could be on welfare. States could make it more stringent but a 5-year cap on the amount of time people spent on welfare should be the law of the land. We should have a tough love approach. There ought to be a certain toughness in what we are doing.

People should show up for job interviews. They should take the jobs offered. They should not be able to walk away from the jobs. If they do those kinds of things, they would face, in a number of States, the likelihood of being sanctioned for their refusal or inability to go to work and continue to work.

We also said that we realize there are some people on welfare who will never come off. For reasons physiological, they are going to be dependent forever. We allowed the States to recognize some percentage—I think 20 percent—of the caseload of people who will not go to work.

We said that it might be a smart idea to have a rainy day fund, in case the economy falls off a cliff or we have a lot more people who show up and need a welfare payment. So we provided for a rainy day fund.

Finally, we said there are really four critical elements that need to be addressed in order for people to get off welfare and stay off welfare for an extended period of time. No. 1, there had to be a job to go to. No. 2, they have to have a way to get to the job. No. 3, there has to be health care for the kids. If the kids get sick, parents are not going to go to work. There has to be minimal health care for the family. People will not go to work if there is nobody to take care of their kids. So there needs to be some assistance given for childcare.

By most standards, the welfare reforms we began a half dozen years ago are regarded as a success. The rolls are down by roughly half across the country, including Delaware. Many families who used to be on welfare are now working and those families are, for the most part, better off. In those families where somebody is going to work every day, that parent sets an example for their children that there is an expectation to go to work, that there is dignity with work, and we are expected to be self-aligned and self-sufficient, if we are psychologically able to do that.

I have heard the old adage, ''If it ain't broke, don't fix it.'' Some people said that about the welfare reforms to be adopted in 1996—that they were not broke and we ought not to fix them. Other people said we ought to change it substantially, which is what we did in 1996. Some would like to go back to a situation that existed prior to that time. Others would like to go to an even tougher love arrangement, with the emphasis on toughness and not a whole lot of love involved.

Rather than saying if it ain't broke, don't fix it, I think the better approach is to say this: If it is not perfect, make it better. The reforms we adopted 6 years ago can be improved upon and we can make it better.

I want to talk about a proposal Senator NELSON and I will be offering. As former Governors of our States, we believe it will build on the changes adopted in 1996. It would make the system better and make it one that is more likely to help people get off welfare and stay off for an extended period of time, and hopefully forever.

When we adopted the welfare reforms of 1996, we decided to take welfare, which had been an entitlement program, and make it a block grant program. I believe it provided that $16.5 million would be distributed to States in block grants and States could apportion that money out, to be used for a variety of things, including cash welfare payments, childcare assistance, health care, and other things. They could also use the money for transportation assistance. We put a 5-year limit on the amount of time people, under Federal law, could be eligible for welfare benefits. We also said in that law that we want States to eventually increase their work participation rates.

If you look at the welfare caseload, the percentage of people doing work or work-like activities, we wanted that to increase so by 2002 the work participation would have gone up 50 percent from wherever it started. That is where it is today; the work participation rate is 50 percent.

We give a credit to States that moved people off of welfare since the mid to late 1990s. So if they have moved people off welfare, States can get a credit toward the work participation rate, with the 50-percent mandate.

As it turned out, when they moved half of the people off of the welfare rolls and the work participation rate is 50 percent effectively by moving people off welfare to work, in most of the States we have eliminated de facto the work participation rate. Most States have a zero work participation rate as a result.

Our bill changes that in a couple of ways. It gradually raises from 50 percent to 70 percent, in 5-percent increments each year, the work participation rate, so that by 2008, today's rate would go up to 70 percent.

We provide for something called an employment credit. The employment credit provides a credit to States against its work participation rate for doing a couple of things. One, for moving people to work. Two, they get bonus credit for moving people to work at better paying jobs. Also, States can earn partial credit against the work participation rate if people are doing at least 16 hours of core work activities.

Under the current Federal law, a workweek for people who have kids over the age of 6 is 30 hours in order to count toward the work participation rate. Under current law, if a person has a child under 6, they need to be working 20 hours in order to count toward the States' work participation requirement.

Senator NELSON and I would change that a little bit. We say that—there is one thing we don't change. If you have a child under the age of 6, it is still 20 hours. If they are over the age of 6, we expect them to be working 32 hours, 8 of which can be activities other than core work activities. An example would be assistance for substance abuse, or anything that is deemed to be eliminating the barrier toward employment. If a person doesn't have a high school degree, they can be working toward their GED, and that counts as part of that 8 hours. But 24 hours of the 32 would have to be a core work activity. I will give you some examples: private sector work, public sector work, community service, and vocational education.

Senator NELSON and I also made a modification with respect to education and training. Under current law, vocational education counts up to—I believe you count it toward your work participation rate for 12 months. We make that 24 months. We put in a cap. If you had 100 people on your caseload, no more than 30 percent of that 100 people who are involved in vocational education training or postsecondary can be counted toward a State's work participation rate. We extend from 12 months to 24 months those who are participating in vocational credit.

If you want people to go to work, you have to make sure there is help on the childcare side. If we are going to raise the hours, we expect the people to do work or work-like activities. If we are going to raise the work participation rate, we have to provide additional assistance. There is an extra $6 billion that we provide for childcare over the 5-year period.

In addition, we raise the social service block grant to a fully authorized level over a 5-year period of time. On the transportation side, as I mentioned earlier, unless people can get to work—we can have all the caps and participation rates we want but unless people can get to work, they are not going to be able to get off welfare and stay off of welfare.

In our legislation, we provide under current law where States can use the TANF block grant for transportation assistance. We provide authorizing language for another $15 million in authorization for transportation. If you live in a rural area and there is no transportation, States can help people buy cheaper but working cars to get where they need to go.

We make a change with respect to transitional health care. Under current law, if I am on welfare and then I go to work, I lose my health care. I can get 12 months of transitional assistance from Medicaid. We raise that. We give States the discretion to raise that to 24 months.

I see Senator GRASSLEY has risen to speak. I will finish my remarks. I say this to him. I appreciate very much his effort in leading the Finance Committee. Senator NELSON and I have actually been privileged to be Governors of our States—8 years apiece—at the time we launched welfare reform. We learned a lot from those experiences. We think it is germane to the debate that is coming soon in the next steps in welfare reform. We hope to be part of the debate—maybe not in your committee but certainly when we get the bill to the floor. As much as I understand what is taking shape here, I think there are common elements in what Senator GRASSLEY is seeking to do and what Senator NELSON and I propose to do. We look very much forward to engaging with the chairman in the work he is doing now and with that which is going to be brought to the floor later this year.

Mr. President, I ask unanimous consent that the text of this bill that Senator NELSON and I are introducing be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1443

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 ''Building on Welfare Success Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Findings.

TITLE I—WORK

Sec. 101. Increase in minimum participation rates.
Sec. 102. Increase in number of hours required for work and work-related activities.
Sec. 103. Treatment of rehabilitative services as an additional work activity.
Sec. 104. Education and training.
Sec. 105. Authority to establish parents as scholars programs.
Sec. 106. Replacement of caseload reduction credit with employment credit.
Sec. 107. Elimination of separate work participation rate for 2-parent families.
Sec. 108. State option to count a caregiver of a family member with a disability or chronic illness as engaged in work.

TITLE II—FAMILY PROMOTION AND SUPPORT

Subtitle A—Family Formation Fund and Teen Pregnancy Prevention Grants

Sec. 201. Promotion of family formation.
Sec. 202. Ban on imposition of stricter eligibility criteria for 2-parent families.
Sec. 203. Teen pregnancy prevention grants.
Sec. 204. Teen pregnancy prevention resource center.
Sec. 205. Establishing national goals to prevent teen pregnancy.

Subtitle B—Child Support Distribution to Families First

CHAPTER 1—DISTRIBUTION OF CHILD SUPPORT

Sec. 211. Distribution of child support collected by States on behalf of children receiving certain welfare benefits.

CHAPTER 2—EXPANDED ENFORCEMENT

Sec. 221. Decrease in amount of child support arrearage triggering passport denial.
Sec. 222. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.
Sec. 223. Garnishment of compensation paid to veterans for service-connected disabilities in order to enforce child support obligations.
Sec. 224. Mandatory review and adjustment of child support orders for families receiving TANF.
Sec. 225. Improved interstate enforcement.

CHAPTER 3—MISCELLANEOUS

Sec. 231. Report on undistributed child support payments.
Sec. 232. Use of new hire information to assist in administration of unemployment compensation programs.
Sec. 233. Immigration provisions.
Sec. 234. Increase in payment rate to States for expenditures for short-term training of staff of certain child welfare agencies.

Subtitle C—Responsible Fatherhood

Sec. 241. Responsible fatherhood grants.
Sec. 242. National clearinghouse for responsible fatherhood programs.
Sec. 243. Block grants to States to encourage media campaigns.

TITLE III—STATE FLEXIBILITY

Sec. 301. State option to assist legal immigrant families.
Sec. 302. Optional coverage of legal immigrants under the medicaid program and title XXI.
Sec. 303. 5-year extension and simplification of the transitional medical assistance program (TMA).
Sec. 304. Definition of assistance.
Sec. 305. Clarification of authority of States to use TANF funds carried over from prior years to provide TANF benefits and services.
Sec. 306. Authority to use TANF funds for housing benefits.

TITLE IV—RESOURCES AND ACCOUNTABILITY

Sec. 401. Reauthorization of State family assistance grants.
Sec. 402. Reauthorization of supplemental grants for population increases.
Sec. 403. Contingency fund.
Sec. 404. Child care.
Sec. 405. Restoration of funding for the social services block grant.
Sec. 406. Competitive grants for public-private partnerships for educational opportunities for career advancement.
Sec. 407. Grants to improve access to transportation.
Sec. 408. Pathway to self-sufficiency grants to improve coordination of assistance for low-income families.
Sec. 409. Transitional jobs programs.
Sec. 410. GAO study on impact of ban on SSI benefits for legal immigrants.
Sec. 411. Ensuring TANF funds are not used to displace public employees; application of workplace laws to welfare recipients.
Sec. 412. Data collection and reporting.

TITLE V—MISCELLANEOUS

Sec. 501. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 4. FINDINGS.

Congress makes the following findings:

(1) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) was a fundamental change to reform the Federal welfare system to shift it from an entitlement program into a transition program to help families move from welfare to work and personal responsibility.

(2) Since enactment of the 1996 welfare reform law, welfare cash assistance caseloads have dropped dramatically, by approximately 50 percent, and approximately ⅔ of welfare recipients who have left the cash assistance rolls have left for work.

(3) Another sign of reform and progress is that funding has shifted from providing monthly cash assistance for parents to stay at home to over ½ of the funding targeted to pay for work supports, such as child care, transportation, job placement, limited job training, or other priorities.

(4) Investments in child care and transportation, and health care access will help continue this success and move more people from welfare to work.

(5) While many families have moved from welfare to work, many families struggle in low-wage jobs and have trouble getting promised supports such as medicaid, child care, food stamps, and other supports available under programs intended to help families.

(6) Child poverty rates in the United States have improved but they could be lower and they remain high when compared to the rates of other developed countries. More must be done to reduce child poverty in our Nation.

(7) State flexibility has been critical to the success of the 1996 welfare reform law and will be important for States to provide a broad range of services to address parents on welfare with barriers to employment. State flexibility also is important for States to continue successful welfare programs that have cut the caseload in half since 1996.

(8) Children deserve to be raised in supportive homes, preferably with 2 loving parents. It is crucial to end policies that discriminate against serving 2-parent families within the welfare system. It is also important to support innovative programs to encourage full participation in child support and child rearing by noncustodial parents.

(9) Despite declining national and State rates, 35 percent of 10 girls in the United States get pregnant at least once by age 20, nearly 900,000 girls get pregnant each year, and there are nearly 500,000 teen births each year. The national teen birth rate for Hispanic teen girls - the fastest growing group - is declining the slowest.

(10) If teen birth rates had stayed at the 1991 peak level, there would have been at least 800,000 additional babies born to teenagers.

TITLE I—WORK

SEC. 101. INCREASE IN MINIMUM PARTICIPATION RATES.

The table set forth in section 407(a)(1) (42 U.S.C. 607(a)(1)) is amended—

(1) in the item relating to fiscal year 2002—

(A) by striking ''or thereafter'' and inserting ''2003, or 2004''; and

(B) by striking the period; and

(2) by adding at the end the following:

''2005	55
2006	60
2007	65
2008 or thereafter	70.''.

SEC. 102. INCREASE IN NUMBER OF HOURS REQUIRED FOR WORK AND WORK-RELATED ACTIVITIES.

Section 407(c)(1) (42 U.S.C. 607(c)(1)), as amended by section 107(3), is amended—

(1) in the matter preceding the table set forth in that paragraph, by striking ''20 hours'' and inserting ''24 hours''; and

(2) in the table—

(A) in the item relating to fiscal year 2000, by striking ''or thereafter'' and inserting '', 2001, 2002, or 2003'';

(B) by striking the period at the end; and

(C) by adding at the end the following:

2004 or thereafter	32.''.

SEC. 103. TREATMENT OF REHABILITATIVE SERVICES AS AN ADDITIONAL WORK ACTIVITY.

(a) IN GENERAL.—Section 407(d) (42 U.S.C. 607(d)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in paragraph (12), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(13)(A) rehabilitative services, such as adult basic education, participation in a program designed to increase proficiency in the English language, or, in the case of an individual determined by a qualified medical, mental health, or social services professional as having a physical or mental disability, substance abuse problem, or other problem that requires rehabilitative services, substance abuse treatment, mental health treatment, or other rehabilitative services, provided that the provision of such services is a requirement of the individual's individual responsibility plan under section 408(b) (not to exceed 3 months out of any 24-month period, or, if such services for a longer period of time is a requirement of the individual's plan under section 408(b), up to 6 months, but only if, during the last 3 months of such 6 months, such services are combined with work or job-readiness activities); and

''(B) for purposes of counting toward the minimum average number of hours per week specified in subsection (c)(1), services described in subparagraph (A), the provision of which is a requirement of the individual's individual responsibility plan under section 408(b), until an individual successfully completes such services (and without regard to the time limits for the receipt of such services for purposes of subparagraph (A).''.

(b) CONFORMING AMENDMENTS.—Section 407(c)(1) (42 U.S.C. 607(c)(1)), as amended by sections 102 and 107(3), is amended by striking ''or (12)'' and inserting ''(12), or (13)(A)''.

SEC. 104. EDUCATION AND TRAINING.

(a) INCREASE IN MONTHS FOR VOCATIONAL EDUCATIONAL TRAINING TO COUNT AS A WORK ACTIVITY.—Section 407(d)(8) is amended to read as follows:

''(8) vocational educational training (not to exceed 24 months with respect to any individual);''.

(b) STATE OPTION TO TREAT PARTICIPANTS IN POSTSECONDARY EDUCATION PROGRAM ESTABLISHED BY THE STATE AS ENGAGED IN WORK.—Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

''(E) STATE OPTION TO TREAT PARTICIPANTS IN POSTSECONDARY EDUCATION PROGRAM ESTABLISHED BY THE STATE AS ENGAGED IN WORK.—In the case of a State that elects to establish a postsecondary education program under section 404(l), the State may include, for purposes of determining monthly participation rates under subsection (b)(1)(B)(i), all families that include an individual participating in such program during the month as being engaged in work for the month, so long as each such individual is in compliance with the requirements of that program.''.

(c) ELIMINATION OF RECIPIENTS COMPLETING SECONDARY SCHOOL FROM LIMIT ON NUMBER OF TANF RECIPIENTS PARTICIPATING IN VOCATIONAL EDUCATIONAL TRAINING.—

(1) IN GENERAL.—Section 407(c)(2)(D) (42 U.S.C. 607(c)(2)(D)) is amended to read as follows:

''(D) LIMITATION ON NUMBER OF PERSONS WHO MAY BE TREATED AS ENGAGED IN WORK BY REASON OF PARTICIPATION IN VOCATIONAL EDUCATIONAL TRAINING.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), not more than 30 percent of the number of individuals in all families in a State who are treated as engaged in work for a month may consist of individuals who are determined to be engaged in work for the month by reason of participation in vocational educational training (determined without regard to individuals described in subparagraph (C) or participating in a program referred to in subparagraph (E)).''.

(2) CONFORMING AMENDMENT.—Section 407(c)(2)(C)(ii) (42 U.S.C. 607(c)(2)(C)(ii) is amended by inserting ''including vocational educational training'' after ''employment''.

SEC. 105. AUTHORITY TO ESTABLISH PARENTS AS SCHOLARS PROGRAMS.

Section 404 (42 U.S.C. 604) is amended by adding at the end the following:

''(l) AUTHORITY TO ESTABLISH PARENTS AS SCHOLARS PROGRAMS.—

''(1) IN GENERAL.—A State to which a grant is made under section 403 may use the grant to establish a parents as scholars program under which an eligible participant may be provided support services described in paragraph (4) based on the participant's need in order to complete the program.

''(2) DEFINITION OF ELIGIBLE PARTICIPANT.—

''(A) IN GENERAL.—In this subsection, the term 'eligible participant' means an individual who receives assistance under the State program funded under this part and satisfies the following requirements:

''(i) The individual is enrolled as a full-time student in a postsecondary 2- or 4-year degree program.

''(ii) The individual does not have a marketable bachelor's degree.

''(iii) The individual does not have the skills necessary to earn at least 85 percent of the median wage for the State or locality in which the individual resides.

''(iv) The individual is—

''(I) pursuing a degree that will improve the individual's ability to support the individual's family, considering the local labor market and employment opportunities; and

''(II) demonstrating an ability to succeed in the educational program that has been chosen.

''(v) The individual participates in a combination of education, training, study or worksite experience for an average of not less than 20 hours per week (including time spent studying at 150 percent of time spent in class).

''(vi) After the first 24 months of participation in the program, the individual—

''(I) works not less than 15 hours per week (in addition to school and study time); or

''(II) engages in a combination of class hours, study hours (including time spent studying at 150 percent of time spent in class) and work for a total of not less than 32 hours per week.

''(vii) During the period the individual participates in the program, the individual—

''(I) maintains not less than a 2.0 grade point average;

''(II) attends classes as scheduled;

''(III) reports to the individual's caseworker for the program any changes that might affect the individual's participation;

''(IV) provides the individual's caseworker with a copy of any financial aid award letters; and

''(V) provides the individual's caseworker with the individual's semester grades as requested.

''(B) DEFINITION OF FULL-TIME STUDENT.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(i), an individual shall be considered a full-time student if such individual is taking courses having the number of hours needed under the requirements of the educational institution in which the individual is enrolled, to complete the requirements of a degree within the usual timeframe of 2 or 4 years, as applicable.

''(ii) EXCEPTION.—The State may, for good cause, modify the number of hours required under clause (i) to allow additional time, not to exceed 150 percent of the usual timeframe required for completion of a 2- or 4-year degree, for an individual to complete a degree and be considered a full-time student under a program established under this subsection.

''(3) MODIFICATION OF ELIGIBLE PARTICIPANT REQUIREMENTS.—A State may, for good cause, modify the requirements for an eligible participant set forth in paragraph (2)(A).

''(4) SUPPORT SERVICES DESCRIBED.—For purposes of paragraph (1), the support services described in this paragraph include 1 or more of the following during the period the eligible participant is in the program established under this subsection:

''(A) Child care for children under age 13 or for children who are physically or mentally incapable of caring for themselves.

''(B) Transportation services, including—

''(i) mileage at a set rate per mile or reimbursement for public or private transportation;

''(ii) payment for automotive repairs, not to exceed $500 per academic year on a vehicle registered to the eligible participant; and

''(iii) reimbursement for vehicle liability insurance, not to exceed $300, for the eligible participant's vehicle.

''(C) Payment for books and supplies to the extent that such items are not covered by grants and loans, not to exceed $750 per academic year.

''(D) Such other expenses, not to exceed $500, that the State determines are necessary for the eligible participant to complete the program established under this subsection and that are not covered by any other available support services program.''.

SEC. 106. REPLACEMENT OF CASELOAD REDUCTION CREDIT WITH EMPLOYMENT CREDIT.

(a) EMPLOYMENT CREDIT TO REWARD STATES IN WHICH FAMILIES LEAVE WELFARE FOR WORK; ADDITIONAL CREDIT FOR FAMILIES WITH HIGHER EARNINGS.—

(1) IN GENERAL.—Section 407(b) (42 U.S.C. 607(b)), as amended by section 107(2)(A), is amended by inserting after paragraph (1) the following:

''(2) EMPLOYMENT CREDIT.—

''(A) IN GENERAL.—The participation rate determined under paragraph (1) of a State for a fiscal year shall be increased by the lesser of—

''(i) the number of percentage points (if any) of the employment credit for the State for the fiscal year; or

''(ii) the number of percentage points (if any) by which the participation rate, so determined, is less than 100 percent.

''(B) CALCULATION OF CREDIT.—

''(i) IN GENERAL.—The employment credit for a State for a fiscal year is an amount equal to—

''(I) twice the average quarterly number of families with an adult that ceased to receive assistance under the State program funded under this part during the preceding fiscal year (but only if the adult did not receive such assistance for at least 2 months after the cessation) and that was employed during the calendar quarter immediately succeeding the quarter in which the payments ceased; divided by

''(II) the average monthly number of families that include an adult who received cash payments under the State program funded under this part during the preceding fiscal year.

''(ii) SPECIAL RULE FOR FORMER RECIPIENTS WITH HIGHER EARNINGS.—In calculating the employment credit for a State for a fiscal year, a family that,in the quarter in which the wage was examined, earned at least 50 percent of the average quarterly wage in the State (determined on the basis of State unemployment data) shall be considered to be 1.5 families.

''(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this paragraph.

''(D) REPORTS ON AMOUNT OF CREDIT.—Not later than 6 months after the end of each calendar quarter, the Secretary shall report to Congress and each State the amount of the employment credit for the State for the quarter. The Secretary may carry out this

subparagraph using funds made available under this part for research.''.

(2) AUTHORITY OF SECRETARY TO USE INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES.—Section 453(i) (42 U.S.C. 653(i)) is amended by adding at the end the following:

''(5) CALCULATION OF EMPLOYMENT CREDIT FOR PURPOSES OF DETERMINING STATE WORK PARTICIPATION RATES UNDER TANF.—The Secretary may use the information in the National Directory of New Hires for purposes of calculating State employment credits pursuant to section 407(b)(2).''.

(3) ELIMINATION OF CASELOAD REDUCTION CREDIT.—Section 407(b), as amended by paragraph (1) and section 107(2)(A), is amended by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(b) STATES TO RECEIVE PARTIAL CREDIT TOWARD WORK PARTICIPATION RATE FOR RECIPIENTS ENGAGED IN PART-TIME WORK.—Section 407(c)(1) (42 U.S.C. 607(c)(1)), as amended by section 107(3), is amended by adding at the end the following flush sentence: ''For purposes of subsection (b)(1)(B)(i), a family that does not include a recipient who is participating in work activities for an average of 32 hours per week during a month but includes a recipient who is participating in such activities during the month for an average of at least 50 percent of the minimum average number of hours per week specified for the month in the table set forth in this subparagraph shall be counted as a percentage of a family that includes an adult or minor child head of household who is engaged in work for the month, which percentage shall be the number of hours for which the recipient participated in such activities during the month divided by the number of hours of such participation required of the recipient under this section for the month.''.

(c) TANF RECIPIENTS WHO QUALIFY FOR SUPPLEMENTAL SECURITY INCOME BENEFITS REMOVED FROM WORK PARTICIPATION RATE CALCULATION FOR ENTIRE YEAR.—Section 407(b)(1)(B)(ii) (42 U.S.C. 607(b)(1)(B)(ii)) is amended—

(1) in subclause (I), by inserting ''who has not become eligible for supplemental security income benefits under title XVI during the fiscal year'' before the semicolon; and

(2) in subclause (II), by inserting '', and that do not include an adult or minor child head of household who has become eligible for supplemental security income benefits under title XVI during the fiscal year'' before the period.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2005.

SEC. 107. ELIMINATION OF SEPARATE WORK PARTICIPATION RATE FOR 2-PARENT FAMILIES.

Section 407 (42 U.S.C. 607) is amended—

(1) in subsection (a)—

(A) in the heading of paragraph (1), by striking ''ALL FAMILIES'' and inserting ''IN GENERAL''; and

(B) by striking paragraph (2);

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (4), by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraph (1)(B)''; and

(C) in paragraph (5), by striking ''rates'' and inserting ''rate''; and

(3) in subsection (c)(1)—

(A) by striking ''GENERAL RULES.—'' and all that follows through ''For purposes'' in subparagraph (A) and inserting ''GENERAL RULE.—For purposes''; and

(B) by striking subparagraph (B).

SEC. 108. STATE OPTION TO COUNT A CAREGIVER OF A FAMILY MEMBER WITH A DISABILITY OR CHRONIC ILLNESS AS ENGAGED IN WORK.

Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

''(E) STATE OPTION TO COUNT A CAREGIVER OF A FAMILY MEMBER WITH A DISABILITY OR CHRONIC ILLNESS AS ENGAGED IN WORK.—

''(i) IN GENERAL.—If a State determines that a recipient is needed to provide care for a child with a physical or mental disability or chronic illness (as defined by the State), or an adult relative with a physical or mental disability or chronic illness (as so defined), the State may deem the recipient to be engaged in work for purposes of determining the monthly participation rate under subsection (b)(1)(B)(i).

''(ii) INCLUSION IN INDIVIDUAL RESPONSIBILITY PLAN; ANNUAL REVIEW.—The need to provide care described in clause (i) shall be specified in the recipient's individual responsibility plan established under section 408(b) and reviewed not less than annually.

''(iii) ENGAGEMENT IN OTHER ACTIVITY.—Nothing in clause (i) or (ii) shall be construed as prohibiting a State from determining that, taking into consideration the needs of the child or adult relative with a physical or mental disability or chronic illness, an adult recipient who provides care for such child or adult relative can engage in some other additional work activity, or another activity that may lead to work, for all or a portion of the time required to meet the work requirement under the State program funded under this part.''.

TITLE II—FAMILY PROMOTION AND SUPPORT

Subtitle A—Family Formation Fund and Teen Pregnancy Prevention Grants

SEC. 201. PROMOTION OF FAMILY FORMATION.

Section 403(a) (42 U.S.C. 603(a)) is amended by adding at the end the following:

''(6) FAMILY FORMATION GRANTS.—

''(A) AUTHORITY.—

''(i) IN GENERAL.—The Secretary shall award competitive grants to States, Indian tribes, nonprofit entities, and charitable or religious organizations for the cost of developing and implementing healthy marriage promotion programs.

