

Let me explain why. It is important to identify the different groups within the Latino and Hispanic communities. Did the census succeed in doing so? The answer is no. Was it intentional? Was it negligence? It does not matter. The result is that we do not have an accurate result.

When we do not have an accurate result, we do not have usable information. The gentleman from Florida (Mr. MILLER) knows exactly what I am talking about because I think we see eye to eye on 90 percent of the issues when it comes to the census. One of the issues is accuracy, but the other was the utilitarian part of it, and that is how we use this information.

It is not just the United States Government and every level of government under the Federal Government that uses it, but it is the private sector, trying to identify the needs of certain communities within the big, all-encompassing Hispanic community in the United States. Therefore, it is important to make sure that the subcategories, the subgroups are identified, because the needs are truly different.

No one understands that, when I try to tell individuals, we are not just Latinos. If you take someone of Mexican descent, it is totally different than someone from Puerto Rico or the Dominican Republic or from Colombia. That is just the way it is. But this is America today, and that is the reality.

So what does this amendment really seek to do? I do not believe, as has been characterized in the debate today, that it attempts to change any of the information. What we are asking is to take existing information and, from that, glean and analyze and come up with a better result. This is not a major overhaul, a wholesale overhaul of information, and no one should misinterpret it that way.

The amendment requires the Bureau of the Census to report to Congress on possible adjustments to the data and a diagnosis of how many people may have been misclassified by the rewriting of the census form. With these reports, we can determine how best to use the data we have and how we can avoid such confusion in the future.

What I am afraid of, and it has been mischaracterized and, again, I do not think intentionally, I think everyone questions everybody's motives when we come up and want to do something with this information. We are looking at accuracy. We are looking at the usefulness of the information. Otherwise, we may have the numbers, we may have succeeded in identifying more people and having more people respond to the census, but it will be of no use. We will not be able to use that information. We must identify those contributions that certain individuals can make within the Hispanic community but, more importantly, what are the needs of these individuals that reside in this great Nation of ours.

Mr. REYES. Mr. Chairman, I rise today in support of the Maloney-Rangel amendment to improve the accuracy of the Hispanic census count.

Compared to the 1990 census, the 2000 census changed the way it asked Hispanics to identify their country of origin. In both censuses, individuals were asked to identify their Hispanic origin as Mexican, Puerto Rican, Cuban, or other. The way the "other" category was treated is what changed. In both 1990 and 2000, those who marked other were asked to write in a particular group. In 1990, after "other," the questionnaire listed "Print one group, for example: Argentinian, Colombian, Dominican, Nicaraguan, Salvadorian, Spaniard, and so on." In 2000, those who marked other were only given the instruction "Print group." The result of this was that far fewer people who marked "other" wrote in a group, and the count of groups like Colombians and Dominicans is understated in the 2000 census.

The Maloney-Rangel amendment will enable the Census Bureau to conduct a report on what the census results would have likely been, had the question been phrased the same way it was in 1990. This will provide us with useful, supplemental information about the Hispanic population.

The Hispanic community is becoming increasingly diverse. Having accurate information about the diversity of the Hispanic population will enable us to better target resources that are culturally sensitive to these communities. It is important to remember that the Hispanic community is not homogeneous. For example, the best way to communicate and reach out to Mexican-Americans is not the same as the best, most effective way to reach out to Dominican-Americans. This is why we should enable the Census Bureau to conduct a study and provide the public with information that gives us a better understanding of the true diversity within the Hispanic community.

Hispanics deserve to be accurately counted. As Chairman of the Congressional Hispanic Caucus, I therefore support the Maloney-Rangel amendment and urge all my colleagues to do the same.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mrs. MALONEY).

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

Mrs. MALONEY of New York. 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 (Mrs. MALONEY) 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. MILLER of Florida) 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.

2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

FURTHER LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2500 in the Committee of the Whole, pursuant to House Resolution 192 and the order of the House of July 17, 2001, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment); and amendments numbered 1, 8, 19, 36, 34, 5, 33, 38, 17, 20, 22, 24, 25, 35, 10, 11, and 40 shall be debatable only for 10 minutes, equally divided and controlled by the proponent and an opponent.

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

Mr. SERRANO. Mr. Speaker, reserving my right to object, and I will not object; we certainly worked this out and I am fine with it, this side is fine with it. I just wanted to clarify one point.

This covers, obviously, these amendments; and all other amendments then are still under the 5-minute rule, under the original rule?

Mr. WOLF. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. SERRANO. Mr. Speaker, I withdraw my reservation of objection.

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, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 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. 2500.

□ 1411

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. 2500) making appropriations for the Departments of Commerce, Justice, and

State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, 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. 28 by the gentlewoman from New York (Mrs. MALONEY) had been postponed and the bill was open for amendment from page 47, line 20 through page 48, line 9.