''(ii) APPLICATION.—A State, Indian tribe, nonprofit entity, or a charitable or religious organization desiring a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) PERMISSIBLE ACTIVITIES.—Funds provided under a grant awarded under this paragraph may be used for programs or activities that are designed to promote healthy and stable marriage, including the following:

''(i) Voluntary marriage and relationship skills education programs for nonmarried pregnant women and nonmarried expectant fathers.

''(ii) Voluntary premarital education and marriage and relationship skills education for engaged couples and for couples interested in marriage.

''(iii) Voluntary marriage enhancement and marriage and relationship skills education programs for married couples including mediation services and couples counseling.

''(iv) Teen pregnancy prevention programs, including the prevention of repeat pregnancies.

''(v) Domestic violence prevention programs for training and technical assistance activities to be provided to other entities funded under this subparagraph.

''(C) GRANTS SELECTION CRITERIA.—

''(i) IN GENERAL.—The Secretary shall promulgate for public comment criteria for selecting grant proposals to be funded under subparagraph (B). Such criteria shall—

''(I) set forth a grant review process that includes independent experts, including individuals with expertise in programs for low-income families, programs addressing teen pregnancy prevention, programs addressing teen parenting or youth development, programs addressing domestic violence, program research, and program administration, and shall be designed to ensure that an individual shall not be involved in the grant selection process if such involvement would pose a conflict of interest for the individual;

''(II) specify grantee qualifications and requirements, including a requirement that grant applications provide financial information, including a copy of the applicant's most recent audit report, and shall require grantees to agree to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures;

''(III) require grant proposals to identify community support and include a plan to collaborate with appropriate public and community-based organizations and service providers; and

''(IV) require grant proposals to describe the methods the applicant plans to use to recruit project participants and the applicant's plan to evaluate project implementation, operation, and outcomes, and to demonstrate that there is a sufficient number of potential participants to conduct the evaluation.

''(ii) OVERSIGHT OF EVALUATIONS.—The Secretary shall ensure that there is an appropriate evaluation for all grant proposals funded under subparagraph (B), including use of random assignment in appropriate instances.

''(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated for making grants under this paragraph—

''(i) for fiscal year 2004, $75,000,000;

''(ii) for fiscal year 2005, $100,000,000;

''(iii) for fiscal year 2006, $150,000,000;

''(iv) for fiscal year 2007, $175,000,000; and

''(v) for fiscal year 2008, $200,000,000.''.

SEC. 202. BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.

(a) PROHIBITION.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.—In determining the eligibility of a 2-parent family for assistance under a State program funded under this part, the State shall not impose a requirement that does not apply in determining the eligibility of a 1-parent family for such assistance.''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(15) PENALTY FOR IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

SEC. 203. TEEN PREGNANCY PREVENTION GRANTS.

Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

''(2) GRANTS TO PREVENT TEEN PREGNANCY.—

''(A) SUBMISSION OF PLAN.—

''(i) IN GENERAL.—Each State that submits a plan that meets the requirements of clause (ii) shall be entitled to receive from the Secretary a teen pregnancy prevention grant in the amount determined under subparagraph (B) for each of fiscal years 2004 through 2008.

''(ii) PLAN REQUIREMENTS.—A plan meets the requirements of this clause if the plan—

''(I) describes the State's numerical goal for reducing teen pregnancy and teen births;

''(II) identifies the strategies to be used to achieve such goal; and

''(III) describes the efforts the State will make to involve young men, as well as young women, in delaying pregnancy and parenting.

''(iii) SET-ASIDE FOR GRANTS TO INDIAN TRIBES.—Not less than an amount equal to 1.5 percent of the amount appropriated under subparagraph (G) for a fiscal year shall be used for the purpose of awarding grants to Indian tribes under this paragraph in such manner, and subject to such requirements, as the Secretary, in consultation with such tribes, determines appropriate.

''(B) GRANT AMOUNT.—

''(i) IN GENERAL.—The Secretary shall allot to each State with a plan approved under subparagraph (A) an amount equal to—

''(I) with respect to fiscal year 2004, the amount that bears the same ratio to the amount of funds appropriated under subparagraph (G) for such fiscal year as the proportion of births in the State to teens under age 20 bears to the number of such births in all States; and

''(II) with respect to each of fiscal years 2005 through 2008, the amount that bears the same ratio to 50 percent of the amount of funds appropriated under subparagraph (G) for each such fiscal year as the proportion of births in the State to teens under age 20 bears to the number of such births in all States.

''(ii) INCENTIVE FUNDS.—In addition to the amount determined for a State under clause (i)(II), in the case of a State that is a high achieving State (as defined in clause (iii)), the Secretary shall allot to such high achieving State with respect to each of fiscal years 2005 through 2008, the amount that bears the same ratio to 50 percent of the amount of funds appropriated under subparagraph (G) for each such fiscal year as the proportion of teens under age 20 in the high achieving State bears to the number of such teens in all such high achieving States.

''(iii) DEFINITION OF HIGH ACHIEVING STATE.—In this paragraph, the term 'high achieving State' means a State that has achieved an annual decline in the teen birth rate for the State as compared to the preceding year (or the most recent year for which data is available) of at least 2.5 percent.

''(iv) DETERMINATION OF TEEN BIRTH RATES.—For purposes of this subparagraph, the teen birth rate for a State shall be determined on the basis of the birth rate per 1,000 women, ages 15 through 19, who reside in the State.

''(C) USE OF FUNDS.—

''(i) IN GENERAL.—A State shall use funds provided under a grant made under this paragraph to implement teen pregnancy prevention strategies that—

''(I) are abstinence-first, as defined in clause (ii)(I);

''(II) replicate or substantially incorporate the elements of 1 or more teen pregnancy prevention programs, including certain youth development programs and service learning programs, that have been proven effective (on the basis of rigorous scientific research as defined in clause (ii)(III));

''(III) delay or decrease sexual activity, increase contraceptive use among sexually active teens, or reduce teenage pregnancies without increasing risky behaviors; and

''(IV) incorporate outreach or media programs.

''(ii) DESIGN AND IMPLEMENTATION FLEXIBILITY.—States and Indian tribes receiving a grant under this paragraph shall have flexibility to determine how to use funds made available under the grant to design and implement the teen pregnancy prevention strategies described in clause (i).

''(iii) DEFINITIONS.—In this paragraph:

''(I) ABSTINENCE-FIRST.—The term 'abstinence-first' means a strategy that strongly emphasizes abstinence as the best and only certain way to avoid pregnancy and sexually transmitted infections and that discusses the scientifically proven effectiveness, benefits, and limitations of contraception and other approaches in a manner that is medically accurate, as defined in subclause (II).

''(II) MEDICALLY ACCURATE.—The term 'medically accurate' means information that is supported by research recognized as accurate and objective by leading medical, psychological, psychiatric, or public health organizations and agencies and, where relevant, is published in a peer-reviewed journal (as defined by the American Medical Association).

''(III) RIGOROUS SCIENTIFIC RESEARCH.—The term 'rigorous scientific research' means research that typically uses randomized control trials and other similar strong experimental designs.

''(D) SUBGRANT OR CONTRACT RECIPIENTS.—A State to which a grant is made under this paragraph for a fiscal year may award subgrants or contracts to—

''(i) State or local nonprofit coalitions working to prevent teenage pregnancy;

''(ii) State, local, or tribal agencies;

''(iii) schools;

''(iv) entities that provide after school programs;

''(v) nonprofit community or faith-based organizations; or

''(vi) other organizations designated by the State.

''(E) SUPPLEMENTATION OF FUNDS.—A State to which a grant is made under this paragraph for a fiscal year shall use funds provided under the grant to supplement and not supplant funds that would otherwise be available to the State for preventing teen pregnancy.

''(F) DATA REPORTING.—A State to which a grant is made under this paragraph for a fiscal year shall cooperate with the Secretary to collect information and report on outcomes of programs funded under the grant, as specified by the Secretary.

''(G) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making grants under this paragraph—

''(i) for fiscal year 2004, $50,000,000; and

''(ii) for each of fiscal years 2005 through 2008, $100,000,000.''.

SEC. 204. TEEN PREGNANCY PREVENTION RESOURCE CENTER.

(a) AUTHORITY TO ESTABLISH.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall make a grant to a nationally recognized, nonpartisan, nonprofit organization that meets the requirements described in paragraph (2) to establish and operate a national teen pregnancy prevention resource center (in this section referred to as the ''Resource Center'') to carry out the purposes and activities described in subsection (b).

(2) CONTRACTOR REQUIREMENTS.—The requirements described in this paragraph are the following:

(A) The organization has at least 7 years of experience in working with diverse sectors of society to reduce teen pregnancy.

(B) The organization has a demonstrated ability to work with and provide assistance to a broad range of individuals and entities, including teens, parents, the entertainment and news media, State, tribal, and local organizations, networks of teen pregnancy prevention practitioners, businesses, faith and community leaders, and researchers.

(C) The organization is research-based and has capabilities in scientific analysis and evaluation.

(D) The organization has comprehensive knowledge and data about teen pregnancy prevention strategies.

(E) The organization has experience carrying out activities similar to the activities described in subsection (b)(2).

(b) PURPOSES AND ACTIVITIES.—

(1) PURPOSES.—The purposes of the Resource Center are to—

(A) provide information and technical assistance to States, Indian tribes, local communities, and other public or private organizations seeking to reduce rates of teen pregnancy;

(B) support parents in their essential role in preventing teen pregnancy by equipping parents with information and resources to promote and strengthen communication with their children; and

(C) assist the entertainment media industry by providing information and helping that industry develop content and messages for teens and adults that can help prevent teen pregnancy.

(2) ACTIVITIES.—The Resource Center shall carry out the purposes described in paragraph (1) through the following activities:

(A) Synthesizing and disseminating research and information regarding effective and promising practices to prevent teen pregnancy.

(B) Developing and providing information on how to design and implement effective programs to prevent teen pregnancy.

(C) Helping States, local communities, and other organizations increase their knowledge of existing resources that can be used to advance teen pregnancy prevention efforts, build their capacity to access such resources, and develop partnerships with other programs and funding streams.

(D) Linking organizations working to reduce teen pregnancy with experts and peer groups, including the creation of technical assistance networks.

(E) Providing consultation and resources on how to reduce teen pregnancy through a broad array of strategies, including enlisting the help of various sectors of society such as parents, other adults (such as coaches, teachers, and mentors), community or faith-based groups, the entertainment and news media, business, and teens themselves.

(F) Assisting organizations seeking to reduce teen pregnancy in their efforts to work with all forms of media and to reach a variety of audiences (such as teens, parents, and ethnically diverse groups) to communicate effective messages about preventing teen pregnancy, including messages that focus on abstinence, responsible behavior, family communication, relationships, and values.

(G) Providing resources for parents and other adults that help to foster strong connections with children, which has been proven effective in reducing sexual activity and teen pregnancy, including online access to research, parent guides, tips, and alerts

about upcoming opportunities to use the entertainment media as a discussion starter.

(H) Working directly with individuals and organizations in the entertainment industry to provide consultation and serve as a source of factual information on issues related to teen pregnancy prevention.

(c) MEDIA CAMPAIGNS.—

(1) IN GENERAL.—The organization operating the Resource Center may use a portion of the funds appropriated to carry out this section to develop and implement media campaigns directly or through grants, contracts, or cooperative agreements with other entities. Such campaigns may include the production and distribution of printed materials and messages for print media, television and radio broadcast media, the Internet, or such other media as may be appropriate for reaching large numbers of young people, parents, and community leaders.

(2) MATCHING.—To the extent possible, funds used to develop and implement media campaigns under this subsection should be matched with non-Federal resources, including in-kind contributions, from public and private entities.

(d) COLLABORATION WITH OTHER ORGANIZATIONS.—The organization operating the Resource Center shall collaborate with other organizations that have expertise and interest in teen pregnancy prevention and that can help to reach out to diverse audiences.

(e) EVALUATION.—

(1) RESERVATION AND AVAILABILITY OF FUNDS.—Of the amount appropriated under subsection (f) for fiscal year 2004, $5,000,000 shall be reserved for use by the Secretary of Health and Human Services to prepare an interim and final report summarizing and synthesizing outcomes and lessons learned from the activities funded under this section. Funds reserved under the preceding sentence shall remain available for expenditure through fiscal year 2008.

(2) REQUIRED INFORMATION.—Each report required under paragraph (1) shall include—

(A) a rigorous scientific evaluation of at least 3 such activities that are selected to represent a diversity of strategies; and

(B) an assessment of the ability to replicate and expand activities that have proven effective on a smaller scale.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section, $10,000,000 for each of fiscal years 2004 through 2008.

SEC. 205. ESTABLISHING NATIONAL GOALS TO PREVENT TEEN PREGNANCY.

Section 905 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 710 note) is amended to read as follows:

"SEC. 905. ESTABLISHING NATIONAL GOALS TO PREVENT TEEN PREGNANCY.

''(a) IN GENERAL.—Not later than January 1, 2004, the Secretary of Health and Human Services shall establish a national goal of reducing teen pregnancy by at least 25 percent by January 1, 2014.

''(b) REPORT.—Not later than June 30, 2004, and annually thereafter, the Secretary of Health and Human Services shall report to Congress with respect to the progress that has been made in meeting the national goal established under subsection (a).''.

Subtitle B—Child Support Distribution to Families First

CHAPTER 1—DISTRIBUTION OF CHILD SUPPORT

SEC. 211. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RECEIVING CERTAIN WELFARE BENEFITS.

(a) MODIFICATION OF RULE REQUIRING ASSIGNMENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIVING TANF.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

''(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.—A State to which a grant is made under section 403 shall require, as a condition of paying assistance to a family under the State program funded under this part, that a member of the family assign to the State any right the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance so paid to the family, which accrues during the period that the family receives assistance under the program.''.

(b) INCREASING CHILD SUPPORT PAYMENTS TO FAMILIES AND SIMPLIFYING CHILD SUPPORT DISTRIBUTION RULES.—

(1) DISTRIBUTION RULES.—

(A) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)) is amended to read as follows:

''(a) IN GENERAL.—Subject to subsections (e) and (f), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

''(1) FAMILIES RECEIVING ASSISTANCE.—In the case of a family receiving assistance from the State, the State shall—

''(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

''(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

''(C) pay to the family any remaining amount.

''(2) FAMILIES THAT FORMERLY RECEIVED ASSISTANCE.—In the case of a family that formerly received assistance from the State:

''(A) CURRENT SUPPORT.—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

''(B) ARREARAGES.—Except as otherwise provided in an election made under 434(34), to the extent that the amount collected exceeds the current support amount, the State—

''(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrearages not assigned pursuant to section 408(a)(3);

''(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

''(I) pay to the Federal Government, the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

''(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

''(iii) shall pay to the family any remaining amount.

''(3) LIMITATIONS.—

''(A) FEDERAL REIMBURSEMENTS.—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(B) STATE REIMBURSEMENTS.—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(4) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall pay the amount collected to the family.

''(5) FAMILIES UNDER CERTAIN AGREEMENTS.—Notwithstanding paragraphs (1) through (3), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.

''(6) STATE FINANCING OPTIONS.—To the extent that the State's share of the amount payable to a family pursuant to paragraph (2)(B) of this subsection exceeds the amount that the State estimates (under procedures approved by the Secretary) would have been payable to the family pursuant to former section 457(a)(2)(B) (as in effect for the State immediately before the date this subsection first applies to the State) if such former section had remained in effect, the State may elect to use the grant made to the State under section 403(a) to pay the amount, or to have the payment considered a qualified State expenditure for purposes of section 409(a)(7), but not both.

''(7) STATE OPTION TO PASS THROUGH ADDITIONAL SUPPORT WITH FEDERAL FINANCIAL PARTICIPATION.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is not a recipient of assistance under the State program funded under part A, to the extent that the State pays the amount to the family.

''(B) RECIPIENTS OF TANF FOR LESS THAN 5 YEARS.—

''(i) IN GENERAL.—Notwithstanding paragraphs (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and, if the family includes an adult, that has received the assistance for not more than 5 years after the date of enactment of this paragraph, to the extent that—

''(I) the State pays the amount to the family; and

''(II) subject to clause (ii), the amount is disregarded in determining the amount and type of the assistance provided to the family.

''(ii) LIMITATION.—Of the amount disregarded as described in clause (i)(II), the maximum amount that may be taken into account for purposes of clause (i) shall not exceed $400 per month, except that, in the case of a family that includes 2 or more children, the State may elect to increase the maximum amount to not more than $600 per month.

''(8) STATES WITH DEMONSTRATION WAIVERS.—Notwithstanding the preceding paragraphs, a State with a waiver under section 1115, effective on or before October 1, 1997, the terms of which allow pass-through of child support payments, may pass through payments in accordance with such terms with respect to families subject to the waiver.''.

(B) STATE PLAN TO INCLUDE ELECTION AS TO WHICH RULES TO APPLY IN DISTRIBUTING CHILD SUPPORT ARREARAGES COLLECTED ON BEHALF OF FAMILIES FORMERLY RECEIVING ASSISTANCE.—Section 454 (42 U.S.C. 654) is amended—

(i) by striking ''and'' at the end of paragraph (32);

(ii) by striking the period at the end of paragraph (33) and inserting ''; and''; and

(iii) by inserting after paragraph (33) the following:

''(34) include an election by the State to apply section 457(a)(2)(B) of this Act or former section 457(a)(2)(B) of this Act (as in effect for the State immediately before the date this paragraph first applies to the State) to the distribution of the amounts

which are the subject of such sections, and for so long as the State elects to so apply such former section, the amendments made by subsection (b)(1)(A) of section 211 of the Building on Welfare Success Act of 2003 shall not apply with respect to the State, notwithstanding subsection (f)(1) of such section 211.''.

(C) APPROVAL OF ESTIMATION PROCEDURES.—Not later than the date that is 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the States (as defined for purposes of part D of title IV of the Social Security Act), shall establish the procedures to be used to make the estimate described in section 457(a)(6) of such Act.

(2) CURRENT SUPPORT AMOUNT DEFINED.—Section 457(c) (42 U.S.C. 657(c)) is amended by adding at the end the following:

''(5) CURRENT SUPPORT AMOUNT.—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support.''.

(c) BAN ON RECOVERY OF MEDICAID COSTS FOR CERTAIN BIRTHS.—Section 454 (42 U.S.C. 654), as amended by subsection (b)(1)(B), is amended—

(1) by striking ''and'' at the end of paragraph (33);

(2) by striking the period at the end of paragraph (34) and inserting ''; and''; and

(3) by inserting after paragraph (34) the following:

''(35) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 408(a)(3), 471(a)(17), or 1912.''.

(d) STATE OPTION TO DISCONTINUE PRE-1997 SUPPORT ASSIGNMENTS.—Section 457(b) (42 U.S.C. 657(b)) is amended to read as follows:

''(b) CONTINUATION OF ASSIGNMENTS.—

''(1) STATE OPTION TO DISCONTINUE PRE-1997 SUPPORT ASSIGNMENTS.—

''(A) IN GENERAL.—Any rights to support obligations assigned to a State as a condition of receiving assistance from the State under part A and in effect on September 30, 1997 (or such earlier date on or after August 22, 1996, as the State may choose), may remain assigned after such date.

''(B) DISTRIBUTION OF AMOUNTS AFTER ASSIGNMENT DISCONTINUATION.—If a State chooses to discontinue the assignment of a support obligation described in subparagraph (A), the State may treat amounts collected pursuant to such assignment as if such amounts had never been assigned and may distribute such amounts to the family in accordance with subsection (a)(4).

''(2) STATE OPTION TO DISCONTINUE POST-1997 ASSIGNMENTS.—

''(A) IN GENERAL.—Any rights to support obligations accruing before the date on which a family first receives assistance that are assigned to a State under part A and in effect before the implementation date of this section may remain assigned after such date.

''(B) DISTRIBUTION OF AMOUNTS AFTER ASSIGNMENT DISCONTINUATION.—If a State chooses to discontinue the assignment of a support obligation described in subparagraph (A), the State may treat amounts collected pursuant to such assignment as if such amounts had never been assigned and may distribute such amounts to the family in accordance with subsection (a)(4).''.

(e) CONFORMING AMENDMENTS.—

(1) Section 404(a) (42 U.S.C. 604(a)) is amended—

(A) by striking ''or'' at the end of paragraph (1);

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

(C) by adding at the end the following:

''(3) to fund payment of an amount pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to use the grant to fund the payment.''.

(2) Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended—

(A) in subclause (I)(aa), by striking ''457(a)(1)(B)'' and inserting ''457(a)(1)''; and

(B) by adding at the end the following:

''(V) PORTIONS OF CERTAIN CHILD SUPPORT PAYMENTS COLLECTED ON BEHALF OF AND DISTRIBUTED TO FAMILIES NO LONGER RECEIVING ASSISTANCE.—Any amount paid by a State pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to have the payment considered a qualified State expenditure.''.

(3) TAX OFFSET AUTHORITY.—Section 6402(c) of the Internal Revenue Code of 1986 (relating to authority to make credits or refunds) is amended—

(A) in the first sentence, by striking ''the Social Security Act'' the second place it appears and inserting ''such Act''; and

(B) by striking the third sentence and inserting the following: ''The Secretary shall apply a reduction under this subsection first to an amount certified by the State as past due support under section 464 before any other reductions allowed by law.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2004, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments (in the case of State programs operated under such part D) are promulgated by such date.

(2) STATE OPTION TO ACCELERATE EFFECTIVE DATE.—In addition, a State may elect to have the amendments made by this section apply to the State and to amounts collected by the State, on and after such date as the State may select that is after the date of enactment of this Act and before October 1, 2004.

CHAPTER 2—EXPANDED ENFORCEMENT

SEC. 221. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

Section 452(k) (42 U.S.C. 652(k)) is amended by striking ''$5,000'' and inserting ''$2,500''.

SEC. 222. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

Section 464 (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking ''(as that term is defined for purposes of this paragraph under subsection (c))''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''(1) Except as provided in paragraph (2), as used in'' and inserting ''In''; and

(ii) by inserting ''(whether or not a minor)'' after ''a child'' each place it appears; and

(B) by striking paragraphs (2) and (3).

SEC. 223. GARNISHMENT OF COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES IN ORDER TO ENFORCE CHILD SUPPORT OBLIGATIONS.

Section 459(h) (42 U.S.C. 659(h)) is amended—

(1) in paragraph (1)(A)(ii)—

(A) in subclause (IV), by striking ''or'' after the semicolon;

(B) in subclause (V), by inserting ''or'' after the semicolon; and

(C) by adding at the end the following:

''(VI) subject to paragraph (3), other than periodic benefits or payments described in subclause (V), by the Secretary of Veterans Affairs as compensation for a service-connected disability paid by the Secretary to a former member of the Armed Forces;'';

(2) in paragraph (1)(B)(iii), by striking ''subparagraph (A)(ii)(V)'' and inserting ''subclauses (V) and (VI) of subparagraph (A)(ii)''; and

(3) by adding at the end the following:

''(3) LIMITATIONS WITH RESPECT TO COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES.—

''(A) ALIMONY AND CHILD SUPPORT.—Compensation described in paragraph (1)(A)(ii)(VI) shall not be subject to withholding pursuant to this section—

''(i) for payment of alimony; or

''(ii) for payment of child support if the individual is fewer than 60 days in arrears in payment of the support.

''(B) LIMITATION.—Not more than 50 percent of any payment of compensation described in subparagraph (A) may be withheld pursuant to this section.''.

SEC. 224. MANDATORY REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS FOR FAMILIES RECEIVING TANF.

(a) IN GENERAL.—Section 466(a)(10)(A)(i) (42 U.S.C. 666(a)(10)(A)(i)) is amended in the matter preceding subclause (I)—

(1) by striking ''parent, or,'' and inserting ''parent or''; and

(2) by striking ''upon the request of the State agency under the State plan or of either parent,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005.

SEC. 225. IMPROVED INTERSTATE ENFORCEMENT.

(a) ADOPTION OF UNIFORM STATE LAWS.—Section 466(f) (42 U.S.C. 666(f)) is amended—

(1) by striking ''January 1, 1998'' and inserting ''October 1, 2004''; and

(2) by striking ''August 22, 1996'' and inserting ''January 1, 2002''.

(b) FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS.—Section 1738B of title 28, United States Code, is amended—

(1) by striking subsection (d) and inserting the following:

''(d) CONTINUING EXCLUSIVE JURISDICTION.—

''(1) IN GENERAL.—Subject to paragraph (2), a court of a State that has made a child support order consistently with this section has continuing, exclusive jurisdiction to modify its order if the order is the controlling order and—

''(A) the State is the child's State or the residence of any individual contestant; or

''(B) if the State is not the residence of the child or an individual contestant, the contestants consent in a record or in open court that the court may continue to exercise jurisdiction to modify its order.

''(2) REQUIREMENT.—A court may not exercise its continuing, exclusive jurisdiction to modify the order if the court of another State, acting in accordance with subsections (e) and (f), has made a modification of the order.'';

(2) in subsection (e)(2)—

(A) in subparagraph (A), by striking ''because'' and all that follows through the semicolon and inserting ''pursuant to paragraph (1) or (2) of subsection (d);'' and

(B) in subparagraph (B), by inserting ''with jurisdiction over at least 1 of the individual contestants or that is located in the child's State'' after ''another State'';

(3) in subsection (f)—

(A) in the subsection heading, by striking ''RECOGNITION OF CHILD SUPPORT ORDERS''

and inserting ''DETERMINATION OF CONTROLLING CHILD SUPPORT ORDER'';

(B) in the matter preceding paragraph (1), by striking ''shall apply'' and all that follows through the colon and inserting ''having personal jurisdiction over both individual contestants shall apply the following rules and by order shall determine which order controls:''

(C) in paragraph (1), by striking ''must be'' and inserting ''controls and must be so'';

(D) in paragraph (2), by striking ''must be recognized'' and inserting ''controls'';

(E) in paragraph (3), by striking ''must be recognized'' each place it appears and inserting ''controls'';

(F) in paragraph (4)—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by striking ''must be recognized'' and inserting ''controls''; and

(G) by striking paragraph (5);

(4) by striking subsection (g) and inserting the following:

''(g) ENFORCEMENT OF MODIFIED ORDERS.—If a child support order issued by a court of a State is modified by a court of another State which properly assumed jurisdiction, the issuing court—

''(1) may enforce its order that was modified only as to arrears and interest accruing before the modification;

''(2) may provide appropriate relief for violations of its order which occurred before the effective date of the modification; and

''(3) shall recognize the modifying order of the other State for the purpose of enforcement.'';

(5) in subsection (h)—

(A) in paragraph (1), by striking ''and (3)'' and inserting '', (3), and (4)'';

(B) in paragraph (2), by inserting ''the computation and payment of arrearages, and the accrual of interest on the arrearages,'' after ''obligations of support,''; and

(C) by adding at the end the following:

''(4) PROSPECTIVE APPLICATION.—After a court determines which is the controlling order and issues an order consolidating arrears, if any, a court shall prospectively apply the law of the State issuing the controlling order, including that State's law with respect to interest on arrears, current and future support, and consolidated arrears.''; and

(6) in subsection (i), by inserting ''and subsection (d)(2) does not apply'' after ''issuing State''.

CHAPTER 3—MISCELLANEOUS

SEC. 231. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed due to a change in address. The report shall include an estimate of the total amount of such undistributed child support and the average length of time it takes for such child support to be distributed. The Secretary shall include in the report recommendations as to whether additional procedures should be established at the Federal or State level to expedite the payment of undistributed child support.

SEC. 232. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

Section 453(j) (42 U.S.C. 653(j)) is amended by adding at the end the following:

''(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.—

''(A) IN GENERAL.—If a State agency responsible for the administration of an unemployment compensation program under Federal or State law transmits to the Secretary the name and social security account number of an individual, the Secretary shall, if the information in the National Directory of New Hires indicates that the individual may be employed, disclose to the State agency the name, address, and employer identification number of any putative employer of the individual, subject to this paragraph.

''(B) CONDITION ON DISCLOSURE.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

''(C) USE OF INFORMATION.—A State agency may use information provided under this paragraph only for purposes of administering a program referred to in subparagraph (A).''.

SEC. 233. IMMIGRATION PROVISIONS.

(a) NONIMMIGRANT ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.—

(1) IN GENERAL.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

''(F) NONPAYMENT OF CHILD SUPPORT.—

''(i) IN GENERAL.—Any nonimmigrant alien is inadmissible who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i)(2) of the Social Security Act), and whose failure to pay such child support has resulted in an arrearage exceeding $2,500, until child support payments under the judgment, decree, or order are satisfied or the nonimmigrant alien is in compliance with an approved payment agreement.

''(ii) WAIVER AUTHORIZED.—The Secretary of Homeland Security may waive the application of clause (i) in the case of an alien, if the Secretary—

''(I) has received a request for the waiver from the court or administrative agency having jurisdiction over the judgment, decree, or order obligating the alien to pay child support that is referred to in such clause; or

''(II) determines that there are prevailing humanitarian or public interest concerns.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

(b) AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.—

(1) IN GENERAL.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

''(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

''(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States legal process with respect to any action to enforce or establish a legal obligation of an individual to pay child support (as defined in section 459(i)(2) of the Social Security Act).

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons, or other similar process, which is issued by—

''(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

''(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to aliens applying for admission to the United States on or after 180 days after the date of enactment of this Act.

(c) AUTHORIZATION TO SHARE CHILD SUPPORT ENFORCEMENT INFORMATION TO ENFORCE IMMIGRATION AND NATURALIZATION LAW.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following:

''(m) If the Secretary receives a certification by a State agency, in accordance with section 454(36), that an individual who is a nonimmigrant alien (as defined in section 101(a)(15) of the Immigration and Nationality Act) owes arrearages of child support in an amount exceeding $2,500, the Secretary may, at the request of the State agency, the Secretary of State, or the Secretary of Homeland Security, or on the Secretary's own initiative, provide the certification to the Secretary of State and the Secretary of Homeland Security in order to enable them to carry out their responsibilities under sections 212(a)(10) and 235(d) of such Act.''.

(2) STATE AGENCY RESPONSIBILITY.—Section 454 (42 U.S.C. 654), as amended by section 211(c), is amended—

(A) by striking ''and'' at the end of paragraph (34);

(B) by striking the period at the end of paragraph (35) and inserting ''; and''; and

(C) by inserting after paragraph (35) the following:

''(36) provide that the State agency will have in effect a procedure for certifying to the Secretary, in such format and accompanied by such supporting documentation as the Secretary may require, determinations that nonimmigrant aliens owe arrearages of child support in an amount exceeding $2,500.''.

SEC. 234. INCREASE IN PAYMENT RATE TO STATES FOR EXPENDITURES FOR SHORT-TERM TRAINING OF STAFF OF CERTAIN CHILD WELFARE AGENCIES.

Section 474(a)(3)(B) of the Social Security Act (42 U.S.C. 674(a)(3)(B)) is amended by inserting '', or State-licensed or State-approved child welfare agencies providing services,'' after ''child care institutions''.

Subtitle C—Responsible Fatherhood

SEC. 241. RESPONSIBLE FATHERHOOD GRANTS.

Part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) is amended by adding at the end the following:

''SEC. 469C. RESPONSIBLE FATHERHOOD GRANTS.

''(a) GRANTS TO STATES TO CONDUCT DEMONSTRATION PROGRAMS.—

''(1) AUTHORITY TO AWARD GRANTS.—

''(A) IN GENERAL.—The Secretary shall award grants to up to 10 eligible States to conduct demonstration programs to carry out the purposes described in paragraph (2).

''(B) ELIGIBLE STATE.—For purposes of this subsection, an eligible State is a State that submits to the Secretary the following:

''(i) APPLICATION.—An application for a grant under this subsection, at such time, in such manner, and containing such information as the Secretary may require.

''(ii) STATE PLAN.—A State plan that includes the following:

''(I) PROJECT DESCRIPTION.—A description of the types of projects the State will fund under the grant, including a good faith estimate of the number and characteristics of clients to be served under such projects and how the State intends to achieve at least 2 of the purposes described in paragraph (2).

''(II) COORDINATION EFFORTS.—A description of how the State will coordinate and cooperate with State and local entities responsible for carrying out other programs that

relate to the purposes intended to be achieved under the demonstration program, including as appropriate, entities responsible for carrying out jobs programs and programs serving children and families.

''(III) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, submit such reports, and cooperate with such reviews and audits as the Secretary finds necessary for purposes of oversight of the demonstration program.

''(iii) CERTIFICATIONS.—The following certifications from the chief executive officer of the State:

''(I) A certification that the State will use funds provided under the grant to promote at least 2 of the purposes described in paragraph (2).

''(II) A certification that the State will return any unused funds to the Secretary in accordance with the reconciliation process under paragraph (4).

''(III) A certification that the funds provided under the grant will be used for programs and activities that target low-income participants and that not less than 50 percent of the participants in each program or activity funded under the grant shall be—

''(aa) parents of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part and is described in section 454(4)(A)(i); or

''(bb) parents, including an expectant parent or a married parent, whose income (after adjustment for court-ordered child support paid or received) does not exceed 150 percent of the poverty line.

''(IV) A certification that programs or activities funded under the grant will be provided with information regarding the prevention of domestic violence and that the State will consult with representatives of State and local domestic violence centers.

''(V) A certification that funds provided to a State under this subsection shall not be used to supplement or supplant other Federal, State, or local funds that are used to support programs or activities that are related to the purposes described in paragraph (2).

''(C) PREFERENCES AND FACTORS OF CONSIDERATION.—In awarding grants under this subsection, the Secretary shall take into consideration the following:

''(i) DIVERSITY OF ENTITIES USED TO CONDUCT PROGRAMS AND ACTIVITIES.—The Secretary shall, to the extent practicable, achieve a balance among the eligible States awarded grants under this subsection with respect to the size, urban or rural location, and employment of differing or unique methods of the entities that the States intend to use to conduct the programs and activities funded under the grants.

''(ii) PRIORITY FOR CERTAIN STATES.—The Secretary shall give priority to awarding grants to eligible States that have—

''(I) demonstrated progress in achieving at least 1 of the purposes described in paragraph (2) through previous State initiatives; or

''(II) demonstrated need with respect to reducing the incidence of out-of-wedlock births or absent fathers in the State.

''(2) PURPOSES.—The purposes described in this paragraph are the following:

''(A) PROMOTING RESPONSIBLE FATHERHOOD THROUGH MARRIAGE PROMOTION.—To promote marriage or sustain marriage through such activities as counseling, mentoring, disseminating information about the benefits of marriage and 2-parent involvement for children, enhancing relationship skills, education regarding how to control aggressive behavior, disseminating information on the causes of domestic violence and child abuse, marriage preparation programs, premarital counseling, marital inventories, skills-based marriage education, financial planning seminars, including improving a family's ability to effectively manage family business affairs by means such as education, counseling, or mentoring on matters related to family finances, including household management, budgeting, banking, and handling of financial transactions and home maintenance, and divorce education and reduction programs, including mediation and counseling.

''(B) PROMOTING RESPONSIBLE FATHERHOOD THROUGH PARENTING PROMOTION.—To promote responsible parenting through such activities as counseling, mentoring, and mediation, disseminating information about good parenting practices, skills-based parenting education, encouraging child support payments, and other methods.

''(C) PROMOTING RESPONSIBLE FATHERHOOD THROUGH FOSTERING ECONOMIC STABILITY OF FATHERS.—To foster economic stability by helping fathers improve their economic status by providing such activities as work first services, job search, job training, subsidized employment, job retention, job enhancement, and encouraging education, including career-advancing education, dissemination of employment materials, coordination with existing employment services such as welfare-to-work programs, referrals to local employment training initiatives, and other methods.

''(3) RESTRICTION ON USE OF FUNDS.—No funds provided under this subsection may be used for costs attributable to court proceedings regarding matters of child visitation or custody, or for legislative advocacy.

''(4) RECONCILIATION PROCESS.—

''(A) 3-YEAR AVAILABILITY OF AMOUNTS ALLOTTED.—Each eligible State that receives a grant under this subsection for a fiscal year shall return to the Secretary any unused portion of the grant for such fiscal year not later than the last day of the second succeeding fiscal year, together with any earnings on such unused portion.

''(B) PROCEDURE FOR REDISTRIBUTION.—The Secretary shall establish an appropriate procedure for redistributing to eligible entities that have expended the entire amount of a grant made under this subsection for a fiscal year any amount that is returned to the Secretary by eligible States under subparagraph (A).

''(5) AMOUNT OF GRANTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the amount of each grant awarded under this subsection shall be an amount sufficient to implement the State plan submitted under paragraph (1)(B)(ii).

''(B) MINIMUM AMOUNTS.—No eligible State shall—

''(i) in the case of the District of Columbia or a State other than the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, receive a grant for a fiscal year in an amount that is less than $1,000,000; and

''(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, receive a grant for a fiscal year in an amount that is less than $500,000.

''(6) DEFINITION OF STATE.—In this subsection the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 for each of fiscal years 2004 through 2008 for purposes of making grants to States under this subsection.

''(b) GRANTS TO ELIGIBLE ENTITIES TO CONDUCT DEMONSTRATION PROGRAMS.—

''(1) AUTHORITY TO AWARD GRANTS.—

''(A) IN GENERAL.—The Secretary shall award grants to eligible entities to conduct demonstration programs to carry out the purposes described in (a)(2).

''(B) ELIGIBLE ENTITY.—For purposes of this subsection, an eligible entity is a local government, local public agency, community-based or nonprofit organization, or private entity, including any charitable or faith-based organization that submits to the Secretary the following:

''(i) APPLICATION.—An application for a grant under this subsection, at such time, in such manner, and containing such information as the Secretary may require.

''(ii) PROJECT DESCRIPTION.—A description of the programs or activities the entity intends to carry out with funds provided under the grant, including a good faith estimate of the number and characteristics of clients to be served under such programs or activities and how the entity intends to achieve at least 2 of the purposes described in subsection (a)(2).

''(iii) COORDINATION EFFORTS.—A description of how the entity will coordinate and cooperate with State and local entities responsible for carrying out other programs that relate to the purposes intended to be achieved under the demonstration program, including as appropriate, entities responsible for carrying out jobs programs and programs serving children and families.

''(iv) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, submit such reports, and cooperate with such reviews and audits as the Secretary finds necessary for purposes of oversight of the demonstration program.

''(v) CERTIFICATIONS.—The following certifications:

''(I) A certification that the entity will use funds provided under the grant to promote at least 2 of the purposes described in subsection (a)(2).

''(II) A certification that the entity will return any unused funds to the Secretary in accordance with the reconciliation process under paragraph (3).

''(III) A certification that the funds provided under the grant will be used for programs and activities that target low-income participants and that not less than 50 percent of the participants in each program or activity funded under the grant shall be—

''(aa) parents of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part and is described in section 454(4)(A)(i); or

''(bb) parents, including an expectant parent or a married parent, whose income (after adjustment for court-ordered child support paid or received) does not exceed 150 percent of the poverty line.

''(IV) A certification that the entity will consult with representatives of State and local domestic violence centers.

''(V) A certification that funds provided to an entity under this subsection shall not be used to supplement or supplant other Federal, State, or local funds provided to the entity that are used to support programs or activities that are related to the purposes described in subsection (a)(2).

''(C) PREFERENCES AND FACTORS OF CONSIDERATION.—In awarding grants under this subsection, the Secretary shall, to the extent practicable, achieve a balance among the eligible entities awarded grants under this subsection with respect to the size, urban or rural location, and employment of differing or unique methods of the entities.

''(2) RESTRICTION ON USE OF FUNDS.—No funds provided under this subsection may be

used for costs attributable to court proceedings regarding matters of child visitation or custody, or for legislative advocacy.

''(3) RECONCILIATION PROCESS.—

''(A) 3-YEAR AVAILABILITY OF AMOUNTS ALLOTTED.—Each eligible entity that receives a grant under this subsection for a fiscal year shall return to the Secretary any unused portion of the grant for such fiscal year not later than the last day of the second succeeding fiscal year, together with any earnings on such unused portion.

''(B) PROCEDURE FOR REDISTRIBUTION.—The Secretary shall establish an appropriate procedure for redistributing to eligible entities that have expended the entire amount of a grant made under this subsection for a fiscal year any amount that is returned to the Secretary by eligible entities under subparagraph (A).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $30,000,000 for each of fiscal years 2004 through 2008 for purposes of making grants to eligible entities under this subsection.''.

SEC. 242. NATIONAL CLEARINGHOUSE FOR RESPONSIBLE FATHERHOOD PROGRAMS.

Section 469C of the Social Security Act, as added by section 241, is amended by adding at the end the following:

''(c) MEDIA CAMPAIGN NATIONAL CLEARINGHOUSE FOR RESPONSIBLE FATHERHOOD.—

''(1) MEDIA CAMPAIGN AND NATIONAL CLEARINGHOUSE.—

''(A) IN GENERAL.—From any funds appropriated under paragraph (3), the Secretary shall contract with a nationally recognized, nonprofit fatherhood promotion organization described in paragraph (2) to—

''(i) develop, promote, and distribute to interested States, local governments, public agencies, and private entities a media campaign that encourages the appropriate involvement of both parents in the life of any child of the parents, with a priority for programs that specifically address the issue of responsible fatherhood; and

''(ii) develop a national clearinghouse to assist States and communities in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, and making available (through the Internet and by other means) to other States information regarding the media campaigns established under subsection (d).

''(B) COORDINATION WITH DOMESTIC VIOLENCE PROGRAMS.—The Secretary shall ensure that the nationally recognized nonprofit fatherhood promotion organization with a contract under subparagraph (A) coordinates the media campaign developed under clause (i) of such paragraph and the national clearinghouse developed under clause (ii) of such paragraph with a national, State, or local domestic violence program.

''(2) NATIONALLY RECOGNIZED, NONPROFIT FATHERHOOD PROMOTION ORGANIZATION DESCRIBED.—The nationally recognized, nonprofit fatherhood promotion organization described in this paragraph is an organization that has at least 4 years of experience in—

''(A) designing and disseminating a national public education campaign, as evidenced by the production and successful placement of television, radio, and print public service announcements that promote the importance of responsible fatherhood, a track record of service to Spanish-speaking populations and historically underserved or minority populations, the capacity to fulfill requests for information and a proven history of fulfilling such requests, and a mechanism through which the public can request additional information about the campaign; and

''(B) providing consultation and training to community-based organizations interested in implementing fatherhood outreach, support, or skill development programs with an emphasis on promoting married fatherhood as the ideal.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2008 to carry out this subsection.''.

SEC. 243. BLOCK GRANTS TO STATES TO ENCOURAGE MEDIA CAMPAIGNS.

(a) IN GENERAL.—Section 469C of the Social Security Act, as added by section 241 and amended by section 242, is amended by adding at the end the following:

''(d) BLOCK GRANTS TO STATES FOR MEDIA CAMPAIGNS PROMOTING RESPONSIBLE FATHERHOOD.—

''(1) DEFINITIONS.—In this subsection:

''(A) BROADCAST ADVERTISEMENT.—The term 'broadcast advertisement' means a communication intended to be aired by a television or radio broadcast station, including a communication intended to be transmitted through a cable channel.

''(B) CHILD AT RISK.—The term 'child at risk' means each young child whose family income does not exceed the poverty line.

''(C) POVERTY LINE.—The term 'poverty line' has the meaning given such term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (including any revision required by such section) that is applicable to a family of the size involved.

''(D) PRINTED OR OTHER ADVERTISEMENT.—The term 'printed or other advertisement' includes any communication intended to be distributed through a newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public advertising, but does not include any broadcast advertisement.

''(E) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(F) YOUNG CHILD.—The term 'young child' means an individual under age 5.

''(2) STATE CERTIFICATIONS.—Not later than October 1 of each of fiscal year for which a State desires to receive an allotment under this subsection, the chief executive officer of the State shall submit to the Secretary a certification that the State shall—

''(A) use such funds to promote the formation and maintenance of married 2-parent families, strengthen fragile families, and promote responsible fatherhood through media campaigns conducted in accordance with the requirements of paragraph (4);

''(B) return any unused funds to the Secretary in accordance with the reconciliation process under paragraph (5); and

''(C) comply with the reporting requirements under paragraph (6).

''(3) PAYMENTS TO STATES.—For each of fiscal years 2004 through 2008, the Secretary shall pay to each State that submits a certification under paragraph (2), from any funds appropriated under paragraph (8), for the fiscal year an amount equal to the amount of the allotment determined for the fiscal year under paragraph (7).

''(4) ESTABLISHMENT OF MEDIA CAMPAIGNS.—Each State receiving an allotment under this subsection for a fiscal year shall use the allotment to conduct media campaigns as follows:

''(A) CONDUCT OF MEDIA CAMPAIGNS.—

''(i) RADIO AND TELEVISION MEDIA CAMPAIGNS.—

''(I) PRODUCTION OF BROADCAST ADVERTISEMENTS.—At the option of the State, to produce broadcast advertisements that promote the formation and maintenance of married 2-parent families, strengthen fragile families, and promote responsible fatherhood.

''(II) AIR-TIME CHALLENGE PROGRAM.—At the option of the State, to establish an air-time challenge program under which the State may spend amounts allotted under this section to purchase time from a broadcast station to air a broadcast advertisement produced under clause (i), but only if the State obtains an amount of time of the same class and during a comparable period to air the advertisement using non-Federal contributions.

''(ii) OTHER MEDIA CAMPAIGNS.—At the option of the state, to conduct a media campaign that consists of the production and distribution of printed or other advertisements that promote the formation and maintenance of married 2-parent families, strengthen fragile families, and promote responsible fatherhood.

''(B) ADMINISTRATION OF MEDIA CAMPAIGNS.—A State may administer media campaigns funded under this subsection directly or through grants, contracts, or cooperative agreements with public agencies, local governments, or private entities, including charitable and faith-based organizations.

''(C) CONSULTATION WITH DOMESTIC VIOLENCE ASSISTANCE CENTERS.—In developing broadcast and printed advertisements to be used in the media campaigns conducted under subparagraph (A), the State or other entity administering the campaign shall consult with representatives of State and local domestic violence centers.

''(D) NON-FEDERAL CONTRIBUTIONS.—In this subsection, the term 'non-Federal contributions' includes contributions by the State and by public and private entities. Such contributions may be in cash or in kind. Such term does not include any amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, or any amount expended by a State before October 1, 2003.

''(5) RECONCILIATION PROCESS.—

''(A) 3-YEAR AVAILABILITY OF AMOUNTS ALLOTTED.—Each State that receives an allotment under this subsection shall return to the Secretary any unused portion of the amount allotted to a State for a fiscal year not later than the last day of the second succeeding fiscal year together with any earnings on such unused portion.

''(B) PROCEDURE FOR REDISTRIBUTION OF UNUSED ALLOTMENTS.—The Secretary shall establish an appropriate procedure for redistributing to States that have expended the entire amount allotted under this subsection any amount that is—

''(i) returned to the Secretary by States under subparagraph (A); or

''(ii) not allotted to a State under this section because the State did not submit a certification under paragraph (2) by October 1 of a fiscal year.

''(6) REPORTING REQUIREMENTS.—

''(A) MONITORING AND EVALUATION.—Each State receiving an allotment under this subsection for a fiscal year shall monitor and evaluate the media campaigns conducted using funds made available under this subsection in such manner as the Secretary, in consultation with the States, determines appropriate.

''(B) ANNUAL REPORTS.—Not less frequently than annually, each State receiving an allotment under this subsection for a fiscal year shall submit to the Secretary reports on the media campaigns conducted under this subsection at such time, in such manner, and containing such information as the Secretary may require.

''(7) AMOUNT OF ALLOTMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), of the amount appropriated for the purpose of making allotments under this subsection for a fiscal year, the Secretary shall allot to each State that submits a certification under paragraph (2) for the fiscal year an amount equal to the sum of—

''(i) the amount that bears the same ratio to 50 percent of such funds as the number of young children in the State (as determined by the Secretary based on the most recent March supplement to the Current Population Survey of the Bureau of the Census before the beginning of the calendar year in which such fiscal year begins) as bears to the number of such children in all States; and

''(ii) the amount that bears the same ratio to 50 percent of such funds as the number of children at risk in the State (as determined by the Secretary based on the most recent March supplement to the Current Population Survey of the Bureau of the Census before the beginning of the calendar year in which such fiscal year begins) bears to the number of such children in all States.

''(B) MINIMUM ALLOTMENTS.—No allotment for a fiscal year under this subsection shall be less than—

''(i) in the case of the District of Columbia or a State other than the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, 1 percent of the amount appropriated for the fiscal year under paragraph (8); and

''(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, 0.5 percent of such amount.

''(C) PRO RATA REDUCTIONS.—The Secretary shall make such pro rata reductions to the allotments determined under subparagraph (A) as are necessary to comply with the requirements of subparagraph (B).

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 for each of fiscal years 2004 through 2008 for purposes of making allotments to States under this subsection.''.

(b) EVALUATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct an evaluation of the impact of the media campaigns funded under section 469C(d) of the Social Security Act, as added by subsection (a).

(2) REPORT.—Not later than December 31, 2006, the Secretary of Health and Human Services shall report to Congress the results of the evaluation under paragraph (1).

(3) FUNDING.—Of the amount appropriated in accordance with section 469C(d)(8) of the Social Security Act (as added by subsection (a)) for fiscal year 2004, $1,000,000 of such amount shall be transferred and made available for purposes of conducting the evaluation required under this subsection, and shall remain available until expended.

TITLE III—STATE FLEXIBILITY

SEC. 301. STATE OPTION TO ASSIST LEGAL IMMIGRANT FAMILIES.

(a) STATE OPTION.—

(1) IN GENERAL.—Section 403(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

''(M) At State option, assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).''.

(2) CONFORMING AMENDMENT.—Section 408(e) (42 U.S.C. 608(e)) is amended to read as follows:

''(e) ELIGIBILITY OF CERTAIN ALIENS.—Except as provided in subsection (f), at State option, a State may provide assistance, benefits, or services to a qualified alien (as defined in subsections (b) and (c) of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641)) under the State program funded under this part in the same manner and to the same extent as a citizen of the United States would be provided such assistance, benefits, or services.''.

(b) ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO ALIENS.—

(1) IN GENERAL.—Section 408(f) (42 U.S.C. 608(f)) is amended—

(A) in the heading, by striking ''NON-213A'' and inserting ''SPONSORED'';

(B) by striking ''The following'' and all that follows through the colon and inserting ''The following rules shall apply in determining whether an alien sponsored under section 213A of the Immigration and Nationality Act (and, at the option of the State, a non-213A alien) is eligible for cash assistance under the State program funded under this part, or in determining the amount of such assistance to be provided to a sponsored alien:'';

(C) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''non-213A'' and inserting ''sponsored'';

(ii) in subparagraph (B), by inserting ''(or, a greater amount as determined by the State)'' before the period; and

(iii) in the heading of subparagraph (C), by striking ''NON-213A'' and inserting ''SPONSORED'';

(D) by striking paragraph (5) and inserting the following:

''(5) EXCEPTIONS.—This subsection shall not apply to an alien who is—

''(A) a minor child if the sponsor of the alien or any spouse of the sponsor is a parent of the alien child; or

''(B) described in subsection (e) or (f) of section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631).''; and

(E) by adding at the end the following:

''(7) INAPPLICABILITY TO FAMILY MEMBERS WHO ARE NOT SPONSORED ALIENS.—Income and resources of a sponsor which are deemed under this subsection to be the income and resources of any alien individual in a family shall not be considered in determining the need of other family members except to the extent such income or resources are actually available to such other family members.

''(8) RULE OF CONSTRUCTION.—For purposes of section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631), the State program funded under this part is not a Federal means-tested public benefits program.''.

(2) CONFORMING AMENDMENTS.—Section 423(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1183a note) is amended by adding at the end the following:

''(12) Assistance, benefits, or services under part A of title IV of the Social Security Act except for cash assistance provided to a sponsored alien who is subject to deeming pursuant to section 408(f) of that Act.''.

(c) STATE AUTHORITY TO PROVIDE STATE AND LOCAL PUBLIC BENEFITS FOR CERTAIN ALIENS.—Section 411(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(d)) is amended—

(1) in the heading, by inserting ''AND OTHER'' before ''ALIENS''; and

(2) by inserting ''or who otherwise is not a qualified alien (as defined in subsections (b) and (c) of section 431)'' after ''United States''.

SEC. 302. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND TITLE XXI.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following:

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance, within any of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(B)(i) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

''(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not apply to a State that makes an election under subparagraph (A).''.

(b) TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following:

''(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien children), but only if the State has elected to apply such section to that category of children under title XIX.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 303. 5-YEAR EXTENSION AND SIMPLIFICATION OF THE TRANSITIONAL MEDICAL ASSISTANCE PROGRAM (TMA).

(a) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS; OPTION OF CONTINUING COVERAGE FOR UP TO AN ADDITIONAL YEAR.—

(1) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS BY MAKING REPORTING REQUIREMENTS OPTIONAL.—Section 1925(b) (42 U.S.C. 1396r–6(b)) is amended—

(A) in paragraph (1), by inserting '', at the option of a State,'' after ''and which'';

(B) in paragraph (2)(A), by inserting ''Subject to subparagraph (C):'' after ''(A) NOTICES.—'';

(C) in paragraph (2)(B), by inserting ''Subject to subparagraph (C):'' after ''(B) REPORTING REQUIREMENTS.—'';

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

''(C) STATE OPTION TO WAIVE NOTICE AND REPORTING REQUIREMENTS.—A State may waive some or all of the reporting requirements under clauses (i) and (ii) of subparagraph (B). Insofar as it waives such a reporting requirement, the State need not provide for a notice under subparagraph (A) relating to such requirement.''; and

(E) in paragraph (3)(A)(iii), by inserting ''the State has not waived under paragraph (2)(C) the reporting requirement with respect to such month under paragraph (2)(B) and if'' after ''6-month period if''.

(2) STATE OPTION TO EXTEND ELIGIBILITY FOR LOW-INCOME INDIVIDUALS FOR UP TO 12 ADDITIONAL MONTHS.—Section 1925 (42 U.S.C. 1396r–6) is further amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(B) by inserting after subsection (b) the following new subsection:

''(c) STATE OPTION OF UP TO 12 MONTHS OF ADDITIONAL ELIGIBILITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, each State plan approved under this title may provide, at the option of the State, that the State shall offer to each family which received assistance during the entire 6-month period under subsection (b) and which meets the applicable requirement of paragraph (2), in the last month of the period the option of extending coverage under this subsection for the succeeding period not to exceed 12 months.

''(2) INCOME RESTRICTION.—The option under paragraph (1) shall not be made available to a family for a succeeding period unless the State determines that the family's average gross monthly earnings (less such costs for such child care as is necessary for the employment of the caretaker relative) as of the end of the 6-month period under subsection (b) does not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

''(3) APPLICATION OF EXTENSION RULES.—The provisions of paragraphs (2), (3), (4), and (5) of subsection (b) shall apply to the extension provided under this subsection in the same manner as they apply to the extension provided under subsection (b)(1), except that for purposes of this subsection—

''(A) any reference to a 6-month period under subsection (b)(1) is deemed a reference to the extension period provided under paragraph (1) and any deadlines for any notices or reporting and the premium payment periods shall be modified to correspond to the appropriate calendar quarters of coverage provided under this subsection; and

''(B) any reference to a provision of subsection (a) or (b) is deemed a reference to the corresponding provision of subsection (b) or of this subsection, respectively.''.

(b) STATE OPTION TO WAIVE RECEIPT OF MEDICAID FOR 3 OF PREVIOUS 6 MONTHS TO QUALIFY FOR TMA.—Section 1925(a)(1) (42 U.S.C. 1396r–6(a)(1)) is amended by adding at the end the following: ''A State may, at its option, also apply the previous sentence in the case of a family that was receiving such aid for fewer than 3 months, or that had applied for and was eligible for such aid for fewer than 3 months, during the 6 immediately preceding months described in such sentence.''.

(c) 5-YEAR EXTENSION OF SUNSET FOR TMA.—

(1) IN GENERAL.—Subsection (g) of section 1925 (42 U.S.C. 1396r–6), as redesignated under subsection (a)(2)(A), and as amended by section 7 of the Welfare Reform Extension Act of 2003 (Public Law 108–040), is amended by striking ''2003'' and inserting ''2008''.

(2) CONFORMING AMENDMENT.—Section 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)), as so amended, is amended by striking ''2003'' and inserting ''2008''.

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925 (42 U.S.C. 1396r–6), as amended by subsections (a)(2)(A) and (c), is amended by inserting after subsection (f) the following:

''(g) ADDITIONAL PROVISIONS.—

''(1) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—Each State shall—

''(A) collect and submit to the Secretary, in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section; and

''(B) make such information publicly available.

Such information shall be submitted under subparagraph (A) at the same time and frequency in which other enrollment information under this title is submitted to the Secretary. Using such information, the Secretary shall submit to Congress annual reports concerning such rates.''.

(e) COORDINATION OF WORK.—Section 1925(g) (42 U.S.C. 1396r–6(g)), as added by subsection (d), is amended by adding at the end the following new paragraph:

''(2) COORDINATION WITH ADMINISTRATION FOR CHILDREN AND FAMILIES.—The Administrator of the Centers for Medicare & Medicaid Services, in carrying out this section, shall work with the Assistant Secretary for the Administration for Children and Families to develop guidance or other technical assistance for States regarding best practices in guaranteeing access to transitional medical assistance under this section.''.

(f) ELIMINATION OF TMA REQUIREMENT FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—

(1) IN GENERAL.—Section 1925 (42 U.S.C. 1396r–6) is further amended by inserting after subsection (g), as added by subsection (d), the following:

''(h) PROVISIONS OPTIONAL FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—A State may meet (but is not required to meet) the requirements of subsections (a) and (b) if it provides for medical assistance under section 1931 to families (including both children and caretaker relatives) the average gross monthly earning of which (less such costs for such child care as is necessary for the employment of a caretaker relative) is at or below a level that is at least 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.''.

(2) CONFORMING AMENDMENTS.—Section 1925 (42 U.S.C. 1396r–6) is further amended, in subsections (a)(1) and (b)(1), by inserting '', but subject to subsection (h),'' after ''Notwithstanding any other provision of this title,'' each place it appears.

(g) REQUIREMENT OF NOTICE FOR ALL FAMILIES LOSING TANF.—Subsection (a)(2) of section 1925 (42 U.S.C. 1396r–6) is amended by adding at the end the following flush sentences:

''Each State shall provide, to families whose aid under part A or E of title IV has terminated but whose eligibility for medical assistance under this title continues, written notice of their ongoing eligibility for such medical assistance. If a State makes a determination that any member of a family whose aid under part A or E of title IV is being terminated is also no longer eligible for medical assistance under this title, the notice of such determination shall be supplemented by a 1-page notification form describing the different ways in which individuals and families may qualify for such medical assistance and explaining that individuals and families do not have to be receiving aid under part A or E of title IV in order to qualify for such medical assistance. Such notice shall further be supplemented by information on how to apply for child health assistance under the State children's health insurance program under title XXI and how to apply for medical assistance under this title.''.

(h) EXTENDING USE OF OUTSTATIONED WORKERS TO ACCEPT APPLICATIONS FOR TRANSITIONAL MEDICAL ASSISTANCE.—Section 1902(a)(55) (42 U.S.C. 1396a(a)(55)) is amended by inserting ''and under section 1931'' after ''(a)(10)(A)(ii)(IX)''.

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to calendar quarters beginning on or after October 1, 2003.

(2) NOTICE.—The amendment made by subsection (g) shall take effect 6 months after the date of enactment of this Act.

(3) DELAY PERMITTED FOR STATE PLAN AMENDMENT.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 304. DEFINITION OF ASSISTANCE.

Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

''(6) ASSISTANCE.—

''(A) IN GENERAL.—The term 'assistance' means cash benefits and does not include child care or other support services.

''(B) EXCEPTION.—The term 'assistance' does not include a payment to or for an individual or family on a short-term, nonrecurring basis (as defined by the State in accordance with regulations prescribed by the Secretary) or any other benefit or service excluded from the definition of assistance under section 260.31 of title 45 of the Code of Federal Regulations (as in effect on June 1, 2002).''.

SEC. 305. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) (42 U.S.C. 604(e)) is amended to read as follows:

''(e) AUTHORITY TO CARRY OVER CERTAIN AMOUNTS FOR BENEFITS OR SERVICES OR FOR FUTURE CONTINGENCIES.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.''.

SEC. 306. AUTHORITY TO USE TANF FUNDS FOR HOUSING BENEFITS.

(a) IN GENERAL.—Section 404 (42 U.S.C. 604) is amended by inserting at the end the following:

''(l) USE OF FUNDS FOR SUPPLEMENTAL HOUSING BENEFITS.—

''(1) IN GENERAL.—The provision by a State of supplemental housing benefits to or on behalf of an individual eligible for assistance under the State program funded under this part, using funds from a grant made under section 403(a) of this title, shall not be considered to be the provision of assistance to the individual under the State program funded under this part for any purpose except in determining the allowability of the expenditure under section 401(a)(1).

''(2) PERMITTED USE OF FUNDS.—A State may not use any part of the funds from a

grant made under section 403 to supplant rather than supplement State expenditures on housing-related programs.

''(3) DEFINITION OF SUPPLEMENTAL HOUSING BENEFITS.—In this subsection, the term 'supplemental housing benefits' means payments made to or on behalf of an individual to reduce or reimburse the costs incurred by the individual for housing accommodations, and the receipt of which does not reduce the amount of assistance, benefits, or services an individual would otherwise receive under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).''.

(b) STATE PLAN.—Section 402(a)(1)(B) (42 U.S.C. 602(a)(1)(B)) is amended by adding at the end the following:

''(v) The document shall describe—

''(I) the primary problems that families receiving assistance and families who have recently stopped receiving assistance under the State program funded under this part experience in securing and retaining adequate, affordable housing and the estimated extent of each such problem, including the price of such housing in various areas of the State that include a large proportion of recipients of assistance under the State program;

''(II) the steps that have been and will be taken by the State and other public or private entities that administer housing programs in the State to address the problems described in subclause (I);

''(III) the methods the State has adopted to identify barriers to work posed by the living arrangement, housing cost, and housing location of families eligible for the State program funded under this part; and

''(IV) the services and benefits that have been or will be provided by the State or other public or private entities to help families overcome the barriers so identified.''.

TITLE IV—RESOURCES AND ACCOUNTABILITY

SEC. 401. REAUTHORIZATION OF STATE FAMILY ASSISTANCE GRANTS.

(a) IN GENERAL.—Section 403(a)(1) (42 U.S.C. 603(a)(1)), as amended by section 3(a) of the Welfare Reform Extension Act of 2003 (Public Law 108–040), is amended—

(1) in subparagraph (A), by striking ''1996'' and all that follows through ''2003'' and inserting ''2004 through 2008''; and

(2) in subparagraph (C), by striking ''for fiscal year 2003'' and inserting ''for each of fiscal years 2004 through 2008''.

(b) DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.—

(1) TRIBAL FAMILY ASSISTANCE GRANT.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)), as amended by section 3(h) of the Welfare Reform Extension Act of 2003 (Public Law 108–040), is amended by striking ''1997, 1998, 1999, 2000, 2001, 2002, and 2003'' and inserting ''2004 through 2008''.

(2) GRANTS FOR INDIAN TRIBES THAT RECEIVED JOBS FUNDS.—Section 412(a)(2)(A) (42 U.S.C. 612(a)(2)(A)), as so amended, is amended by striking ''1997, 1998, 1999, 2000, 2001, 2002, and 2003'' and inserting ''2004 through 2008''.

(c) MATCHING GRANTS FOR THE TERRITORIES.—Section 1108(b)(2) (42 U.S.C. 1308(b)(2)), as so amended, is amended by striking ''1997 through 2003'' and inserting ''2004 through 2008''.

(d) MAINTENANCE OF EFFORT PENALTY.—Section 409(a)(7) (42 U.S.C. 609(a)(7)), as amended by section 3(g) of the Welfare Reform Extension Act of 2003 (Public Law 108–040) is amended—

(1) in subparagraph (A) by striking ''fiscal year 1998, 1999, 2000, 2001, 2002, 2003, or 2004'' and inserting ''fiscal year 2004, 2005, 2006, 2007, 2008, or 2009''; and

(2) in subparagraph (B)(ii), by striking ''1997 through 2003'' and inserting ''2004 through 2008''.

(e) FEDERAL LOANS FOR STATE WELFARE PROGRAMS.—Section 406(d) (42 U.S.C. 606(d), as amended by section 3(f) of the Welfare Reform Extension Act of 2003 (Public Law 108–040) is amended by striking ''1997 through 2003'' and inserting ''2004 through 2008''.

SEC. 402. REAUTHORIZATION OF SUPPLEMENTAL GRANTS FOR POPULATION INCREASES.

Section 403(a)(3)(H) (42 U.S.C. 603(a)(3)(H)), as amended by section 3(d) of the Welfare Reform Extension Act of 2003 (Public Law 108–040), is amended—

(1) in clause (i), by striking ''2002 and 2003'' is amended—

(1) in the subparagraph heading, by striking ''OF GRANTS FOR FISCAL YEAR 2002'';

(2) in clause (i), by striking ''2002 and 2003'' and inserting ''2004 through 2008'';

(3) in clause (ii), by striking ''2003'' and inserting ''2008''; and

(4) in clause (iii), by striking ''2002 and 2003'' and inserting ''2004 through 2008''.

SEC. 403. CONTINGENCY FUND.

(a) CONTINGENCY FUNDING AVAILABLE TO NEEDY STATES.—Section 403(b) (42 U.S.C. 603(b)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) CONTINGENCY FUND GRANTS.—

''(A) PAYMENTS.—Subject to subparagraph (C), each State shall receive a contingency fund grant for each eligible month in which the State is a needy State under paragraph (3).

''(B) MONTHLY CONTINGENCY FUND GRANT AMOUNT.—For each eligible month in which a State is a needy State, the State shall receive a contingency fund grant equal to the higher of $0 and the applicable percentage (as defined in subparagraph (D)(i)) of the product of—

''(i) the estimated cost of an additional recipient family (as defined in subparagraph (D)(ii)); and

''(ii) the increase in the number of families receiving assistance under the State program funded under this part or a program funded with qualified State expenditures (as defined in subparagraph (D)(iv)).

''(C) LIMITATION.—The total amount paid to a single State under subparagraph (A) during a fiscal year shall not exceed the amount equal to 15 percent of the State family assistance grant (as defined under subparagraph (B) of subsection (a)(1) and increased under subparagraph (E) of that subsection).

''(D) DEFINITIONS.—In this paragraph:

''(i) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means the higher of—

''(I) 75 percent; and

''(II) the sum of the Federal medical assistance percentage for the State (as defined in section 1905(b)) plus 8 percentage points.

''(ii) ESTIMATED COST OF AN ADDITIONAL RECIPIENT FAMILY.—The term 'estimated cost of an additional recipient family' means the amount equal to 120 percent of the basic assistance cost (as defined under clause (iii)) for families receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

''(iii) BASIC ASSISTANCE COST.—

''(I) IN GENERAL.—The term 'basic assistance cost' means the amount equal to the maximum cash assistance grant for a family consisting of 3 individuals under the State program funded under this part.

''(II) RULE FOR STATES WITH MORE THAN 1 MAXIMUM LEVEL.—In the case of a State that has more than 1 maximum cash assistance grant level for families consisting of 3 individuals, the basic assistance cost shall be the amount equal to the maximum cash assistance grant level applicable to the largest number of families consisting of 3 individuals receiving assistance under the State program funded under this part or a State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

''(iv) INCREASE IN THE NUMBER OF FAMILIES RECEIVING ASSISTANCE UNDER THE STATE PROGRAM FUNDED UNDER THIS PART OR A PROGRAM FUNDED WITH QUALIFIED STATE EXPENDITURES.—The term 'increase in the number of families receiving assistance under the State program funded under this part or a program funded with qualified State expenditures' means the increase in—

''(I) the number of families receiving assistance under the State program funded under this part and under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) in the most recent month for which data from the State are available; as compared to

''(II) the lower of the average monthly number of families receiving such assistance in either of the 2 completed fiscal years immediately preceding the fiscal year in which the State qualifies as a needy State.

''(E) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for the period of fiscal years 2004 through 2008, such sums as are necessary for making contingency fund grants under this subsection in a total amount not to exceed $2,000,000,000.'';

(2) by redesignating paragraph (4) as paragraph (2); and

(3) in paragraph (2), as so redesignated—

(A) by striking ''(3)(A)'' and inserting ''(1)''; and

(B) by striking ''2-month'' and inserting ''3-month''.

(b) MODIFICATION OF DEFINITION OF NEEDY STATE.—Section 403(b) (42 U.S.C. 603(b)) is further amended—

(1) by striking paragraphs (5) through (7);

(2) by redesignating paragraph (8) as paragraph (5); and

(3) by inserting after paragraph (2) (as redesignated by subsection (a)(2)) the following:

''(3) INITIAL DETERMINATION OF WHETHER A STATE QUALIFIES AS A NEEDY STATE.—

''(A) IN GENERAL.—For purposes of paragraph (1), a State will be initially determined to be a needy State for a month if the State satisfies at least 2 of the following:

''(i) The—

''(I) average rate of total unemployment in the State for the period consisting of the most recent 3 months for which data are available has increased by the lesser of 1.5 percentage points or by 50 percent over the corresponding 3-month period in either of the 2 most recent preceding fiscal years; or

''(II) average insured unemployment rate for the most recent 3 months for which data are available has increased by 1 percentage point over the corresponding 3-month period in either of the 2 most recent preceding fiscal years.

''(ii) As determined by the Secretary of Agriculture, the monthly average number of households (as of the last day of each month) that participated in the food stamp program in the State in the then most recently concluded 3-month period for which data are available exceeds by at least 10 percent the monthly average number of households (as of the last day of each month) in the State that participated in the food stamp program in the corresponding 3-month period in either of the 2 most recent preceding fiscal years, provided that the Secretary makes a determination that the State's increase in the

number of such households was due, in large measure, to economic conditions rather than an expansion of program eligibility requirements.

''(iii) As determined by the Secretary, the monthly average number of families that received assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) in the most recently concluded 3-month period for which data are available from the State increased by at least 10 percent over the number of such families that received such benefits in the corresponding 3-month period in either of the 2 most recent preceding fiscal years, provided that the Secretary makes a determination that the State's increased caseload was due, in large measure, to economic conditions rather than an expansion of program eligibility requirements.

''(B) DURATION.—

''(i) IN GENERAL.—A State that qualifies as a needy State—

''(I) under subparagraph (A)(i), shall be considered a needy State until the factor which was used to meet the definition of needy State under that subparagraph for the most recently concluded 3-month period for which data are available, falls below the level attained for such factor in the 3-month period in which the State first qualified as a needy State under that subparagraph;

''(II) under subparagraph (A)(ii), shall be considered a needy State until the average monthly number of households participating in the food stamp program for the most recently concluded 3-month period for which data are available nationally falls below the food stamp base period level; and

''(III) under subparagraph (A)(iii), shall be considered a needy State until the number of families receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the most recently concluded 3-month period for which data are available falls below the TANF base period level.

''(ii) SEASONAL VARIATIONS.—Notwithstanding subclauses (II) and (III) of clause (i), a State shall be considered a needy State—

''(I) under subparagraph (A)(ii), if with respect to the State, the monthly average number of households participating in the food stamp program for the most recent 3-month period for which data are available nationally falls below the food stamp base period level and the Secretary determines that this is due to expected seasonal variations in food stamp receipt in the State; and

''(II) under subparagraph (A)(iii), if, with respect to a State, the monthly average number of families receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the most recently concluded 3-month period for which data are available nationally falls below the TANF base period level and the Secretary determines that this is due to expected seasonal variations in assistance receipt in the State.

''(iii) FOOD STAMP BASE PERIOD LEVEL.—In this subparagraph, the term 'food stamp base period level' means the monthly average number of households participating in the food stamp program that corresponds to the most recent 3-month period for which data are available at the time when the State first was determined to be a needy State under this paragraph.

''(iv) TANF BASE PERIOD LEVEL.—In this subparagraph, the term 'TANF base period level' means the monthly average number of families receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) that corresponds to the most recent 3 months for which data are available at the time when the State first was determined to be a needy State under this paragraph.

''(4) EXCEPTION.—

''(A) IN GENERAL.—Notwithstanding paragraph (3), a State that has unobligated TANF reserves from prior fiscal years that equal more than 25 percent of the total amount of grants received by the State under subsection (a) (other than welfare-to-work grants made under paragraph (5) of that subsection prior to fiscal year 1999) but not yet obligated as of the end of the preceding fiscal year shall not be a needy State under this subsection.

''(B) DEFINITION OF UNOBLIGATED TANF RESERVES.—In subparagraph (A), the term 'unobligated TANF reserves' means the lessor of—

''(i) the total amount of grants made to the State (regardless of the fiscal year in which such funds were awarded) under subsection (a) (other than welfare-to-work grants made under paragraph (5) of that subsection prior to fiscal year 1999) but not yet obligated as of the end of the preceding fiscal year; and

''(ii) the total amount of grants made to the State under subsection (a) (other than welfare-to-work grants made under paragraph (5) of that subsection prior to fiscal year 1999) but not yet obligated as of the end of the preceding fiscal year, plus the difference between—

''(I) the pro rata share of the fiscal year grants to be made under subsection (a) to the State (other than such welfare-to-work grants); and

''(II) current year obligations of the total amount of grants made to all States under subsection (a) (regardless of the fiscal year in which such funds were awarded) (other than such welfare-to-work grants) through the end of the most recent calendar quarter.''.

(c) CLARIFICATION OF REPORTING REQUIREMENTS.—Paragraph (5) of section 403(b) (42 U.S.C. 603(b)), as redesignated by subsection (b)(2), is amended by striking ''on the status of the Fund'' and inserting ''on the States that qualified for contingency funds and the amount of funding awarded under this subsection''.

SEC. 404. CHILD CARE.

Section 418(a) (42 U.S.C. 618(a)), as amended by section 4 of the Welfare Reform Extension Act of 2003, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''and remaining after the reservation described in paragraph (4),'' after ''paragraph (3)'';

(2) in paragraph (3)—

(A) by striking ''and'' at the end of subparagraph (E);

(B) in subparagraph (F), by striking ''2002 and 2003'' and inserting ''2002 through 2006;''; and

(C) by adding at the end the following:

''(G) $3,217,000,000 for fiscal year 2007;

''(H) $3,717,000,000 and 2008.'';

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following:

''(5) ADDITIONAL GENERAL ENTITLEMENT GRANTS.—

''(A) APPROPRIATION.—

''(i) IN GENERAL.—For additional grants under paragraph (1), there is appropriated—

''(I) $750,000,000 for each of fiscal years 2004 and 2005; and

''(II) $1,000,000,000 for each of fiscal years 2006 through 2008.

''(ii) AMOUNTS IN ADDITION TO OTHER AMOUNTS APPROPRIATED; AVAILABILITY.—Amounts appropriated under this subparagraph for a fiscal year shall be in addition to amounts appropriated under paragraph (3) for such fiscal year and shall remain available without fiscal year limitation.

''(B) ADDITIONAL GRANT.—In addition to the grant paid to a State under paragraph (1) for each of fiscal years 2004 through 2008, the Secretary, after reserving the amount described in paragraph (4) and subject to the requirement described in paragraph (6), shall pay each State an amount equal to the same proportion of such amount as the proportion of the State's grant under paragraph (1) to the total amount appropriated for State grants under paragraph (1) for such fiscal year.

''(6) REQUIREMENT FOR GRANT INCREASE.—Notwithstanding paragraphs (1), (2), or (5), the aggregate amount paid to a State under this section for each of fiscal years 2004 through 2008 may not exceed the aggregate amount paid to the State under this section for fiscal year 2003 unless the State ensures that the level of State expenditures for child care for such fiscal year is not less than the sum of the level of State expenditures for child care that were matched under a grant made to the State under paragraph (2) and that the State expended to meet its maintenance of effort obligation under paragraph (2) for fiscal year 2003.''.

SEC. 405. RESTORATION OF FUNDING FOR THE SOCIAL SERVICES BLOCK GRANT.

(a) RESTORATION OF FUNDS FOR THE SOCIAL SERVICES BLOCK GRANT.—Section 2003(c) (42 U.S.C. 1379b(c)) is amended—

(1) in paragraph (10), by striking ''and'';

(2) in paragraph (11), by striking ''and each fiscal year thereafter.'' and inserting ''; and''; and

(3) by adding at the end the following:

''(12) $1,750,000,000 for fiscal year 2004;

''(13) $1,800,000,000 for fiscal year 2005;

''(14) $1,900,000,000 for fiscal year 2006;

''(15) $2,100,000,000 for fiscal year 2007; and

''(16) $2,800,000,000 for fiscal year 2008 and each fiscal year thereafter.''.

(b) RESTORATION OF AUTHORITY TO TRANSFER UP TO 10 PERCENT OF TANF FUNDS.—Section 404(d)(2) (42 U.S.C. 604(d)(2)) is amended to read as follows:

''(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—A State may use not more than 10 percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.''.

SEC. 406. COMPETITIVE GRANTS FOR PUBLIC-PRIVATE PARTNERSHIPS FOR EDUCATIONAL OPPORTUNITIES FOR CAREER ADVANCEMENT.

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services and the Secretary of Labor (in this section referred to as the ''Secretaries'') jointly shall award grants in accordance with the requirements of this section for each fiscal year for which an amount is appropriated to carry out this section for projects proposed by eligible applicants to encourage the formation of public-private partnerships to provide educational opportunities for individuals who receive assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and for individuals who have ceased to receive assistance under that program.

(2) CRITERIA.—The Secretaries shall award grants under this section based on the following:

(A) The potential effectiveness of the proposed project in carrying out the activities described in subsection (e).

(B) Evidence of the ability of the eligible applicant to leverage private, State, and local resources to carry out such activities.

(C) Evidence of the ability of the eligible applicant to coordinate with other organizations at the State and local level in carrying out such activities.

(b) DEFINITION OF ELIGIBLE APPLICANT.—In this section, the term ''eligible applicant'' means—

(1) a public educational institution;

(2) an employer; or

(3) a local or regional consortium that includes employers or employer associations, education and training providers, local chambers of commerce, or providers of social services.

(c) APPLICATION.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretaries at such time, in such manner, and that includes—

(1) evidence, including letters of support, demonstrating that the applicant will work with the State in carrying out the activities described in subsection (e); and

(2) such other information as the Secretaries may reasonably require.

(d) DETERMINATION OF AMOUNT OF GRANTS; AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—In determining the appropriate amount of a grant to be awarded under this section, the Secretaries shall provide an eligible applicant with an approved application an amount sufficient to ensure that the project has a reasonable opportunity to be successful, taking into account—

(A) the number and characteristics of the individuals to be served by the project;

(B) the job opportunities and job growth in the area to be served by the project;

(C) the poverty rate for such area; and

(D) such other factors as the Secretaries deem appropriate.

(2) MAXIMUM AMOUNT.—No eligible applicant shall receive a grant of more than $5,000,000 per year.

(3) AVAILABILITY OF FUNDS.—Funds provided under a grant awarded under this section for a fiscal year shall remain available for use by the eligible applicant through the end of the succeeding fiscal year.

(e) USE OF FUNDS.—An eligible applicant awarded a grant under this section shall enter into an agreement with the State or local agency responsible for administering the temporary assistance to needy families program in the area where the eligible applicant is located to provide individuals described in subsection (a) with—

(1) educational credits or opportunities based upon the length of the individual's employment;

(2) educational credits or opportunities based upon the individual's commitment to becoming employed; or

(3) education and training opportunities for career advancement.

(f) REPORTS.—

(1) PROJECT REPORTS.—Each eligible applicant awarded a grant under this section shall submit to the Secretaries such information and data regarding the recipients participating in the project funded under such grant and outcomes for such recipients as the Secretaries may require.

(2) REPORT TO CONGRESS.—The Secretaries shall submit annual reports to Congress on the information and data submitted under paragraph (1).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $25,000,000 for each of fiscal years 2004 through 2008.

SEC. 407. GRANTS TO IMPROVE ACCESS TO TRANSPORTATION.

(a) IN GENERAL.—Section 403(a) (42 U.S.C. 603(a)), as amended by section 201, is amended by adding at the end the following:

''(7) GRANT TO IMPROVE ACCESS TO TRANSPORTATION.—

''(A) PURPOSES.—The purposes of this paragraph are to—

''(i) assist low-income families with children obtain dependable, affordable automobiles to improve their employment opportunities and access to training; and

''(ii) provide incentives to States, Indian tribes, local governments, and nonprofit entities to develop and administer programs that provide assistance with automobile ownership for low-income families.

''(B) DEFINITIONS.—In this paragraph:

''(i) LOCALITY.—The term 'locality' means a municipality that does not administer a State program funded under this part.

''(ii) LOW-INCOME FAMILY WITH CHILDREN.—The term 'low-income family with children' means a household that is eligible for benefits or services funded under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

''(iii) NONPROFIT ENTITY.—The term 'nonprofit entity' means a school, local agency, organization, or institution owned and operated by 1 or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

''(C) AUTHORITY TO AWARD GRANTS.—The Secretary may award grants to States, Indian tribes, counties, localities, and nonprofit entities to promote improving access to dependable, affordable automobiles by low-income families with children.

''(D) GRANT APPROVAL CRITERIA.—The Secretary shall establish criteria for approval of an application for a grant under this paragraph that include consideration of—

''(i) the extent to which the proposal, if funded, is likely to improve access to training and employment opportunities and child care services by low-income families with children by means of car ownership;

''(ii) the level of innovation in the applicant's grant proposal; and

''(iii) any partnerships between the public and private sector in the applicant's grant proposal.

''(E) USE OF FUNDS.—

''(i) IN GENERAL.—A grant awarded under this paragraph shall be used to administer programs that assist low-income families with children with dependable automobile ownership, and maintenance of, or insurance for, the purchased automobile.

''(ii) SUPPLEMENT NOT SUPPLANT.—Funds provided to a State, Indian tribe, county, or locality under a grant awarded under this paragraph shall be used to supplement and not supplant other State, county, or local public funds expended for car ownership programs.

''(iii) GENERAL RULES GOVERNING USE OF FUNDS.—The rules of section 404, other than subsection (b) of that section, shall not apply to a grant made under this paragraph.

''(F) APPLICATION.—Each applicant desiring a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(G) REVERSION OF FUNDS.—Any funds not expended by a grantee within 3 years after the date the grant is awarded under this paragraph shall be available for redistribution among other grantees in such manner and amount as the Secretary may determine, unless the Secretary extends by regulation the time period to expend such funds.

''(H) LIMITATION ON ADMINISTRATIVE COSTS OF THE SECRETARY.—Not more than an amount equal to 5 percent of the funds appropriated to make grants under this paragraph for a fiscal year shall be expended for administrative costs of the Secretary in carrying out this paragraph.

''(I) EVALUATION.—The Secretary shall, by grant, contract, or interagency agreement, conduct an evaluation of the programs administered with grants awarded under this paragraph.

''(J) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants under this paragraph, $20,000,000 for each of fiscal years 2004 through 2008.''.

(b) IMPROVING USE OF TANF FUNDS FOR CAR OWNERSHIP MATCHING FUNDS.—Section 404(h)(2)(B) of the Social Security Act (42 U.S.C. 608(h)(2)(B)) is amended by adding at the end the following:

''(iv) AUTOMOBILE PURCHASE OR MAINTENANCE.—At the option of the State, costs with respect to the purchase or maintenance of an automobile.''.

SEC. 408. PATHWAY TO SELF-SUFFICIENCY GRANTS TO IMPROVE COORDINATION OF ASSISTANCE FOR LOW-INCOME FAMILIES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means a State or local government agency or a nonprofit entity.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(3) STATE.—The term ''State'' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(4) SUPPORT PROGRAM FOR LOW-INCOME FAMILIES.—The term ''support program for low-income families'' means a program designed to provide low-income families and noncustodial parents who need help with obtaining employment and fulfilling child support obligations to children receiving assistance under the temporary assistance to needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) with assistance or benefits to enable the family or noncustodial parent to become self-sufficient and includes—

(A) the temporary assistance to needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(C) the medicaid program funded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the State children's health insurance program (SCHIP) funded under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(E) the child care program funded under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(F) the child support program funded under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(G) the earned income tax credit under section 32 of the Internal Revenue Code of 1986;

(H) the low-income home energy assistance program (LIHEAP) established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

(I) the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(J) programs under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

(K) programs supporting low-income housing assistance programs; and

(L) any other Federal, State, or locally funded program designed to provide family and work support to low-income families.

(b) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to eligible applicants to—

(A) improve the coordination of support programs for low-income families and noncustodial parents described in subsection (a)(4); and

(B) conduct outreach to such families and noncustodial parents to promote enrollment in such programs.

(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to eligible applicants that include in the application submitted under subsection (c) documentation demonstrating that the eligible applicant will collaborate with other Federal, State, or local agencies or nonprofit entities in carrying out activities under the grant.

(c) APPLICATION.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(d) ANNUAL REPORTS.—

(1) IN GENERAL.—The Secretary shall submit an interim and final report to Congress describing the uses of grant funds awarded under this section.

(2) DATES FOR SUBMISSION.—With respect to the reports required under paragraph (1), the Secretary shall submit—

(A) the interim report, not later than December 31, 2006; and

(B) the final report, not later than December 31, 2009.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for the period of fiscal years 2004 through 2008.

(f) ANNUAL ASSESSMENT OF REGIONAL LABOR MARKETS TO TARGET HIGHER ENTRY LEVEL WAGE OPPORTUNITIES IN INDUSTRIES EXPERIENCING LABOR SHORTAGES.—

(1) IN GENERAL.—An State to which a grant is made under this section annually shall conduct an assessment of its regional labor markets that includes the following:

(A) LABOR MARKET.—The assessment shall—

(i) identify industries or occupations that have or expect growth, the loss of skilled workers, or that have a demand for a subset of workers;

(ii) identify the entry-level education and skills requirements for the industries or occupations that have or anticipate a need for workers; and

(iii) analyze the entry-level wages and benefits in identified industries or occupations.

(B) JOB SEEKERS.—The assessment shall create a profile of the characteristics of the unemployed and underemployed residents of the State, including educational attainment, barriers to employment, geographic concentrations, and access to needed support services.

(C) EDUCATION AND TRAINING INFRASTRUCTURE.—The assessment shall create a profile of the State's available education, training, and support services to prepare workers for the identified industries or occupations.

(D) ALIGNING INDUSTRIES AND JOB SEEKER NEEDS.—The assessment shall compare the characteristics of the identified industries or occupations to the profiles created under subparagraphs (B) and (C).

(2) PROVISION OF INFORMATION TO LOCALITIES.—The State shall share with local political subdivisions of the State—

(A) information regarding the existence of higher entry-wage job opportunities in industries experiencing labor shortages; and

(B) opportunities for collaboration with institutions of higher education, community-based organizations, and economic development and welfare agencies.

(3) DATA.—A State may use data available as of the date the State begins an assessment under paragraph (1) to conduct such assessment if such data provides the information necessary to conduct the assessment described in that paragraph.

(4) REPORTS.—

(A) STATE REPORTS.—Each State to which a grant is made under this section annually shall submit a report to the Secretary that contains the assessment required under paragraph (1).

(B) REPORT TO CONGRESS.—The Secretary annually shall submit a report to Congress compiling the State reports submitted under subparagraph (A).

SEC. 409. TRANSITIONAL JOBS PROGRAMS.

Section 403(a) (42 U.S.C. 603(a)), as amended by section 407(a), is amended by adding at the end the following:

''(8) TRANSITIONAL JOBS GRANTS.—

''(A) PURPOSE.—The purpose of this paragraph is to provide funding so that States and localities can create and expand transitional jobs programs that—

''(i) combine time-limited employment that is subsidized with public funds, with skill development and barrier removal activities, pursuant to an individualized plan;

''(ii) provide job development and placement assistance to individual program participants to help them move from subsidized employment in transitional jobs into unsubsidized employment, as well as retention services after the transition to unsubsidized employment; and

''(iii) serve recipients of assistance under the State program funded under this part and other low-income individuals who have been unable to secure employment through job search or other employment-related services because of limited skills, experience, or other barriers to employment.

''(B) LIMITATIONS ON USE OF FUNDS.—

''(i) ALLOWABLE ACTIVITIES.—An entity to which funds are provided under this paragraph shall use the funds to operate transitional jobs programs consistent with the following:

''(I) An entity which secures a grant to operate a transitional jobs program (in this subparagraph referred to as a 'program operator'), under this paragraph shall place eligible individuals in temporary, publicly subsidized jobs. Individuals placed in such jobs shall perform work directly for the program operator, or at other public and nonprofit organizations (in this subparagraph referred to as 'worksite employers') within the community. Funds provided under this paragraph shall be used to subsidize 100 percent of the wages paid to program participants as well as employer-paid payroll costs for such participants.

''(II) Transitional jobs programs shall provide paid employment for not less than 30, nor more than 40 hours per week, except that a parent with a child under the age of 6, a child who is disabled, or a child with other special needs, or an individual who for other reasons cannot successfully participate for 30 to 40 hours per week, may, at State discretion, be allowed to participate for more limited hours, but not less than 20 hours per week.

''(III) Program operators shall provide case management services and ensure that appropriate education, training, and other services are available to program participants consistent with an individual plan developed for each such participant.

''(IV) Program operators shall provide job placement assistance to help program participants obtain unsubsidized employment, and shall provide retention services for 12 months after entry into unsubsidized employment.

''(V) In any work week in which a program participant is employed at least 30 hours, not less than 20 percent, nor more than 50 percent of scheduled hours shall involve participation in education or training activities designed to improve the participant's employability and potential earnings, or other services designed to reduce or eliminate any barriers that may impede the participant's ability to secure unsubsidized employment.

''(VI) The maximum duration of any placement in a transitional jobs program shall not be less than 6 months, nor more than 24 months. Nothing in this subclause shall be construed to bar a program participant from moving into unsubsidized employment at a point prior to the maximum duration of the program. States may approve programs of varying durations consistent with this subclause.

''(VII) Program participants shall be paid at the rate paid to unsubsidized employees of the worksite employer (or program operator where work is performed directly for the program operator) who perform comparable work at the worksite where the individual is placed. If no other employees perform the same or comparable work then wages shall be set, at a minimum, at 50 percent of the Lower Living Standard Income Level (in this subparagraph referred to as the 'LLSIL'), as specified in section 101(24) of the Workforce Investment Act of 1998, for a family of 3 based on 35 hours per week.

''(VIII) Program participants shall receive supervision from the worksite employer or program operator consistent with the goal of addressing the limited work experience and skills of program participants.

''(ii) CONSULTATION.—An application submitted by an entity seeking to become a program operator shall include an assurance by the applicant that the transitional jobs program carried out by the applicant shall—

''(I) provide in the design, recruitment, and operation of the program for broad-based input from the community served and potential participants in the program and community-based agencies with a demonstrated record of experience in providing services, prospective worksite employers, local labor organizations representing employees of prospective worksite employers, if these entities exist in the area to be served by the program, and employers, and membership-based groups that represent low-income individuals; and

''(II) prior to the placement of program participants, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program.

''(iii) ELIGIBILITY FOR OTHER WORK SUPPORTS.—Program participants shall be eligible for subsidized child care, transportation assistance, and other needed support services on the same basis as other recipients of cash assistance under the State program funded under this part.

''(iv) WAGES NOT CONSIDERED ASSISTANCE.—Wages paid to program participants shall not be considered to be assistance for purposes of section 408(a)(7).

''(v) PRIVATE SECTOR PLACEMENTS.—Not more than 50 percent of the total number of such participants in transitional jobs in a State at any time may be placed at worksite employers which are private, for-profit entities.

''(C) GENERAL ELIGIBILITY.—

''(i) IN GENERAL.—Not less than ⅔ of the participants in a transitional jobs program funded under a grant made under this paragraph during a fiscal year shall be individuals who are, at the time they enter the program—

''(I) receiving assistance under the State program funded under this part;

''(II) not receiving assistance under the State program funded under this part, but who are unemployed, and who were recipients of such assistance within the immediately preceding 12-month period;

''(III) custodial parents of a minor child who meet the financial eligibility criteria for assistance under the State program funded under this part; or

''(IV) noncustodial parents with income below 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved).

''(ii) LIMITATION.—Not more than ⅓ of all participants in a transitional jobs program funded under this paragraph during a fiscal year shall be individuals who have attained at least age 18 with an income below 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved) who are not eligible under clause (i). An individual who is an ex-offender shall be eligible to participate in a transitional jobs program funded under this paragraph.

''(iii) METHODOLOGY.—The Secretary may use any reasonable methodology in calculating whether program participants satisfying the requirements of clause (i), constitute ⅔ or more of all participants, and whether program participants satisfying the requirements of clause (ii) constitute not more than ⅓ of all such participants in a fiscal year.

''(iv) AUTHORITY TO PROVIDE WORK-RELATED SERVICES TO INDIVIDUALS WHO HAVE REACHED THE 5-YEAR LIMIT.—A program operator under this paragraph may use the funds to provide transitional job program participation to individuals who, but for section 408(a)(7), would be eligible for assistance under the program funded under this part of the State in which the program operator is located.

''(D) RELATIONSHIP TO OTHER PROVISIONS OF THIS PART.—

''(i) RULES GOVERNING USE OF FUNDS.—The provisions of section 404 (other than subsection (f) thereof) shall not apply to a grant made under this paragraph.

''(ii) ADMINISTRATION.—Section 416 shall not apply to the programs under this paragraph.

''(iii) PROHIBITION AGAINST USE OF GRANT FUNDS FOR ANY OTHER FUND MATCHING REQUIREMENT.—An entity to which funds are provided under this paragraph shall not use any part of the funds to fulfill any obligation of any State or political subdivision under subsection (b) or section 418 or any other provision of this Act or other Federal law.

''(iv) DEADLINE FOR EXPENDITURE.—An entity to which funds are provided under this paragraph shall remit to the Secretary of Labor any part of the funds that are not expended within 3 years after the date on which the funds are so provided.

''(v) REGULATIONS.—Within 90 days after the date of enactment of this paragraph, the Secretary of Labor, after consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to implement this paragraph.

''(vi) REPORTING REQUIREMENTS.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall establish requirements for the collection and maintenance of financial and program participant information and the reporting of such information by entities carrying out activities under this paragraph. Such reporting requirements shall include, at a minimum, that States report disaggregated data on individual program participants that include the following:

''(I) Demographic information about the program participant including education level, literacy level, and prior work experience.

''(II) Identity of the program operator that provides or provided services to the program participant, and the duration of participation.

''(III) The nature of education, training or other services received by the program participant.

''(IV) Reasons for the program participant's leaving the program.

''(V) Whether the program participant secured unsubsidized employment during or within 60 days after the employment of the participant in a transitional job, and if so, details about the participant's unsubsidized employment including industry, occupation, starting wages and hours, and availability of employer sponsored health insurance and sick and vacation leave.

''(vii) ADDITIONAL REPORTING REQUIREMENTS.—States shall collect and report followup data for a sampling of program participants reflecting their employment and earning status 12 months after entering unsubsidized employment.

''(E) NATIONAL COMPETITIVE GRANTS.—

''(i) IN GENERAL.—The Secretary of Labor shall award grants in accordance with this paragraph, in fiscal years 2003 through 2007, for transitional jobs programs proposed by eligible applicants, based on the following:

''(I) The extent to which the proposal seeks to provide services in multiple sites that include sites in more than 1 State.

''(II) The extent to which the proposal seeks to provide services in a labor market area or region that includes portions of more than 1 State.

''(III) The extent to which the proposal seeks to provide transitional jobs in a State.

''(IV) The extent to which the applicant proposes to provide transitional jobs in either rural areas or areas where there are a high concentration of residents with income that is less than the poverty line.

''(V) The effectiveness of the proposal in helping individuals who are least job ready move into unsubsidized jobs that provide pathways to stable employment and livable wages.

''(ii) ELIGIBLE APPLICANTS.—In this paragraph, the term 'eligible applicant' means—

''(I) a Workforce Investment Board for a local workforce area in a State;

''(II) a political subdivision of a State;

''(III) a State;

''(IV) an Indian tribe; or

''(V) a private entity.

''(iii) FUNDING.—Subject to subparagraphs (F) and (G), of the amount appropriated in subparagraph (H) for a fiscal year, $25,000,000 of such amount shall be used to make grants under this paragraph for that fiscal year.

''(F) FUNDING FOR INDIAN TRIBES.—1.5 percent of the amount appropriated in subparagraph (H) for each fiscal year shall be reserved for grants to Indian tribes.

''(G) FUNDING FOR EVALUATIONS OF TRANSITIONAL JOBS PROGRAMS.—1.5 percent of the amount appropriated in subparagraph (H) for each fiscal year shall be reserved for use by the Secretary to carry out subparagraph (I).

''(H) APPROPRIATIONS.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for grants under this paragraph, $25,000,000 for each of fiscal years 2004 through 2008.

''(ii) AVAILABILITY.—The amounts made available pursuant to clause (i) shall remain available for such period as is necessary to make the grants provided for in this paragraph.

''(I) EVALUATION OF TRANSITIONAL JOBS PROGRAMS.—The Secretary, in consultation with the Secretary of Labor—

''(i) shall develop a plan to evaluate the extent to which transitional jobs programs funded under this paragraph have been effective in promoting sustained, unsubsidized employment for each group of eligible participants;

''(ii) may evaluate the use of such grants by such grantees/ as the Secretary deems appropriate, in accordance with an agreement entered into with the grantees after good-faith negotiations; and

''(iii) should include the following outcome measures in the plan developed under clause (i):

''(I) Placements in unsubsidized employment.

''(II) Placements in unsubsidized employment that last for at least 12 months, and the extent to which individuals are employed continuously for at least 12 months.

''(III) Earnings of individuals who obtain employment at the time of placement.

''(IV) Earnings of individuals 1 year after placement.

''(V) The occupations and industries in which wage growth and retention performance is greatest.

''(VI) Average expenditures per participant.''.

SEC. 410. GAO STUDY ON IMPACT OF BAN ON SSI BENEFITS FOR LEGAL IMMIGRANTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine the impact of the prohibition under section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612) with respect to the eligibility of qualified aliens (as defined in section 431 of such Act (8 U.S.C. 1641)) for benefits under the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of such Act (42 U.S.C. 1382e) and payments pursuant to an agreement entered into under section 212(b) of Public Law 93–66.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the study conducted under subsection (a) that includes such recommendations for legislative action as the Comptroller General determines appropriate.

SEC. 411. ENSURING TANF FUNDS ARE NOT USED TO DISPLACE PUBLIC EMPLOYEES; APPLICATION OF WORKPLACE LAWS TO WELFARE RECIPIENTS.

(a) WELFARE-TO-WORK WORKER PROTECTIONS.—

(1) IN GENERAL.—Section 403(a)(5)(I) (42 U.S.C. 603(a)(5)(I)) is amended—

(A) by striking clauses (i) and (iv);

(B) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively; and

(C) by inserting before clause (ii), the following:

''(i) NONDISPLACEMENT.—

''(I) IN GENERAL.—An adult in a family receiving assistance under a State program funded under this part, in order to engage in a work activity, shall not displace any employee or position (including partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) or fill any unfilled vacancy.

''(II) PROHIBITIONS.—A work activity engaged in under a program operated with funds provided under this paragraph shall not impair any existing contract for services, be inconsistent with any existing law, regulation, or collective bargaining agreement, or infringe upon the recall rights or promotional opportunities of any worker.

''(III) NO SUPPLANTING OF OTHER HIRES.—A work activity engaged in under a program operated with funds provided under this paragraph shall be in addition to any activity that otherwise would be available and shall not supplant the hiring of an employed worker not funded under such program.

''(IV) ENFORCING ANTIDISPLACEMENT PROTECTIONS.—

''(aa) IN GENERAL.—The State shall establish and maintain an impartial grievance procedure to resolve any complaints alleging violations of the requirements of subclause (I), (II), or (III) within 60 days of receipt of the complaint and, if a decision is adverse to the party who filed such grievance or no decision has been reached, provide for the completion of an arbitration procedure within 75 days of receipt of the complaint or the adverse decision or conclusion of the 60-day period, whichever is earlier.

''(bb) APPEALS.—Appeals may be made to the Secretary who shall make a decision within 75 days.

''(cc) REMEDIES.—Remedies for a violation of the requirements of subclause (I), (II), or (III) shall include termination or suspension of payments, prohibition of the placement of the participant, reinstatement of an employee, and other relief to make an aggrieved employee whole.

''(dd) LIMITATION ON PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant, such placement shall not be made unless such placement is consistent with the resolution of the grievance pursuant to this subclause.''.

(2) STATE PLAN REQUIREMENT.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) In the case of a State that receives a welfare-to-work grant under section 403(a)(5), ensure compliance with the nondisplacement requirements of subparagraph (I)(i) of that section.''.

(b) APPLICATION OF WORKPLACE LAWS TO WELFARE RECIPIENTS.—Notwithstanding any other provision of law, workplace laws, including the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), shall apply to an individual who is a recipient of assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in the same manner as such laws apply to other workers. The fact that an individual who is a recipient of assistance under the temporary assistance to needy families program is participating in, or seeking to participate in work activities under that program in satisfaction of the work activity requirements of the program, shall not deprive the individual of the protection of any Federal, State, or local workplace law.

SEC. 412. DATA COLLECTION AND REPORTING.

Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended in the matter preceding clause (i), by striking ''(except for information relating to activities carried out under section 403(a)(5))'' and inserting '' (and in complying with this requirement, the Secretary shall require not more than 10 States to ensure that the following case record information is reported in a manner that permits analysis of such information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors, and shall submit an annual report to Congress containing such data)''.

TITLE V—MISCELLANEOUS

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, the amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) or 454 of the Social Security Act (42 U.S.C. 602(a), 654) which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) or 454 solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

By Mr. HARKIN:

S. 1444. A bill to amend the Head Start Act to increase the reservation of funds for programs for low-income families with very young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, most Americans are very familiar with Head Start. This popular preschool program was created in 1965 to provide education, health, nutrition and family support services to low-income, 4- and 5-year old children. Head Start enjoys strong bipartisan support and is widely recognized as a success.

In response to the growing body of research about the critical development which occurs during the first 3 years of a child's life, Head Start was expanded in 1995 to serve infants and toddlers. The Early Head Start Program provides comprehensive child development and family support services to infants and toddlers from birth through age 3 and pregnant women. Currently, 10 percent of Head Start funds are set aside for Early Head Start. An estimated 60,000 children currently receive services nationwide. In Iowa, 1,259 children are served by Early Head Start.

Numerous research findings, including a 7-year national evaluation, show that Early Head Start is a success. Early Head Start made positive impacts in children's cognitive, language, and social-emotional development. It was also found that compared to a control group, parents in Early Head Start not only read to their children more often but also provided additional resources to support greater language and literacy development.

These types of outcomes for our Nation's most vulnerable infants and toddlers are tremendous considering how critical the early years are for children's development. Data from the National Academy of Sciences shows that the first 3 years of a child's life are the most important—80 percent of brain development occurs by age 3. Children have unlimited potential to learn many things during this critical time. Research conducted over the last several years shows how important it is for parents to read to their young children, talk with them, and stimulate learning through play. Children who do not have enriched learning experiences during these important years can be stunted for life. Babies and toddlers living in high-risk environments need additional supports to foster necessary intellectual, social, and emotional development that lays the foundation for later success in school and life.

Early Head Start provides this proven effective, targeted care, yet only 3 percent of those eligible are being served. As a result, today I am introducing legislation that would increase the current set-aside to 20 percent in 2008—to double the number of participants.

Investments in early intervention programs must become a national priority. This is the right thing to do for the young children of our Nation, but it is also the most cost-effective thing for us to do. Every dollar invested in quality pre-school programs saves $7 in future costs for special education, welfare or corrections.

In 1991, the Committee for Economic Development, CED, called on the Nation to rethink how we view education. This group of business leaders urged Federal policy makers to view education as a process that begins at birth, with preparations beginning before birth. I strongly support this objective and have always been a strong advocate in early intervention activities such as Head Start, the WIC nutrition program and early intervention programs for infants and toddlers with disabilities.

We must dedicate ourselves to making the CED vision a reality and build a strong foundation for education in this country. That begins with ensuring that all children get off to a good, strong start and enter school ready to learn.

The legislation I am introducing today takes another step toward building this foundation by doubling the set-aside for the Early Head Start Program for children ages zero to three by the year 2008. This action will continue to improve access to education and development services for our youngest children to provide a good start in life. I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 198—EXPRESSING SYMPATHY FOR THE VICTIMS OF THE DEVASTATING EARTHQUAKE THAT STRUCK ALGERIA ON MAY 21, 2003

Mr. BROWNBACK (for himself, Mr. BIDEN, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 198

Whereas on the evening of May 21, 2003, a devastating and deadly earthquake of a magnitude of 6.8 on the Richter scale and with a depth of 6 miles struck northern Algeria, killing more than 2,260 people, injuring more than 10,000 others, and leaving more than 200,000 people homeless;

Whereas the earthquake of May 21, 2003, has left thousands of buildings in ruins and has severely disrupted health services, water supply lines, electricity, and telecommunications in Algeria;

Whereas severe aftershocks with magnitudes greater than 4.0 have continued to terrify the people of Algeria and hamper rescue efforts;

Whereas the strength, courage, and determination of the people and Government of Algeria has been displayed since the earthquake;

Whereas the people of the United States and Algeria share strong friendship and mutual respect;

Whereas the United States airlifted to the earthquake-affected population 174,000 blankets, 1,800 tents, electrical equipment, water purification kits, and 3 medical supply kits sufficient to benefit 10,000 people for at least 3 months;

Whereas the United States has provided $50,000 to the Algerian Red Crescent Society for emergency relief supplies; and

Whereas the United Nations Children's Fund (UNICEF) has launched an emergency appeal for humanitarian and relief assistance to address the devastation in Algeria that was caused by the powerful earthquake: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Algeria and particularly to the families of the victims and the survivors for the tragic losses suffered as a result of the earthquake that struck Algeria on May 21, 2003;

(2) expresses its support for the people and to the Government of Algeria as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for humanitarian assistance provided by the United States Agency for International Development and other American and international relief organizations;

(4) recognizes the important role that is being performed by the United States and the international community in providing assistance to alleviate the suffering of the people of Algeria; and

(5) encourages the continued commitment by the United States and other countries and international organizations to the rebuilding of the earthquake-affected areas in Algeria.

Mr. BROWNBACK. Mr. President, I rise to submit a resolution expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003.

Algeria, a North African nation and former colony of France, was rocked by an enormous earthquake registering 6.8 on the Richter scale on May 21 killing more than 2,000 people, injuring 10,000 and leaving hundreds of thousands homeless.

I rise to extend my heartfelt sympathy to the Algerian people and to encourage the United States to commit itself to help Algerians pick up their lives and move past this tragedy.

President Bush committed funds to the Algerian Red Crescent Society, and the U.S. airlifted disaster supplies, including blankets, tents, medical supply kits.

It is important that in Algeria's hour of need that we act as a humane Nation. The kindness of a compassionate America can help heal the wounds of Algeria.

We must define ourselves as a nation by the goodness and compassion we extend to our fellow human beings who inhabit this world with us.

Though it is not simply in our self-interest, we should be careful to view our compassionate acts as instruments of goodwill presenting the case for American leadership to the world. These acts of compassion can serve to further our interests while reinforcing the American ideal as something other nations would want to attain.

Thomas Jefferson stated that America ''should have an Empire for Liberty,'' meeting a moral obligation to defend and promote freedom throughout the world. That remains for any American foreign policy, but is only buttressed by our willingness to serve our fellow man.

It would be a tragedy in this case if we were to wait for our ship to come in; we should swim out to meet it. Algeria can be the mark where America as a leading moral nation can greet his fellow suffering man with open arms and mercy.

Mr. INHOFE. Mr. President, on May 21 of this year a devastating earthquake shook lives in Algeria and across the world. Two thousand two hundred people were killed, 10,000 were injured, and 200,000 more were left homeless. In response, support from the international community has been overwhelming. The United Nations Disaster Assessment and Coordination Team estimates that 85 international flights from 27 different countries landed in Algiers to assist in the emergency relief efforts. Officials in Algeria state that more than 30,000 government workers and 10,000 military personnel were involved in relief activities. The United States alone has given over $1.3 million in assistance, providing blankets, tents, and medical supplies.

Furthermore I am pleased that many businesses from my home State of Oklahoma are now helping in the reconstruction. They will bring to Algeria the best resources and equipment available to help rebuild the fallen cities. LWPB Architects, Atkins-Benham Constructors and Terex Road Building Group are among the participating companies.

I am pleased to cosponsor this resolution by my colleague from Kansas that expresses our deepest sympathies for the victims of this tragedy. It is our hope that through this international partnership, Algeria will arise a stronger nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1318. Mr. REID proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

SA 1319. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1320. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1321. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1322. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1323. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1324. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1325. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1326. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1318. Mr. REID proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 58, strike line 6 and all that follows through page 59, line 17, and insert the following:

any other provision of law, $2,908,000,000, which shall be allocated as follows:

(1) $1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which $500,000,000 shall be available for State and local law enforcement terrorism prevention grants: *Provided*, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: *Provided further*, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

(2) $30,000,000 for technical assistance;

(3) $750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: *Provided*, That no less than 80 percent of

any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: *Provided further*, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants;

(4) $20,000,000 for discretionary grants for use in urban areas with large tourist populations, to be used as determined by the Secretary of Homeland Security; and

(5) $358,000,000 for national programs:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: *Provided further*, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraphs (3) and (4) of this heading shall be available for operational costs, to include personnel overtime and overtime

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SA 1319. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 7, strike the end period and insert the following: ": *Provided further*, That of the total amount provided under this heading $5,500,000 shall be available for maritime security professional training pursuant to section 109 of the Maritime Transportation Security Act of 2002 (46 U.S. C. 70101 note)."

SA 1320. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 15, strike "$130,200,000" and insert "$150,000,000".

SA 1321. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

After section 615, insert the following:

SEC. 616. (a) ADDITIONAL AMOUNT FOR BORDER PERSONNEL.—The amount appropriated by title III under the heading "SALARIES AND EXPENSES" under the heading "CUSTOMS AND BORDER PROTECTION" is hereby increased by $200,000,000.

(b) AVAILABILITY.—(1) Of the amount appropriated by title III under the heading "SALARIES AND EXPENSES" under the heading "CUSTOMS AND BORDER PROTECTION", as increased by subsection (a), up to $200,000,000 shall be available to assist the Department of Homeland Security in increasing the number of border personnel at the northern border of the United States by the end of fiscal year 2004, and may be transferred by the Secretary of Homeland Security to the salaries and expenses account of the Bureau of Customs and Immigration Services.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

SA 1322. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 19, strike the end period and insert the following: ": *Provided further*, That of the total amount provided under this heading $15,000,000 shall be available for the Secretary of Homeland Security to award grants under section 70107(i) of title 46, United States Code, to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.".

SA 1323. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

After section 615, insert the following:

SEC. 616. (a) AMOUNT FOR CONSTRUCTION OF VEHICLE BARRICADES.—Of amounts appropriated by title III under the heading "CONSTRUCTION" under the heading "CUSTOMS AND BORDER PROTECTION", $2,400,000 shall be available to construct vehicle barricades along the United States-Mexico border near the Santa Teresa and Columbus ports of entry.

(b) SUPPLEMENT NOT SUPPLANT.—Amounts available under subsection (a) are in addition to any other amounts appropriated or otherwise available under this Act for construction of vehicle barricades along the United States-Mexico border.

SA 1324. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, lines 2 and 3, strike "as determined by the Secretary of Homeland Security: *Provided*, That" and insert "including Indianapolis, Indiana, and other areas, as determined by the Secretary of Homeland Security: *Provided*, that no less than the minimum amount awarded to Buffalo, New York, and its contiguous counties and mutual aid partners in fiscal year 2003 to enhance the security of high density, high threat urban areas shall be made available to areas in Indianapolis, Indiana: *Provided further*, That".

SA 1325. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 58, line one, strike all text through page 60, line 4, and insert the following in lieu thereof:

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $6,638,000,000, which shall be allocated as follows:

(1) $4,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT ACT of 2001 (42 U.S.C. 3711), of which $3,500,000,000 shall be available for State and local law enforcement terrorism prevention grants: *Provided*, That no funds shall be made available to any State prior to the submission of an updated state plan to the Officer for Domestic Preparedness: *Provided further*, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days of the grant award: *Provided further*, That in obligating funds to local governments, each State shall give priority consideration to funding requests submitted by elected executive officials of municipal governments;

(2) $80,000,000 for technical assistance;

(3) $1,450,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: *Provided*, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after receipt of the funds: *Provided further*, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants; and

(4) $358,000,000 for national programs: *Provided*, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: *Provided further*, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (3) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training as needed: *Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of the funds provided under paragraphs (1) and (3) of this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $900,000,000, to remain available until September 30, 2005: *Provided*, That up to 5 percent of this amount shall be available for program administration.

SA 1326. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—CLARIFICATION OF PROHIBITION ON CONTRACTING WITH CORPORATE EXPATRIATES

SEC. ___. CLARIFICATION OF PROHIBITION ON CONTRACTING WITH CORPORATE EXPATRIATES.

Section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period ", or any subsidiary of such an entity";

(2) in subsection (b)(1), by inserting ''before, on, or'' after ''completes'';

(3) in subsection (c)(1)(B), by striking ''which is after the date of enactment of this Act and''; and

(4) in subsection (d), by striking ''homeland security'' and inserting ''national security''.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 23, 2003, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 556, a bill to reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on July 24, 2003, in SR–328A at 11 a.m. The purpose of this meeting will be to mark up H.R. 1904, the Healthy Forests Restoration Act of 2003.

SUBCOMMITTEE ON ENERGY

Mr. ALEXANDER. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 29, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to highlight the unique role that the DOE's Office of Science plays in supporting basic research in the physical sciences. The programs supported by the Office of Science support many of the DOE's missions. The research of the Office lays the foundation for many of the current and future developments in the applied missions of the DOE in energy, defense, and environmental issues.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled ''SARS: Best Practices for Identifying And Caring for New Cases.'' At the hearing, officials from the General Accounting Office will release the results from a study that I requested of national best practices for identifying and locating SARS cases. This hearing is a followup to the subcommittee's May 2003 hearing on coordinating the response to individual SARS outbreaks among local, State, and Federal officials as well as between government officials and the private sector. While officials from global health agencies have indicated that, for the moment, SARS appears to have stabilized, there is concern that this is simply a lull before the storm. At the subcommittee's May 2003 hearing individuals within the health care community relayed their concerns that there will be reemergence of SARS this fall. With that in mind, the subcommittee's upcoming hearing will examine the best practices that can be identified for controlling SARS within the health care and community setting.

The hearing will take place on Wednesday, July 30, 2003, at 9 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Joseph V. Kennedy of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 22, 2003, at 2:00 p.m. to conduct a hearing on the nominations of Mr. Mark C. Brickell, of New York, to be director, Office of Federal Housing Enterprise Oversight; Ms. Alicia R. Castaneda, of the District of Columbia, to be a member of the Board of Directors, Federal Housing Finance Board; and Mr. Thomas J. Curry, of Massachusetts, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 22, at 10:00 a.m.

The purpose of the hearing is to receive testimony on issues related to forest health problems in our Nation's forests.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Reauthorizing Head Start: Preparing Children to Succeed in School and in Life during the session of the Senate on Tuesday, July 22, 2003 at 10:00 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Tuesday, July 22, 2003, at 10 a.m. in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: Senators;

Panel II: Steven M. Colloton to be United States Circuit Judge for the Eighth Circuit;

Panel III: P. Kevin Castel to be United States District Judge for the Southern District of New York; Sandra J. Feuerstein to be United States District Judge for the Eastern District of New York; Richard J. Holwell to be United States District Judge for the Southern District of New York; H. Brent McKnight to be United States District Judge for the Western District of North Carolina; R. David Proctor to be United States District Judge for the Northern District of Alabama; Stephen C. Robinson to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''The WorldCom Case: looking at Bankruptcy and Competition Issues'' on Tuesday, July 22, 2003, at 2 p.m. in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: Richard Thornburgh, Esquire, Bankruptcy Examiner, Kirkpatrick & Lockhart LLP, Washington, DC;

Panel II: William Barr, Executive Vice President and General Counsel, Verizon Communications, Washington, DC; Nicholas Katzenbach, Board Member, MCI Telecommunications, Ashburn, Virginia; Marcia L. Goldstein, Esquire, Weil Gotshal & Manges LLP, New York, New York; Morton Bahr, President, Communications Workers of America, Washington, DC; Douglas G. Baird, Vice-Chair, National Bankruptcy Conference, Chicago, Illinois; Mark A. Neporent, Chief Operating Officer, Cerberus Capital Management, L.P., New York, New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on today, July 22, 2003 from 11 a.m.—1 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro

tempore, and upon the recommendation of the Minority Leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Honorable PAUL SARBANES of Maryland as a delegate of the Senate Delegation to the British-American Interparliamentary Group conference during the 108th Congress.

MEASURES INDEFINITELY POSTPONED—S. 508, S. 708, AND S. 1145

Mr. CORNYN. Mr. President, I ask unanimous consent that Calendar Nos. 148, 149, and 151 be indefinitely postponed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 23, 2003

Mr. CORNYN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, July 23. I further ask that following the prayer and the pledge, the Journal of proceedings be approved, the time for the two leaders be reserved for their use later in the day, and that the Senate begin a period of morning business with the first 15 minutes under the control of the majority leader or his designee, the next 15 minutes under the control of Senator HUTCHISON or her designee, and the final 30 minutes under the control of the minority leader or his designee; provided that following morning business the Senate resume consideration of Calendar No. 192, H.R. 2555, the Department of Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CORNYN. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business until approximately 10 a.m.

Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. Again, it is the majority leader's intention to complete action on this bill during tomorrow's session.

There are a number of Senators who have expressed an interest in offering amendments. The majority leader would encourage those Members to contact the bill managers as soon as possible.

Rollcall votes are expected throughout the day tomorrow as the Senate will continue work through the remaining amendments to the bill. Senators will be notified when the first vote is scheduled.

RECESS UNTIL 9 A.M. TOMORROW

Mr. CORNYN. Mr. President, if there is no further business to come before the Senate, under the previous order, I ask that the Senate stand in recess.

Thereupon, the Senate, at 7:23 p.m., recessed until Wednesday, July 23, 2003, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 22, 2003:

DEPARTMENT OF COMMERCE

PETER LICHTENBAUM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE JAMES J. JOCHUM.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KERRY N. WEEMS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE JANET HALE, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be lieutenant general

MAJ. GEN. ROGER A. BRADY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be lieutenant general

LT. GENERAL RICHARD E. BROWN III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be lieutenant general

LT. GEN. JOHN D. HOPPER JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be lieutenant general

LT. GEN. STEVEN R. POLK, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE ARMY TO THE GRADE INDICATED UNDER TITLE 10 U.S.C. SECTION 12203:

To be major general

BRIG. GEN. DAVID T. ZABECKI, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be vice admiral

REAR ADM. HENRY G. ULRICH III, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10 U.S.C. SECTION 601:

To be vice admiral

REAR ADM. HENRY G. ULRICH III, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10 U.S.C. SECTION 624:

To be lieutenant colonel

DENNIS HUTSON, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

WILFREDO A. COLONMARTINES, 0000
STEPHEN A. GARANIN, 0000
JEFFERY L. LEWIS, 0000

THE FOLLOWING OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

THOMAS B. HOWE, 0000
MICHAEL J. VEASEY, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES G. LYNCH, 0000
DANIEL MANGUALGONZALEZ, 0000
WESLEY L. MCCLELLAN, 0000
RAFAEL A. ROLDAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

EVAN L. WILLIAMS II, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

THOMAS D. GORE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ADAM L. MUSOFF, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE TEMPORARY GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 6222:

To be captain

JASON K. FETTIG, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624:

To be commander

STEVENS S. HARTZELL, 0000
STANLEY D. RHOADES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES P. DRISCOLL, 0000

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. FLETCHER. Mr. Speaker, on Friday, July 18, 2003, had I been present for Rollcall Votes #395, #396, and #397, I would have voted the following way:

Rollcall vote No. 395—''aye''; Rollcall vote No. 396—''nay''; Rollcall vote No. 397—''aye''.

PERSONAL EXPLANATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. SERRANO. Mr. Speaker, I rise today to ask that the RECORD show that on Thursday, July 17, 2003, during consideration of the FY04 Appropriations bill for the Department of the Interior, I inadvertently voted ''no'' on the Gallegly-Moran ''Don't Feed the Bears'' Amendment, to stop the dangerous and unsporting practice of bear-baiting on federal lands, when it was my intention to support the amendment.

This amendment, had it passed, would have banned the unsporting practice of using food to attract bears for slaughter on federal lands. I am a cosponsor of H.R. 1472 because of my strong opposition to the practice of bear-baiting. I will continue to actively support enactment of H.R. 1472.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. GALLEGLY. Mr. Speaker, on Friday, July 18, 2003, I was unable to vote on the amendments to and final passage of H.R. 2754, the FY04 Energy and Water Development Appropriations Act. Had I been present I would have voted ''no'' on the Andrews amendment (rollcall 391); ''no'' on the Udall amendment (rollcall 392); ''no'' on the Hefley amendment (rollcall 393); ''no'' on the motion to recommit (rollcall 394); ''yea'' on final passage of H.R. 2754, the FY04 Energy and Water Development Appropriations Act (rollcall 395). Additionally, I was unable to vote on the Bell motion to instruct conferees on H.R. 1308, the All-American Tax Relief Act of 2003 (rollcall 396); I would have voted ''nay''; and would have voted ''aye'' on the Motion to Table H. Res. 324, a Resolution Raising a Question of the Privileges of the House.

PERSONAL EXPLANATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BARTLETT of Maryland. Mr. Speaker, on Tuesday, July 15, I was unable to cast my vote on rollcall number 364, the Paul amendment to the Foreign Relations Authorization Act. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. FLETCHER. Mr. Speaker, on Monday, July 21, 2003, had I been present for rollcall votes Nos. 398, 399, and 400, I would have voted the following way: rollcall vote No. 398—''nay'', rollcall vote No. 399—''aye'', and rollcall vote No. 400—''aye''.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Monday, July 21, I was unavoidably detained due to a prior obligation in my district.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted ''yes'' on rollcall No. 398, ''yes'' on rollcall No. 399, and ''yes'' on rollcall No. 400.

IN HONOR OF THE RECIPIENTS OF THE 2003 NEW HAMPSHIRE CONGRESSIONAL LAW ENFORCEMENT AWARDS

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BASS. Mr. Speaker, I rise today to pay tribute to the men and women of the New Hampshire enforcement community who have gone beyond the call of duty and exemplified themselves through distinctive service to the citizens of New Hampshire.

In 1998, my friend and colleague and now Senator, JOHN SUNUNU, and I first established the New Hampshire Congressional Law Enforcement Awards at the request of current and retired New Hampshire law enforcement personnel. These awards honor the men and women of New Hampshire whose service and professionalism is truly heroic and extraordinary. This Sunday, July 27, a ceremony will be held at the New Hampshire Police Standards and Training facility in Concord to honor the 54 recipients of this year's awards.

Nominations for the award are based on exceptional achievement in any police endeavor, including: extraordinary valor; crime prevention; drug control and prevention; investigative work; community policing; community service; traffic safety; search and rescue; and juvenile training, programs. Individual officers are nominated for the award by citizens, an officer's department, his or her co-workers, a city or town official, or a government agency. All duty-sworn officers of the law, including local, county, State, and Federal law enforcement agencies—and professionals from other States who distinguish themselves in serving the people of New Hampshire—are eligible.

The awards honor law enforcement personnel in one of five separate categories: Career Service Award, Unit Citation Award, Dedication and Professionalism Award, Above and Beyond the Call of Duty Award, and Associate Service Award.

The men and women of law enforcement work every day to protect the interests of our communities, families, and children. As the first responders to emergency situations in New Hampshire, these brave men and women often put their lives on the line to protect the greater good of the community. These awards have been a fitting tribute to our officers and a reminder to all of us of the important role they play in our lives and in our communities.

Mr. Speaker, it is with great pride that I offer our appreciation for the service and the dedication of our law enforcement personnel. I congratulate the following recipients of the 2003 New Hampshire Congressional Law Enforcement Awards, and thank the people with whom they work and the citizens they serve for nominating such outstanding individuals:

Career Service Award: Sheriff Walter A. Morse, Hillsborough County Sheriffs Department; Sheriff Robert ''Butch'' Loven, Coos County Sheriff's Department.

Unit Citation Award: Detective Stephen J. Arnold, Portsmouth Police Department; Detective Mark D. Newport, Portsmouth Police Department; Sergeant Michael J. Ronchi, Portsmouth Police Department; Special Agent Norman J. Houle, U.S. Drug Enforcement Administration; Special Agent Edward F. Bals, U.S. Drug Enforcement Administration; Special Agent Steven C. Story, U.S. Drug Enforcement Administration; Special Agent Glen C. Coletti, U.S. Drug Enforcement Administration; Deputy April A. Clarizia, Essex Country, MA, Sheriff's Department; Deputy Tessa M. St. Cyr, Essex Country, MA, Sheriff's Department; Special Agent John A. Mercer, U.S. Bureau of Alcohol, Tobacco, and Firearms; Special Agent Timothy J. Wyse, U.S. Bureau of Alcohol, Tobacco, and Firearms.

Above and Beyond the Call of Duty: Trooper Thomas Lencki, New Hampshire State Police; Officer Jeffrey Buskey, Sandbornton Police Department; Officer William H. Wright, Belmont Police Department; Officer

Mike Cote, Gorham Police Department; Officer Jefferey Pangburn, Nashua Police Department; Officer John Newell, Nashua Police Department; Officer John Murphy, Nashua Police Department; Officer Kerry Baxter, Nashua Police Department; Officer Michael Sullivan, Nashua Police Department; Officer Anthony Pivero, Nashua Police Department; Sergeant Michael Smith, Hudson Police Department; Officer Michael Niven, Hudson Police Department; Sergeant John Galvin, Hampton Police Department; Sergeant Joe Galvin, Hampton Police Department; Officer Steven Henderson, Hampton Police Department; Officer John Donaldson, Hampton Police Department; Officer Charles Karpenko, Hampton Police Department; Conservation Officer Brian Abrams, New Hampshire Fish & Game; Conservation Officer Sam Sprague, New Hampshire Fish & Game; Officer Matt Larochelle, Manchester Police Department; Sergeant Timothy Goulden, Nashua Police Department; Officer Mark Fidler, Nashua Police Department; Officer Matthew McNulty, Nashua Police Department; Officer Daniel Donahue, Nashua Police Department.

Dedication and Professionalism: Officer Christopher Hutcheson, Manchester Police Department; Sergeant Bob Therrien, Lebanon Police Department; Sergeant Franklin W. Knowles, Hampton Police Department; Officer William Cronin, Hampton Police Department; Officer Scott Bates, Hampton Police Department; Officer Robert Sparkes, Hampton Police Department.

Associate Service Award: Chief Warrant Officer 3 Peter Cartmel, New Hampshire Army National Guard; Chief Warrant Officer 5 Bruce Gokey, New Hampshire Army National Guard; Staff Sergeant James Ward, New Hampshire Army National Guard; Sergeant Andrew Shannon, New Hampshire Army National Guard.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. FLETCHER. Mr. Speaker, on Thursday, July 10, 2003, I was unavoidably detained due to weather grounding my commercial flight. Had I been present for Rollcall votes No. 348, No. 349, No. 350, No. 351, and No. 352, I would have voted the following way:

Rollcall vote No. 348—''nay''; Rollcall vote No. 349—''nay''; Rollcall vote No. 350—''nay''; Rollcall vote No. 351—''nay''; Rollcall vote No. 352—''nay.''

HONORING KGPE–TV

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor KGPE–TV in Fresno, CA for their impressive support for our community. In 2002, KGPE–TV donated a total of 2148 spots of valuable airtime towards Ad Council public service announcements.

Throughout the Ad Council's 60-year history, stations like KGPE–TV have helped to address the most pressing social issues of the day. Each year, the Ad Council receives approximately $1.3 billion in donated media for over 40 campaigns to promote awareness about topics ranging from high-school drop-out prevention to AIDS awareness.

Mr. Speaker, I am pleased to honor KGPE–TV for their ongoing dedication to informing the 19th district of current and socially important issues that improve the lives of our constituents and our nation.

CONGRATULATING DETROIT REGIONAL CHAMBER OF COMMERCE

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. McCOTTER. Mr. Speaker, today I rise to congratulate the Detroit Regional Chamber of Commerce on its 100th Anniversary which it celebrated last week. It is a pleasure and a privilege to commemorate this milestone and celebrate everyone who has contributed to the Chamber's success.

Remaining true to the original slogan ''For the general good of Detroit,'' the organization's 253 charter members and numerous successors have been a cornerstone of the Detroit area's commercial, industrial and municipal advancement for the past 100 years.

Truly, they are rightly proud of their past accomplishments in and future commitment to our community.

It has been an honor to be associated with its members and all their endeavors.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. RYUN of Kansas. Mr. Speaker, unfortunately, I missed three votes in the House of Representatives on July 21, 2003. Had I been in attendance I would have made the following votes:

The Van Hollen Motion to Instruct Conferees on H.R. 1308, All-American Tax Relief Act of 2003. Had I been in attendance, I would have voted ''no.''

Passage of H.R. 1516, the National Cemetery Expansion Act of 2003. Had I been in attendance, I would have voted ''yea.''

Passage of H. Con. Res. 212, Recognizing and supporting the goals and ideals of the Year of the Korean War Veteran. Had I been in attendance, I would have voted ''yea.''

THE PRESIDENT'S TRIP TO AFRICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. RANGEL. Mr. Speaker, I would like to share an editorial written by C. Payne Lucas, president emeritus of Africare, a Washington-based nonprofit organization that operates development programs in 26 African countries. ''Bush Should Listen Closely in Africa'' was published in Newsday earlier this month.

As President George W. Bush leaves on his first trip to Africa Monday, I am reminded of a trip I made to the continent in 1985 with his father, then-Vice President George H.W. Bush. Massive drought and famine were raging in the Sahel region of West Africa at the time. Thousands of people and farm animals were dying, and most men, women and children were spending their waking moments desperately searching for food and water.

Africans were calling for help, and then-President Ronald Reagan sent Bush on a fact-finding mission to West Africa. I was one of a number of development specialists who accompanied him. On this visit, the vice president did not just rely on briefings from U.S. diplomats and highly placed local officials. He went out of his way to engage with—and learn from—people from all walks of life. He spoke with the people at the local level in an effort to get a firsthand account of the enormous odds they faced. Bush listened, and inspired hope. Eventually the U.S. government brought substantive emergency and development assistance to the Sahel nations.

Today, Africa still faces many challenges. Some of these are as familiar as the famine we saw in the Sahel nearly 20 years ago. Others are problems that were barely on anyone's radar screen in 1985, such as the AIDS crisis. But, as it was in 1985, so it is today: In helping Africa's people cope with the problems they face, the United States and the rest of the world need to seek ideas from the people on the ground. On his trip to Nigeria, Senegal, Uganda, Botswana and South Africa, President George W. Bush will seek to build a better partnership, not just with the people of these five countries, but with the continent as a whole. He will be aiming to counter the long-standing complaint that the United States pays little attention to African countries beyond the desire for access to natural resources such as oil.

As someone who has lived and worked in Africa, and focused nearly four decades of work on the continent, my suggestion to the president is very simple: Listen closely and learn a lot. Often, we Americans tend to think of how different sub-Saharan African countries are from ours. But those differences are minor. Africa's people want the same things we want: peace and security, a decent education for their children, health care—a better future. But, unlike those of us in the United States, Africans have far fewer means to achieve these everyday goals.

This is where the United States can make a big difference. People in Africa have faith in America because they realize that we have plenty of experience in managing diversity, getting people from different racial, religious and ethnic backgrounds to work for the common good. Although we don't always realize it, Africans need these same skills in dealing with the challenges of nation-building. An active engagement by the United States can help make this happen in such countries as Sudan, Congo, Liberia and Sierra Leone. For decades, we have remained committed to helping bring peace in the Mideast.

We have engaged in ending bloodshed in Bosnia and Northern Ireland. Africans deserve no less. And, in this present reality, that means the United States should put troops on the ground in Liberia to prevent the continuation of bloodshed. But this issue should not overshadow other aspects of Bush's trip.

In recent years, there have been signs that helping Africans in their struggle against poverty is not just a moral issue but enlightened self-interest. A case in point is the African Growth and Opportunity Act, which has increased access to the U.S. market for African businesses that manufacture textiles and other basic products. The Commerce Department reports that this measure is already having a positive impact in several African countries, creating job opportunities. The $15-billion aid package proposed by the Bush administration—and enacted by Congress—to help fight AIDS in Africa and the Caribbean is a very good demonstration of American leadership. We can take similar measures to help Africans find solutions to the civil wars that have plagued the continent for years, destroyed millions of lives, and drained resources that should be devoted to education and health care.

Of course, the United States does not have a magic solution to all the problems that African nations face. But we can—and should—be a key part of the solution. In an increasingly interdependent world, such action will yield dividends, not just for Africans but for Americans as well. President Bush, like his father before, must listen to the people, inspire hope and provide relevant help to the Africans at the grassroots.

INTRODUCTION OF H.R. 1146

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. HERGER. Mr. Speaker, concerning roll-call vote 108–364, On Agreeing to the Amendment of Representative RON PAUL of Texas to H.R. 1950, the Foreign Relations Authorization Act of 2003: Although I was correctly recorded as voting against the passage of this amendment, which eventually failed by an overwhelming vote of 74 to 350, I would like the CONGRESSIONAL RECORD to reflect that my ''no'' vote was in error, and I would have liked to have voted ''aye'' on this provision.

Specifically, Representative PAUL's amendment would have prohibited funds authorized under H.R. 1950 to be used to pay any U.S. contribution to the United Nations or any affiliated agency of the United Nations. Like many, I firmly believe evidence of the need for a dramatic reevaluation of current U.N. policy is glaring. Over the years, the United States has been a host nation to the United Nations, headquartered in New York City, and has contributed greatly to the funding for the organization, including the enormous cost to the American taxpayer of deploying our military on the numerous U.N. peacekeeping missions worldwide, amounting to roughly one-quarter of the peacekeeping expenses of the 191-member body. However, recent events surrounding the ousting of Saddam Hussein's tyrannical regime in Iraq, and the inability of the United Nations to enforce its own Security Council resolutions, has renewed questions of the legitimacy of this body, as well as the necessity and level of U.S. participation in its funding and daily activities.

I would also like to note that I have cosponsored a number of pieces of legislation in the House of Representatives, which, I believe, address these questions more thoroughly. While I do not object to the U.N.'s founding objectives of peace through positive discussions and diplomacy, the organization has clearly failed in this charter mission. As it currently exists, the United Nations merely provides a weighted platform to nondemocratic and anti-American nations. Perhaps a more constructive and strategically important avenue would be to pursue an entirely new federation of nations, limiting voting membership to democratic countries that share our values and goals.

For these reasons, I have cosponsored H.R. 1146, introduced by Representative RON PAUL, which calls on the United States to withdraw from the United Nations entirely. I have also cosponsored two related bills, which would impact our involvement in the United Nations in lesser ways. H.R. 800 would provide for the withholding of United States contributions to any U.N. commission, organization, or affiliated agency that is chaired or presided over by a country that has repeatedly provided support for acts of international terrorism. H. Con. Res. 116 takes this bill a step further, issuing a sense of Congress that the United States should withhold all payments to the United Nations until its bylaws are amended to prevent countries whose leaders are not democratically elected from holding a position of authority within the United Nations.

NATIONAL NIGHT OUT CELEBRATES 20 YEARS OF CRIME PREVENTION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. GERLACH. Mr. Speaker, I rise today to commend the National Association of Town Watch for its outstanding commitment to building police/community partnerships and its effectiveness in developing and supporting neighborhood and community watch programs through its annual National Night Out program. On the occasion of its 20th anniversary, I would like to recognize the National Night Out program for the important role it plays in helping local law enforcement fight crime, drugs, and terrorism and providing safety and security to America's communities.

The National Association of Town Watch (NATW), a national nonprofit community-crime prevention association located in Wynnewood, PA, organizes the annual National Night Out, developing relationships between the local community and law enforcement officers in order to build safer and more secure neighborhoods. NATW provides information, program support and technical assistance to local citizens and communities to establish local community-crime prevention programs.

National Night Out has been at the forefront of community crime prevention for two decades. What began as a relatively local and small program in the Pennsylvania, Delaware and New Jersey tri-state area has become the largest annual grassroots crime prevention event in the nation. A small U.S. Department of Justice Grant in 1984 helped to support the first National Night Out, reaching 2 million people in 400 communities in the tri-state area. Today, this program includes 33 million people in 9,850 communities across the United States. Last year alone, 400,000 citizens in 150 communities organized new community watch programs, a true testament to the effectiveness of the program.

National Night Out has enjoyed bipartisan support in Congress for well over a decade. It has also enjoyed the support of every president since Ronald Reagan. Presidents George W. Bush and Bill Clinton each participated in the event while in office. In addition, law enforcement and municipal organizations such as the National Sheriffs Association, the National League of Cities and the U.S. Conference of Mayors have expressed strong support for National Night Out.

It is also engaged in key partnerships to help communities. This year, National Night Out is supporting the National Child Identification Program (NCIDP), a joint partnership between the American Football Coaches Association and the Federal Bureau of Investigation to provide identification kits to parents and guardians to help locate missing children.

Mr. Speaker, these are just some examples of the value of the National Night Out program and the important role of NATW. National Night Out, a public-private partnership that receives part of its funding from the Edward Byme Memorial Grant program, is one of the fastest growing, cost effective community anticrime programs in the nation. It has proven to be a powerful tool for building stronger, safer neighborhoods. I understand the value of National Night Out and, as a result, have asked appropriators on the Commerce, Justice, State, and the Judiciary Appropriations Subcommittee to support National Night Out funding.

Mr. Speaker, I respectfully request that this statement be included in the RECORD and I urge my colleagues to support National Night Out.

U.S.-JAPAN MARITIME YOUTH EXCHANGE 2003

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. GUTKNECHT. Mr. Speaker, I rise to introduce the U.S.-Japan Maritime Youth Exchange Program and its participants for 2003. The U.S.-Japan Maritime Youth Exchange Program brings together 12 high school students (6 from each country) for a three-week program of travel and study in Japan and the United States. It was developed and funded through a partnership between the U.S. Navy Memorial Foundation in Washington, DC and the Japan Youth Research Institute beginning in 1998. The major objective of the program is to increase mutual understanding by American and Japanese youth of our maritime traditions and the importance of our continued cooperation and alliance.

The program's purpose is to teach participants about the historical, cultural, economic, and other factors that impact the two countries' maritime policies and practices. The program joins together one American cadet and one Japanese student as ''partners'' throughout the exchange. By fostering understanding, respect, teamwork and friendship, on both the individual and group levels, the program will

work to create a healthy partnership for the future and greatly benefit both countries.

Entering its sixth year, this unique opportunity takes participants to naval, cultural, and historical sites in cities such as Groton, CT, New York City, Washington, DC, and San Diego in the US; and Osaka, Hiroshima, Kyoto, and Tokyo in Japan. The students travel together for ten days in United States and ten days in Japan during July and August. Six American students are high school juniors chosen from the Naval Junior Reserve Officer Training Corps (NJROTC) program. The 12 students are chosen through a rigorous selection process by their respective countries. The six Japanese participants are chosen from throughout that nation by the Japan Youth Research Institute. Adult leaders for the program will include two Americans from the Education Institute, U.S. Navy Memorial Foundation and two Japanese from the Japan Youth Research Institute. The students learn about maritime issues with focus on the roles of the U.S. Navy and the Japan Maritime Self Defense Force.

Founded in 1977 by Navy, civic, and national leaders, the U.S. Navy Memorial Foundation is a non-partisan, educational, not-for-profit [501 (c) (3)] organization, honoring men and women of the U.S. sea services, and perpetuating their values, heritage, and traditions. The Foundation serves as an ''embassy'' to the American people and the sea services-bringing the Americans closer to the sea services and educating the significant impact and sacrifices young Sailors and Marines have and are making throughout the world in securing our freedom.

The six American students are entering their senior year of high school, have a scholastic average of at least 3.2, and have graduated from NJROTC Leadership Academy. The students are required to complete a series of research assignments as preparation for their trip, allowing a greater education benefit during this fast-paced program.

Meeting as strangers in San Diego, California, the students will quickly develop close bonds throughout their trip while visiting various maritime and historical sites in both countries. The program pairs every American and Japanese student, fostering an atmosphere of understanding, respect, and teamwork with the aim of lifetime partnerships, which will greatly benefit both countries.

Students participating in the 2003 program include Carl Beierl of Virginia Beach, VA, Zoe Harrold of Euclid, OH, Amanda Perez of Cary, NC, Natasha Rutherford of Jonesville, VA, Scott Salamone of Virginia Beach, VA, Christopher Terrell of Pensacola, FL, Yusuke Kawabata of Kanagawa, Japan, Shohei Konishi of Tokyo, Japan, Masamichi Yazaki of Hyogo, Japan, Marie Nagai of Saitama, Japan, Fumiko Miyazaki of Aichi, Japan, and Ayumi Tomatsuri of Saitama, Japan.

REMEMBERING GLADYS HELDMAN

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. UDALL of New Mexico. Mr. Speaker, last month our country lost a pioneer in women's sports. Gladys Heldman was an instrumental figure in the formation of women's professional tennis, responsible for the creation of a professional women's tennis tour. Gladys died on June 22 at her home in Santa Fe, New Mexico. She was 81.

At the age of 25, Gladys began playing amateur tennis, and found her passion. Gladys earned a reputation as a tough and tenacious competitor. At one point she was ranked number one in Texas. She competed in the United States National Championships four times, which are now known as the US open, and once at Wimbledon.

Not just an exceptional athlete, Gladys was a towering mind. She graduated Phi Beta Kappa from Stanford University. She applied her intelligence and drive to her passion of tennis.

In 1953, Gladys founded World Tennis magazine. In the early years of the magazines publication, Gladys functioned in all the capacities of a magazine staff, from editor-in-chief to publisher. Using this magazine, Gladys became an indomitable force as an advocate for women's tennis. In 1970, she single-handedly formed the first women's professional tour, which included the likes of such star female tennis players as Billie Jean King. She asked the top female players to sign $1 contracts with her magazine, making them professional players, and arranged a tournament at the Houston Racquet club. Her close friend, Joseph Cullman, donated prize money, and sponsored 5 further tournaments. Despite obstacles and opposition, this tour evolved into the Virginia Slims Tour, known today as the W.T.A. Tour.

Gladys was a pioneer in professional women's sports. Without Gladys, women's tennis would not be what it is today. In 1979, Gladys was recognized for her personal accomplishments and achievements for the field of women's professional tennis when she was inducted into the International Tennis Hall of Fame. Gladys was a remarkable person whose compassion, respect, and talent for her work have served as a model for others. Though she is gone, she will never be forgotten.

My wife and I were honored to be personal friends of the Heldmans and celebrated their 60th wedding anniversary with them. Her passing leaves a void in our lives. Gladys is survived by her husband, Julius, her daughters Carrie and Julia, her three grandchildren, and her two great-grandchildren. I extend my deep condolences to the Heldman family and all who knew her. My thoughts and prayers are with them.

HONORING THE AMERICAN POLITICAL SCIENCE ASSOCIATION ON THE 50TH BIRTHDAY OF ITS CONGRESSIONAL FELLOWSHIP PROGRAM

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. McDERMOTT. Mr. Speaker, I would like to take the opportunity to congratulate the American Political Science Association on the 50th anniversary of its Congressional Fellowship Program.

Since its inception, the program has brought more than 1800 talented political scientists, journalists, sociologists, domestic and foreign policy government specialists, Robert Wood Johnson health policy fellows, Native American Hatfield fellows, and international scholars to Capitol Hill for a hands-on understanding of the U.S. Congress at work.

In my office, I have had the privilege to work with several Congressional Fellows. In 1991–92, Martynas A. Ycas brought with him valuable insights into the inner workings of the Social Security Administration. The following year, my office benefited from the exceptional experience Congressional Fellow Rosemary Ramsey had previously earned during her research on HIV/AIDS at the Centers for Disease Control of the Department of Health. In 1997, Kirsten Gerstner from Germany was the first international fellow I was able to host. Her work proved to be indispensable for the success of the Congressional Task Force on International HIV/AIDS, of which I am Chairman.

Since January of this year, Mariana George-Nascimento from Chile and Lars Berger from Germany have been working on my staff. During the many foreign policy challenges Congress is currently facing, such as the free trade agreements with Singapore and Chile and the war in Iraq, they provided me with a unique Latin American and European perspective. I am very thankful to the Fulbright Commission and the German Marshall Fund of the United States for providing me with such a rare opportunity by generously supporting their fellowships. These days, international exchanges of this nature are of even greater importance than ever before.

I know that in addition to their experience on the hill, all the fellows appreciated the additional education opportunities offered by the Wilson Seminar Series, the state-federal legislative comparative program organized by the University of Maryland-Baltimore County's Policy Institute at the State House in Annapolis, and the longstanding Canadian Parliamentary Exchange.

I congratulate the American Political Science Association and Jeff Biggs, the Director of the Congressional Fellowship Program, on their extraordinary achievements and strongly encourage my colleagues to take advantage of their work in the same way I have done.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THERE SHOULD BE ESTABLISHED A NATIONAL COMMUNITY HEALTH CENTER WEEK

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to recognize August 10–16 as National Health Center Week and in support of H. Res. 240, which seeks to raise awareness of health services provided by community, migrant, public housing, and homeless health centers. This year's theme ''Leading the Way to Accessible & Affordable Health Care'' recognizes the contributions of health centers in promoting health and preventive care in the nation's medically underserved communities.

As a co-chair of the community health center caucus and a cosponsor of the legislation, I know firsthand the important contributions health centers make. Health centers tailor their services to fit the special needs and priorities of their communities. Their approach is to help people confront critical health problems while lowering the cost of services through primary care and prevention. They are vital resources to patients who do not have adequate access to medical doctors, dentists, mental health providers and other health providers and they help make health care affordable to everyone, with or without health insurance.

In 2001, nearly 1,000 health centers served more than 13 million children and adults in 3,500 communities across the country, including 400 school-based sites. Community health centers are making an enormous impact in my Congressional district. They have significantly increased the use of preventive health services such as Pap smears, mammograms, and glaucoma screenings among the populations they serve. Health center employees have also worked to increase the number and proportion of immunized children, and have made significant strides in preventing anemia and lead poisoning. Furthermore, health centers contribute to the health and well-being of their communities by reducing the risk of adverse pregnancy outcomes, keeping children healthy and in school, and helping adults remain productive and on the job.

National studies indicate that every dollar invested in community health centers provides an average savings of three dollars to the overall health care system. At a time when the number of uninsured Americans continues to increase and federal and state governments are facing budget shortfalls, community health centers continue to provide essential services at reasonable cost to millions of Americans.

I urge my colleagues to support community health centers and vote yes on H. Res. 240.

TRIBUTE TO COLONEL JAMES H. ROSENBLATT

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. PICKERING. Mr. Speaker, I rise today to honor and pay tribute to Colonel James H. Rosenblatt who, after more than 30 years of service with the U.S. Army, will retire from active military duty in September and return to his home state to be Dean of the Mississippi College of Law.

Hailing from the small town of Fort Adams, Mississippi, Colonel Rosenblatt entered active duty with the Army's Judge Advocate General's Corps in 1973 and, as a Captain, provided legal support in contract law, administrative law, and defense counsel work at the newly created U.S. Army Training and Doctrine Command, Fort Monroe, Virginia. His last assignment in a long and distinguished Army career poetically ends with a duty assignment as The Staff Judge Advocate, U.S. Army Training and Doctrine Command, having served Army-wide between them. Colonel Rosenblatt attended The Judge Advocate General's School in Charlottesville, Virginia, in 1977 and remained at the School to teach contract law, fiscal law, communications, and legislative drafting. After a tour in the Pentagon, where he was responsible for new accessions into the Army and the Funded Legal Education Program, he served with the 25th Infantry Division in Schofield Barracks, Hawaii, and with the 32nd Army Air Defense Command in Darmstadt, Federal Republic of Germany. Other assignments and advanced training took him to Fort Leavenworth, Kansas; Fort Leonard Wood, Missouri; Fort Meade, Maryland; and Carlisle Barracks, Pennsylvania.

James and Lauren Rosenblatt and their four sons, Franklin, John, Andrew, and Paul, are truly an Army family, with two of their sons also serving in the U.S. Army: Franklin is a Lieutenant stationed at Fort Huachuca, Arizona, and John is a Sergeant stationed at Fort Meade. Son Andrew is attending Virginia Commonwealth University and Paul is a High School student at Tabb High School in Tabb, Virginia.

I, as I know my colleagues do, commend Colonel Rosenblatt on more than 30 years of dedicated, honorable service to the Nation and the U. S. Army, and on behalf of the entire Mississippi Congressional Delegation, I welcome him back home.

IN RECOGNITION OF PROFESSOR TERRY GIBSON

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. GREEN of Wisconsin. Mr. Speaker, today before this house I'd like to recognize and honor Professor Terry Gibson who will be retiring after 35 years of service to the University of Wisconsin-Extension and the University of Wisconsin-Madison School of Human Ecology on September 3, 2003.

Professor Gibson received his BA and MA degrees from Michigan State University and his PhD in Curriculum and Instruction from the University of Wisconsin-Madison in 1973.

Professor Gibson has a long and distinguished career of scholarship, teaching, outreach and service. The emphasis on the professional development of individuals and groups within the State of Wisconsin, the nation, and the world has become the hallmark of his work—particularly with both the University of Wisconsin Extension and the University of Wisconsin-Madison.

Throughout his career, Professor Gibson was a mentor to graduate students, an avid teacher, and a designer of a variety of noncredit workshops and conferences. His most enduring is the ''Annual Conference on Teaching and Learning at a Distance,'' now in its 19th year, and which continues to attract a large international audience.

The faculty of the Department of Interdisciplinary Studies in Human Ecology unanimously voted to recommend that Emeritus Professor status be conferred on Professor Terry Gibson effective September 3, 2003. This was also unanimously approved by the School of Human Ecology's Executive Committee.

Mr. Speaker, it is an honor and pleasure to recognize today the extraordinary service of Professor Terry Gibson. On behalf of my constituents and citizens from the great State of Wisconsin, we say thank you, and wish him all the best in his future endeavors.

HONORING THE IDAHO SPRINGS VOLUNTEER FIRE DEPARTMENT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to thank and honor the brave men and women of the Idaho Springs Volunteer Fire Department. This group of individuals has performed their dangerous tasks since 1878 when citizens collectively put out a large fire that threatened the very existence of Idaho Springs.

Born from the ashes of that fire, the Volunteer Fire Department has strived to protect and serve their community for 125 years. Today, their heroic duties include everything from fighting town and wildland fires, responding to Emergency Medical Service calls, and containing hazardous material spills, to even the skillful acts of highway, backcountry, and swift water rescues.

Mr. Speaker, in order to properly recognize the hard work and sacrifices of these men and women, I ask my colleagues to join me in honoring the Idaho Springs Volunteer Fire Department. I am proud of their efforts and wish them continued success.

TRIBUTE TO WALTER B. JAEHNIG OF MICHIGAN ON HIS 90TH BIRTHDAY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Walter B. Jaehnig on the occasion of his 90th birthday celebration.

Walter B. Jaehnig is a remarkable man whose career in journalism spanned more than 36 years, most of them at The Daily News in Greenville, Michigan. During those years, he impacted his community and those with whom he worked in thousands of ways.

From 1943 until 1979, Wallie worked at The Daily News, doing everything from working as a linotype operator those first years, to writing sports beginning in 1944, and serving most of that time as managing editor and sports editor. Even after retirement, he continued as a sports writer for the newspaper.

Wallie's devotion to his community and the young people there is legendary. It was his joy in school sports that made The Daily News an integral part of the high school sports scene and boosted the popularity of those sports throughout the Greenville area.

Boys or girls sports, from baseball to basketball to football to track and more—Wallie was attending, watching, encouraging, analyzing and reporting the exploits of the area's young athletes. His career-long collection of game score books chronicled his devotion to the ups and downs of those athletes and the men and women who coached them.

During his years at the newspaper, Wallie also mentored untold numbers of young journalists, teaching them the basics of their trade

and introducing them to the real world of community journalism. Greenville and Montcalm County, they soon learned from Wallie, was a place where the newspaper cared deeply for its mission and the people and community it served. Wallie exemplified that attitude of service to the people who were the lifeblood of his career. Today his proteges are scattered throughout the United States, many of them following in Wallie's footsteps as community journalists with a heart for the people they serve.

Throughout his career and still today, it has been Wallie's family who were first in his life. His beloved wife, Adele B. Jaehnig, whom he married in 1937, and their three children, Faith, Walter Jr. and Candace were the center of his life. After Adele's death in 1990, Wallie continued to center his life around his children and six grandchildren and five great-grandchildren. On Sunday, July 27, 2003, his family and friends will gather to celebrate nine decades of a life that has been a joy to all who know and have known Wallie.

Mr. Speaker, we wish to extend congratulations to Walter B. Jaehnig on the occasion of his 90th birthday. We are honored to recognize his many accomplishments and ask that our colleagues in the U.S. House of Representatives join in recognizing his very worthy achievements and wishing him a very happy 90th birthday.

100TH ANNIVERSARY OF JAFFA SHRINE IN ALTOONA, PENNSYLVANIA

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the 100th anniversary of the Jaffa Shrine located in Altoona, Pennsylvania. From its beginnings, the Shrine has been a popular center for community life in Altoona, gaining 200 members between its first meeting in October 1902 and its founding charter in July 1903.

Today, the Jaffa Shrine continues to grow and has expanded its mission to include members from nine counties, spanning from New York in the north, Maryland in the South, and stretching as far east as Lewistown and Blairsville in the west.

With such a rapidly growing membership, the Shrine quickly outgrew its original temple. In September 1930, the Shriners current temple was completed. Its ornate, mid-eastern architecture stands as a testament to both their heritage and their importance to our area.

The Shriners' mission of ''fostering self improvement through leadership, education, the perpetuation of moral values and community involvement'' serves as an example for what can be accomplished in every community across this country.

Mr. Speaker, it is an honor to rise today to recognize the Jaffa Shriners and their 100th anniversary. Central and western Pennsylvania are a better place because of them and I wish them continued success in their mission over the next 100 years.

TRIBUTE TO THE REVEREND DR. G. DAVID HORTON, PASTOR OF GREATER NEW BETHEL BAPTIST CHURCH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our community's indefatigable church leaders, the Reverend Dr. G. David Horton, Pastor of Greater New Bethel Baptist Church in my district. The members and supporters of his congregation will honor him on the 24th anniversary of his pastorate at a gala evening dinner on Saturday, July 26, 2003, to be held at Miami Shores Country Club.

Reverend Horton truly evokes the vocation of a Good Shepherd who attends to his flock in ways we can never fathom. As pastor and teacher, he exudes the knowledge and pragmatism of a visionary who goes about teaching the ways of God, and has tirelessly worked to enlighten our community on the agenda of spiritual wisdom and good governance impacting our duties and responsibilities to the less fortunate among us.

I want to commend his tremendous work in guiding not only the members of the Greater New Bethel Baptist Church, but also the residents of the Miami-Dade community in a manner that bespeaks of his concern and compassion to those in need. Through the longevity of his pastorate, he has truly persevered in showing us the Way and expounding for us the Truth that emanate from our knowledge of the Gospels and the teachings gathered there from.

Having completed his religious studies from the Easonian Theological Seminary in Birmingham, Alabama, he went on to pursue and obtain his Doctorate of Ministry from the South Florida Center for Theological Studies. In the midst of his studies, he played the role of CEO of Bethel's Family Life Center and Child Care by emphasizing the sanctity of the family and the importance of caring for and responding to children's learning needs. This commitment truly undergirds his unshakable belief in that ''. . . the ruin of a nation starts in the homes of its people.''

As he continues to be involved in the Baptist Church's state and national positions from instructor to facilitator to bible expositor, Rev. Horton never lost sight of the needs and concerns of the our community by chairing the Board of the South Florida Jail Ministries. It is his consecration to our prisoners' well-being that truly makes him a quintessential steward of the Gospel for his advocacy on behalf of the downtrodden and the imprisoned. It is through this ministry that he has wisely articulated the fact that the genuine measure of our love for God is conditioned by our commitment ''. . . to the least of these . . .''

Rev. Horton's timely and persevering leadership at Greater New Bethel Baptist Church for some 24 years is genuinely commendable. As a man of God and as a community leader, he has indeed earned our deepest respects and our superlative admiration.

This is the legacy of the Reverend Dr. G. David Horton. I am truly privileged in thanking him for his many years of service in the Vineyard of the Lord. My pride in sharing his friendship is only exceeded by my utmost gratitude for everything he has sacrificed on our community's behalf as he continues to teach us to live by the noble ethic of loving God by serving our fellow men.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9665–S9740

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 1437–1444, and S. Res. 198. **Page S9708**

Measures Reported:

Reported on Monday, July 21, during the adjournment:

S. 481, to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments. (S. Rept. No. 108–108)

S. 926, to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies. (S. Rept. No. 108–109)

Reported on Today:

S. 908, to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, with amendments. (S. Rept. No. 108–110)

S. 1416, to implement the United States-Chile Free Trade Agreement.

S. 1417, to implement the United States-Singapore Free Trade Agreement. **Page S9708**

Measures Indefinitely Postponed:

Floyd Spence Post Office Building: Senate indefinitely postponed S. 508, to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building''. **Page S9740**

Michael J. Healy Post Office Building: Senate indefinitely postponed S. 708, to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building''. **Page S9740**

Patsy Takemoto Mink Post Office Building: Senate indefinitely postponed S. 1145, to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building''. **Page S9740**

Homeland Security Appropriations: Senate continued consideration of H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, agreeing to the committee amendment in the nature of a substitute (which will be considered as original text for further amendments), taking action on the following amendments proposed thereto: **Pages S9672–97**

Pending:

Reid Amendment No. 1318, to appropriate $20,000,000 to the Office for Domestic Preparedness to be used for grants to urban areas with large tourist populations. **Pages S9681–84**

During consideration of this measure today, Senate also took the following action:

By 43 yeas to 50 nays (Vote No. 291), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive the Congressional Budget Act of 1974, with respect to the Byrd Modified Amendment No. 1317, to fulfill Homeland Security promises. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, was sustained, and the amendment thus falls. **Pages S9680–97**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Wednesday, July 23, 2003. **Page S9740**

Appointments:

British-American Interparliamentary Group: The Chair, on behalf of the President pro tempore, and upon the recommendation of the Minority Leader, pursuant to 22 U.S.C. 2761, as amended, appointed Senator Sarbanes, of Maryland, as a delegate of the Senate Delegation to the British-American Interparliamentary Group conference during the 108th Congress. **Pages S9739–40**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting a report detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2003 in support of Plan Colombia; to the Committee on Appropriations. (PM–46) **Page S9707**

Nominations Received: Senate received the following nominations:

Peter Lichtenbaum, of Virginia, to be an Assistant Secretary of Commerce.

Kerry N. Weems, of Virginia, to be an Assistant Secretary of Health and Human Services.

4 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Page S9740**

Messages From the House: **Page S9707**

Measures Referred: **Page S9707**

Enrolled Bills Presented: **Page S9707**

Petitions and Memorials: **Pages S9707–08**

Additional Cosponsors: **Pages S9708–10**

Statements on Introduced Bills/Resolutions: **Pages S9710–37**

Additional Statements: **Pages S9705–06**

Amendments Submitted: **Pages S9737–39**

Notices of Hearings/Meetings: **Page S9739**

Authority for Committees to Meet: **Page S9739**

Record Votes: One record vote was taken today. (Total—291) **Page S9697**

Recess: Senate met at 9:46 a.m., and recessed at 7:23 p.m., until 9 a.m., on Wednesday, July 23, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9740.)

House of Representatives

Chamber Action

Measures Introduced: 10 public bills, H.R. 2713–2822; and 2 resolutions, H. Con. Res. 248–249, were introduced. **Pages H7328–29**

Additional Cosponsors: **Pages H7329–30**

Reports Filed: Reports were filed as follows:

H.R. 2738, to implement the United States-Chile Free Trade Agreement (H. Rept. 108–224, Pt. 2);

H.R. 2739, to implement the United States-Singapore Free Trade Agreement (H. Rept. 108–225, Pt. 2);

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2004 (H. Rept. 108–228); and

H. Res. 329, providing for consideration of H.R. 2738, to implement the United States-Chile Free Trade Agreement, and for consideration of H.R. 2739, to implement the United States-Singapore Free Trade Agreement (H. Rept. 108–229). **Page H7328**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Burgess to act as Speaker pro tempore for today. **Page H7229**

Recess: The House recessed at 9:51 a.m. and reconvened at 10 a.m. **Pages H7234–35**

Foreign Operations, Export Financing, and Related Programs Appropriations: The House agreed to H. Res. 327, the rule that is providing for consideration of H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, by voice vote. **Pages H7237–41**

Commerce, Justice, and State, Judiciary, and Related Agencies Appropriations: The House completed general debate and began considering amendments to H.R. 2799, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004. Consideration will resume on Wednesday, July 23. **Pages H7248–H7319**

Agreed To:

Weldon of Florida amendment that prohibits funding for patent applications for human organisms; **Page H7274**

Hostettler amendment that prohibits any funds to be used to enforce the judgment in Newdow v. U.S. Congress, dealing with the recitation of the Pledge of Allegiance (agreed to by recorded vote of 307 ayes to 119 noes, Roll No. 406); **Pages H7277–78, H7298**

Rohrabacher amendment that prohibits any funds to be used by the Department of Justice or the Department of State to file a motion in any court opposing civil actions in which a plaintiff alleges that as an American prisoner or war during World War II, he or she was used as slave or forced labor by a Japanese person or corporation; **Page H7289**

Otter amendment that sought to prohibit any funds to be used to seek a delay under Section. 213, Authority for Delaying Notice of the Execution of a Warrant, of the Patriot Act (Section 3103a(b) of title 18 United States Code) agreed to by recorded vote of 309 ayes to 118 noes, Roll No. 408);

Pages H7289–93, H7299–H7300

Fossella amendment that prohibits funds to any United Nations commission, organization, or affiliated agency that is chaired or presided over by a country associated with support for acts of international terrorism; **Pages H7300–01**

Jackson-Lee of Texas No. 9 printed in the Congressional Record of July 21 that prohibits funds to be used to destroy or conceal physical and electronic records and documents related to the use of Federal agency resources in any action involving or relating to members of the Texas Legislature during the period beginning May 11, 2003 and ending May 16, 2003; **Pages H7311–13**

Rejected:

Paul amendment No. 10 printed in the Congressional Record of July 21 that sought to strike funds for the United Nations Educational, Scientific, and Cultural Organization (rejected by recorded vote of 145 ayes to 279 noes, Roll No. 405);

Pages H7275–76, H7297–98

Hinchey amendment No. 2 printed in the Congressional Record of July 21 that sought to prohibit funds to the Federal Communications Commission for implementing the media ownership rules (rejected by recorded vote of 174 ayes to 254 noes, Roll No. 407); **Pages H7278–88, H7298–99**

Tancredo amendment that sought to prohibit funds to any State or local government entity that restricts information to or from the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security concerning the citizenship or immigration status of any individual (rejected by recorded vote of 122 ayes to 305 noes, Roll No. 409);

Pages H7293–95, H7300

Withdrawn:

King of Iowa amendment No. 13 printed in the Congressional Record of July 21 was offered, but subsequently withdrawn, that sought to prohibit any funds for negotiating trade agreements which create or expand a non-immigrant visa category authorizing the temporary entry of professionals into the United States; and **Pages H7288–89**

Jackson-Lee enbloc amendment consisting of Nos. 3, 4, 5, 6, and 8 printed in the Congressional Record of July 21 was offered, but subsequently withdrawn, that sought to prohibit funds to regulate consular identification cards issued by foreign missions in the United States; prohibit the extension of certain visas; identify uses for visa fees; encourage the study of ''good time'' for persons incarcerated for non-violent crimes; and allow the use of technical assistance to small business concerns participating in the rebuilding of Iraq and Afghanistan.

Pages H7313–15

Point of Order sustained against:

Provision regarding travel expenses for the Federal Communications Commission; **Pages H7262–63**

Provision regarding travel expenses for the Federal Trade Commission; **Page H7263**

Section 607 of the bill regarding a sense of Congress that equipment and products purchased should be American-made; **Page H7268**

Proceedings Postponed:

Ose amendment was offered that seeks to prohibit any funding to issue visas to anyone who violates the child abduction provisions of the Immigration and Nationality Act; **Pages H7295–97**

Hostettler amendment was offered that seeks to prohibit funds to enforce the judgment of the United States Court of Appeals for the Eleventh Circuit in Glassworth v. Moore dealing with the display of the Ten Commandants; **Pages H7301–02**

Hinchey amendment No. 1 printed in the Congressional Record of July 21 that seeks to prohibit any funds to be used to prevent Alaska, Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States; **Pages H7302–11**

Rush amendment that seeks to prohibit funds to be used for the sentencing phase of any Federal prosecution in which the death penalty is sought by the United States; and **Pages H7315–16**

Levin amendment that seeks to prohibit any funding to negotiate a Free Trade Area of the Americas (FTAA) or a Central American Free Trade Agreement (CAFTA) unless various conditions are met.

Pages H7316–19

Motions to Rise:

Rejected the Saunders motion that the Committee rise by a recorded vote of 77 ayes to 335 noes, Roll. No. 402. **Pages H7265–66**

Rejected the Saunders motion that the Committee rise by a recorded vote of 84 ayes to 319 noes, Roll. No. 403. **Page H7268**

Rejected the Kucinich motion that the Committee rise by a recorded vote of 75 ayes to 309 noes, Roll. No. 404. **Pages H7268–69**

Agreed to the unanimous consent request made by Representative Wolf to limit the amendments offered to the bill. **Pages H7274–75**

H. Res. 326, the rule that provided for consideration of the bill was agreed to by voice vote. Earlier

agreed to order the previous question by yea-and-nay vote of 221 yeas to 199 nays, Roll No. 401.

Pages H7241–47

Tax Relief, Simplification, and Equity Act Motions To Instruct Conferees: The House completed debate on the Ross motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act, that was noted on July 21. Further proceedings on the motion were postponed. Earlier, Representative Bishop of New York announced his intention to offer a motion to instruct conferees on the bill.

Pages H7319–20, H7320–26

Question of Privilege: Representative Levin gave notice of his intention to offer a resolution concerning a question of privilege under Rule 9.

Page H7319

Presidential Message—Plan Colombia: Read a message from the President wherein he transmitted a report detailing the progress of spending during the first two quarters of fiscal year 2003 in support of Plan Colombia—referred to the Committees on International Relations and Appropriations and ordered printed (H. Doc. 108–104). **Page H7319**

Senate Messages: Message received from the Senate today appears on page H7229.

Referral: S. 1435 was held at the desk.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H7330–31.

Quorum Calls—Votes: One yea-and-nay vote and eight recorded votes developed during the proceedings of the House today and appear on pages H7246–47, H7265–66, H7268, H7269, H7297, H7298, H7298–99, H7299, and H7300. There were no quorum calls.

Adjournment: The House met at 9 a.m., and adjourned at 11:25 p.m.

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nominations of Mark C. Brickell, of New York, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board, and Thomas J. Curry, of Massachusetts, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation, after the nominees testified and answered questions in their own behalf.

NATIONAL FOREST RESTORATION

Committee on Energy and Natural Resources: Committee concluded hearings to examine S. 1314, to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, S. 1352, to expedite procedures for hazardous fuels reduction activities and restoration in wildland fire prone National Forests, to examine the impacts of insects, disease, weather-related damage, and fires on public and private forest lands, processes for implementing forest health and hazardous fuels reduction projects on public and private lands, and processes for implementing forest health and hazardous fuels reduction projects, after receiving testimony from Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; Rebecca Watson, Assistant Secretary of the Interior for Land and Minerals Management; Montana Governor Judy Martz, Helena, and Arizona Governor Janet Napolitano, Phoenix, both on behalf of the Western Governors' Association; Sara Duncan, Denver Water Board, Denver, Colorado; Michael Nivison, Otero County Commissioner, Otero, New Mexico; Laura McCarthy, Forest Trust, Santa Fe, New Mexico; Tom Robinson, Grand Canyon Trust, and W. Wallace Covington, Northern Arizona University Ecological Restoration Institute, both of Flagstaff, Arizona; and Bruce Vincent, Communities for a Great Northwest, Libby Montana.

HEAD START AUTHORIZATION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine proposed legislation authorizing funds for Head Start, focusing on programs to prepare children to succeed in school and life, after receiving testimony from Windy M. Hill, Associate Commissioner of the Head Start Bureau, Administration on Children, Youth and Families, and G. Reid Lyon, Chief of the Child Development and Behavior Branch, National Institute of Child Health and Human Development, National Institutes of Health, both of the Department of

Health and Human Services; Grover J. Whitehurst, Director of Institute of Education Sciences, Department of Education; Marnie S. Shaul, Director of Education, Workforce and Income Security Issues, General Accounting Office; Amy Wilkins, Trust for Early Education, Washington, D.C.; and Janis Santos, Holyoke-Chicopee-Springfield Head Start, Inc., Springfield, Massachusetts, on behalf of the National Head Start Association.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit, who was introduced by Senators Grassley and Harkin, and Representative Leach; P. Kevin Castel, to be United States District Judge for the Southern District of New York, Sandra J. Feuerstein, to be United States District Judge for the Eastern District of New York, Richard J. Holwell, to be United States District Judge for the Southern District of New York, and Stephen C. Robinson, to be United States District Judge for the Southern District of New York, all introduced by Senator Schumer; H. Brent McKnight, to be United States District Judge for the Western District of North Carolina, who was introduced by Representative Myrick; and R. David Proctor, to be United States District Judge for the Northern District of Alabama, who was introduced by Senators Shelby and Sessions, after the nominees testified and answered questions in their own behalf.

WORLDCOM

Committee on the Judiciary: Committee concluded hearings to examine bankruptcy and competition issues in relation to the WorldCom Case, focusing on MCI's Chapter 11 filing, after receiving testimony from Dick Thornburgh, Kirkpatrick and Lockhart, LLP, William P. Barr, Verizon Communications, former U.S. Attorney General, and Morton Bahr, Communications Workers of America, all of Washington, D.C.; Nicholas DeB. Katzenbach, MCI Telecommunications, Ashburn, Virginia, former U.S. Attorney General; Mark A. Neporent, Cerberus Capital Management, LP, and Marcia L. Goldstein, Weil, Gotshal and Manges, LLP, both of New York, New York; and Douglas G. Baird, University of Chicago Law School, Chicago, Illinois, on behalf of the National Bankruptcy Conference.

PRESCRIPTION DRUG ADVERTISING

Special Committee on Aging: Committee concluded hearings to examine the consequences of direct-to-consumer advertising of prescription drugs, focusing on the value to patients, the impact on the physician-patient relationship, health care costs and utilization, and consumer and physician surveys, after receiving testimony from Janet Woodcock, Director, Center for Drug Evaluation and Research, Food and Drug Administration, Department of Health and Human Services; Majorie E. Powell, Pharmaceutical Research and Manufacturers of America, and Nancy H. Nielsen, American Medical Association, both of Washington, D.C.; and Meredith B. Rosenthal, Harvard School of Public Health Department of Health Policy and Management, and Arnold S. Relman, Harvard Medical School, both of Boston, Massachusetts.

NATIONAL DEFENSE AUTHORIZATION ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces.

Committee Meetings

WTO'S AGRICULTURAL NEGOTIATIONS

Committee on Agriculture: Held a hearing to review Geographical Indications and the World Trade Organization's agricultural negotiations. Testimony was heard from Jon W. Dudas, Deputy Under Secretary, Intellectual Property and Deputy Director, U.S. Patent and Trademark Office, Department of Commerce; and public witnesses.

CONSOLIDATION LOANS

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness held a hearing on "Consolidation Loans: What's Best for Past Borrowers, Future Students and U.S. Taxpayers?" Testimony was heard from Representatives Regula and DeLauro; and public witnesses.

FASB DERIVATIVE ACCOUNTING STANDARDS

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled "FASB Derivative Accounting Standards." Testimony was heard from Leslie F. Seidman, member, Financial Accounting Standards Board; and public witnesses.

CLEAN AIR ACT

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled "'Bump Up' Policy Under Title I of the Clean Air Act." Testimony was heard from Jeffrey Holmstead,

Assistant Administrator, Air and Radiation, EPA; R.B. Marquez, Commissioner, Natural Resource Conservation Commission, State of Texas; and public witnesses.

FHA MULTIFAMILY LOAN LIMIT ADJUSTMENT ACT

Committee on Financial Services: Subcommittee on Housing and Community Opportunity approved for full Committee action H.R. 1985, FHA Multifamily Loan Limit Adjustment Act of 2003, 10 a.m., 2128 Rayburn.

Prior to this action, the Subcommittee held a hearing on this measure. Testimony was heard from John Weicher, Assistant Secretary, Housing/Federal Housing Commissioner, Department of Housing and Urban Development; and public witnesses.

PAPERWORK AND REGULATORY IMPROVEMENTS ACT

Committee on Government Reform: Held a hearing on H.R. 2432, Paperwork and Regulatory Improvements Act of 2003. Testimony was heard from John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; Thomas M. Sullivan, Chief Counsel for Advocacy; SBA; and public witnesses.

U.S. AND THE EUROPEAN UNION

Committee on International Relations: Subcommittee on Europe held a hearing on The United States and the European Union: Understanding the Partnership. Testimony was heard from the following officials of the Department of State: Charles R. Ries, Principal Deputy Assistant Secretary, Bureau of European and Eurasian Affairs; and Carl F. Lankowski, Deputy Director, Area Studies, Coordinator for European Area Studies, Foreign Service Institute.

TERRORIST THREAT INTEGRATION CENTER—RELATIONSHIP WITH JUSTICE AND HOMELAND SECURITY DEPARTMENTS

Committee on the Judiciary: and the Select Committee on Homeland Security held a joint hearing entitled ''The Terrorist Threat Integration Center (TTIC) and Its Relationship with the Departments of Justice and Homeland Security.'' Testimony was heard from John O. Brennan, Director, Terrorist Threat Integration Center; Larry Mefford, Executive Assistant Director, Counterterrorism and Counterintelligence, FBI, Department of Justice; Bill Parish, Acting Assistant Secretary, Information Analysis, Directorate of Information Analysis and Infrastructure Protection, Department of Homeland Security; and a public witness.

DEFENSE OF PRIVACY ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law and the Subcommittee on the Constitution held a joint hearing on H.R. 338, Defense of Privacy Act, and Privacy in the Hands of the Government. Testimony was heard from Senator Grassley; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property approved for full Committee action the following bills: H.R. 2391, amended, Cooperative Research and Technology Enhancement (CREATE) Act of 2003; H.R. 2714, State Justice Institute Reauthorization Act of 2003; and H.R. 1768, Multidistrict Litigation Restoration Act of 2003.

JOHN RISHEL GEOTHERMAL STEAM ACT AMENDMENTS

Committee on Resources: Subcommittee on Energy and Mineral Resources held a hearing on the John Rishel Geothermal Steam Act Amendments of 2003. Testimony was heard from Patricia Morrison, Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 546, Kaloko-Honokohau National Historical Park Addition Act of 2003; H.R. 2457, Castillo de San Marcos National Monument Preservation and Education Act; and H.R. 2715, to provide for necessary improvements to facilities at Yosemite National Park. Testimony was heard from Representatives Case and Mica; Jon Jarvis, Regional Director, Pacific West Region, National Park Service, Department of the Interior; and a public witness.

U.S. SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT AND U.S. CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Committee on Rules: Granted, by voice vote, a rule providing for consideration of H.R. 2738, United States-Chile Free Trade Implementation Act, under a closed rule providing 2 hours of debate in the House with one hour and forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of H.R. 2738. The rule provides that pursuant to section 151(f)(2)

of the Trade Act of 1974, the previous question shall be considered as ordered on H.R. 2738 to final passage without intervening motion.

The rule further provides for consideration of H.R. 2739, U.S.-Singapore Free Trade Agreement Implementation Act, under a closed rule. The rule provides 2 hours of debate in the House on H.R. 2739 with one hour and forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of H.R. 2739. The rule provides that pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on H.R. 2739 to final passage without intervening motion. The rule provides that during consideration of H.R. 2738 or H.R. 2739, not withstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

MISCELLANEOUS MEASURES

Committee on Science: Ordered reported, as amended, the following bills: H.R. 2734, Federal Aviation Administration Research and Development Reauthorization Act; H.R. 1085, NASA Flexibility Act of 2003; H.R. 1856, Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003; H.R. 2801, Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003; H.R. 2608, National Earthquake Hazards Reduction Program Reauthorization Act of 2003; and H.R. 2692, United States Fire Administration Authorization Act of 2003.

"FEDERAL PROCUREMENT POLICY: IS THE FEDERAL GOVERNMENT FAILING CERTAIN INDUSTRIAL SECTORS?"

Committee on Small Business: Subcommittee on Workforce, Empowerment and Government Programs held a hearing on "Federal Procurement Policy: Is the Federal Government Failing Certain Industrial Sectors?" Testimony was heard from Diedre Lee, Director, Defense Procurement and Acquisition Policy, Department of Defense; Jody Falvey, Director, Office of Small Business Development, Department of the Treasury; and public witnesses.

MANDATORY TRANSPORTATION PROGRAMS

Committee on Transportation and Infrastructure: Held a hearing on elimination of waste, fraud and abuse in mandatory transportation programs as required by the fiscal year 2004 budget resolution reconciliation instructions. Testimony was heard from the following officials of the Department of Transportation: Kenneth M. Mead, Inspector General; and Mary E. Peters, Administrator, Federal Highway Administration; Jayetta Z. Hecker, Director, Physical Infrastructure Team, GAO; and the following officials of the Railroad Retirement Board: Martin J. Dickman, Inspector General; and Michael S. Schwartz, Chairman.

PORT SECURITY—INTERIM FINAL REGULATIONS

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Interim Final Regulations on Port Security. Testimony was heard from Adm. Thomas H. Collins, USCG, Commandant, U.S. Coast Guard, Department of Homeland Security; and public witnesses.

COMMITTEE BUSINESS

Permanent Select Committee on Intelligence: Met in executive session to consider pending business.

"CYBERSECURITY—GETTING IT RIGHT"

Select Committee on Homeland Security: Subcommittee on Cybersecurity, Science and Research and Development held a hearing entitled "Cybersecurity—Getting It Right." Testimony was heard from Daniel G. Wolf, Information Assurance Director, NSA, Department of Defense; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 23, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation, to hold hearings to examine enhancing the role of the private sector in public transportation, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine public interest and localism, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 10 a.m., SD–366.

Committee on Foreign Relations: business meeting to consider the Protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on October 12, 1929, done at The Hague September 28, 1955 (The Hague Protocol) (Treaty Doc. 107–14), Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population done at Washington on October 16, 2001 (Treaty Doc. 107–10), Agreement Amending the Treaty

Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges done at Washington May 26, 1981 (the ''Treaty''), effected by an exchange of diplomatic notes at Washington on July 17, 2002, and August 13, 2002 (the ''Agreement'') (Treaty Doc. 108–1), The Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999 (Treaty Doc. 106–45), Amendments to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, with Annexes and agreed statements, done at Port Moresby, April 2, 1987, done at Koror, Palau, March 30, 1999, and at Kiritimati, Kiribati, March 24, 2002 (Treaty Doc. 108–2), H. Con. Res. 209, commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia, S. Res. 184, calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, and a Foreign Service Officer Promotion list received in the Senate on June 25, 2003, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine status and prospects for reconstruction relating to Iraq, 2:45 p.m., SH–216.

Committee on Health, Education, Labor, and Pensions: business meeting to consider proposed Patient Safety and Quality Improvement Act of 2003, and the nominations of Daniel Pipes, of Pennsylvania, Charles Edward Horner, of the District of Columbia, and Stephen D. Krasner, of California, each to be a Member of the Board of Directors of the United States Institute of Peace, and Eric S. Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission, 10 a.m., SD–430.

Committee on Indian Affairs: to hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act, 10 a.m., SR–485.

Committee on the Judiciary: business meeting to consider pending calendar business, 9 a.m., SH–216.

Full Committee, to resume oversight hearings on law enforcement and terrorism, 10 a.m., SH–216.

Full Committee, to hold hearings to examine the nominations of Rene Acosta, of Virginia, to be an Assistant Attorney General, and Daniel J. Bryant, of Virginia, to be an Assistant Attorney General, both of the Department of Justice, 2 p.m., SD–226.

Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine agricultural consolidation and the Smithfield/Farmland Deal, 4 p.m., SD–138.

House

Committee on Agriculture, hearing to review the 2002 Wildlife Season and the Wildfire Threats of the 2003 Season, 10 a.m., 1300 Longworth.

Committee on Armed Services, hearing on the Air Force Tanker Lease Proposal, 10 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials, hearing on the following bills: H.R. 382, Solid Waste International Transportation Act of 2003; H.R. 411, to direct the Administrator of the Environmental Protection Agency to carry out certain authorities under an agreement with Canada respecting the importation of municipal solid waste; and H.R. 1730, Solid Waste Interstate Transportation Act of 2003, 3 p.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Issues Relating to Ephera—containing Dietary Supplements,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, to consider the following: H.R. 1533, to amend the securities laws to permit church pension plans to be invested in collective trusts; H.R. 1985, FHA Multifamily Loan Limit Adjustment Act of 2003; ''Changes in Law to Eliminate Waste, Fraud, and Abuse;'' H.R. 253, Two Floods and You Are Out of the Taxpayers' Pocket Act of 2003; H.R. 2420, Mutual Funds Integrity and Fee Transparency Act of 2003; H.R. 2622, Fair and Accurate Credit Transaction Act of 2003; and H.R. 2179, Securities Fraud Deterrence and Investor Restitution Act of 2003, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Civil Service and Agency Organization and the Subcommittee on Criminal Justice, Drug Policy and Human Resources, joint hearing entitled ''Federal Law Enforcement Personnel in the Post 9/11 Era: How Can We Fix an Imbalanced Compensation System?'' 10 a.m., 2154 Rayburn.

Subcommittee on Civil Service and Agency Organization, to mark up H.R. 2751, GAO Human Capital Reform Act of 2003, 2 p.m., 2154 Rayburn.

Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled ''SEC Strategic Planning—Will Additional Resources Help the SEC Fulfill It's Mission?'' 2:30 p.m., 2247 Rayburn.

Committee on International Relations, to mark up the following measures: H.J. Res. 63, to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,'' and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,'' and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023; H.R. 1813, Torture Victims Relief Reauthorization Act of 2003; and H.R. 2620, Trafficking Victims Protection Reauthorization Act of 2003, 10:30 a.m., 2172 Rayburn.

Subcommittee on the Middle East and Central Asia, hearing on Central Asia: Terrorism, Religious Extremism, and Regional Stability, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 1829, Federal Prison Industries Competition in Contracting Act of 2003; H.R. 292, Korean War Veterans Recognition Act of 2003; H. Res. 234, condemning bigotry and violence against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh Americans; H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Programs Act of 1998; H.R. 1417, Copyright Royalty and Distribution Reform Act of 2003; and H.R. 1837, Services Acquisition Reform Act of 2003, 10:30 a.m., 2141 Rayburn.

Committee on Small Business, hearing on Assisting Small Businesses Through the Tax Code—Recent Gains and What Remains to be Done, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to consider the following: GSA Fiscal Year 2004 Capital Investment and Leasing Programs Resolutions and Courthouse Resolutions; Natural Resources Conservation Service Small Watershed Resolution; Transportation and Infrastructure Committee Waste, Fraud, and Abuse Reports; H.R. 2557, Water Resources Development Act of 2003; and other pending business, 11 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive hearing on Intelligence Issues, 10:30 a.m., and executive hearing on Legal Authorities, 2 p.m., H–405 Capitol.

Select Committee on Homeland Security. Subcommittee on Infrastructure and Border Security, hearing entitled ''Best Business Practices in Securing America's Borders,'' 10 a.m., 2318 Rayburn.

Next Meeting of the SENATE

9 a.m., Wednesday, July 23

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of H.R. 2555, Homeland Security Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 23

House Chamber

Program for Wednesday: Consideration of H.R. 2799, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for Fiscal Year 2004 (open rule, complete consideration);

Consideration of H.R. 2800, Foreign Operations, Export Financing, and Related Programs Appropriations Act for Fiscal Year 2004 (open rule, one hour of general debate);

Consideration of H.R. 2738, to implement the United States-Chile Free Trade Agreement (closed rule, two hours of general debate);

Consideration of H.R. 2739, to implement the United States-Singapore Free Trade Agreement (closed rule, two hours of general debate);

Consideration of Suspensions:

(1) H.R. 1707, Prison Rape Reduction Act; and

(2) H. Res. 323, Supporting the goals and ideals of National Marina Day.

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