Pursuant to the order of the House of today, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment); and amendments numbered 1, 8, 19, 36, 34, 5, 33, 38, 17, 20, 22, 24, 25, 35, 10, 11, and 40 shall be debatable only for 10 minutes, equally divided and controlled by a proponent and an opponent.

The Clerk will read.

The Clerk read as follows:

In addition, for expenses related to planning, testing, and implementing the long-form transitional database for the 2010 decennial census, \$65,000,000.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, \$171,138,000, to remain available until expended: *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 Act 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), \$13,048,000, to remain available until expended: *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 hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902-903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to re-

tain 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 grants authorized by section 392 of the Communications Act of 1934, as amended, \$43,466,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$2,358,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: *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, \$846,701,000, 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 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2002, should the total amount of offsetting

fee collections be less than \$846,701,000, 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 \$282,300,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2002.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, \$8,094,000.

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$348,589,000, 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, \$106,522,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, \$12,992,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$20,893,000, 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 by 33 U.S.C. 883i, \$2,197,298,000, to remain available until expended: *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, \$68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: *Provided further*, That, of the \$2,220,298,000 provided for in direct obligations under this heading (of which \$2,197,298,000 is appropriated from the General Fund, \$71,000,000 is provided by transfer, and \$17,000,000 is derived from deobligations from prior years), \$375,609,000 shall be for the National Ocean Service, \$542,121,000 shall be for the National Marine Fisheries Service, \$317,483,000 shall be for Oceanic and Atmospheric Research, \$659,349,000 shall be for the National Weather Service, \$149,624,000 shall

be for the National Environmental Satellite, Data, and Information Service, and \$176,112,000 shall be for Program Support: *Provided further*, That, hereafter, ocean assessment, coastal ocean, protected resources, and habitat conservation activities under this heading shall be considered to be within the "Coastal Assistance sub-category" in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That, of the amount provided under this heading, \$304,000,000 shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *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 \$257,200,000: *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, in addition, not to exceed \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management".

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
(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$749,000,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: *Provided further*, That, of the amount provided under this heading, \$26,000,000 shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *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 and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, \$110,000,000, subject to express authorization: *Provided*, That this amount shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for implementation of the 1999 Pacific Salmon Treaty Agreement, \$25,000,000, of which \$10,000,000 shall be deposited in the Northern Boundary and

Transboundary Rivers Restoration and Enhancement Fund, of which \$10,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, and of which \$5,000,000 shall be for a direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement.

COASTAL ZONE MANAGEMENT FUND

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

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, \$287,000, as authorized by the Merchant Marine Act of 1936, as amended: *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 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 \$3,000 for official entertainment, \$37,843,000.

□ 1415

AMENDMENT NO. 39 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Ms. VELÁZQUEZ:

Page 59, line 13, after the dollar amount insert the following: "(reduced by \$2,000,000)".

Page 71, line 4, after the dollar amount insert the following: "(reduced by \$8,000,000)".

Page 73, line 3, after the dollar amount insert the following: "(reduced by \$7,000,000)".

Page 95, line 3, after the dollar amount insert the following: "(increased by \$7,000,000)".

Page 95, line 19, after the dollar amount insert the following: "(increased by \$10,000,000)".

Ms. VELÁZQUEZ. Mr. Chairman, our country is coming off of one of the greatest economic growth periods in our Nation's history. This phenomenal expansion has been driven by our small

businesses, which are the engine of our economy. The contribution of American entrepreneurs cannot be underestimated. Small businesses employ half our workers, create new jobs 75 percent faster than large companies, and make up half of our GDP.

The SBA fuels this powerful engine through its loan and technical assistance programs. SBA maintains a loan portfolio of \$45 billion to nearly a half million businesses, accounts for nearly half of all venture capital financing, and helped secure financing for eight of Fortune Magazine's 100 fastest-growing firms in 1999. The SBA has even helped launch household brand names like Fed-Ex, Intel, and Apple.

Unfortunately, this bill's funding levels leave the agency short by \$130 billion. It zeros out ten programs and underfunds another half-dozen. This leaves our small businesses close to running on empty.

This amendment, offered by my colleague, the gentlewoman from New York (Mrs. KELLY), and myself, will restore \$17 million to the agency, allowing us to adequately fund SBA's 7(a) loan program and maintain for PRIME and BusinessLinc, two critical small business development programs.

Mr. Chairman, access to capital means access to opportunity for small business owners. The 7(a) loan program, which helps small businesses obtain long-term capital they need for growth and expansion, directly translates into jobs and a net return on our investment. Last year alone, 7(a) made 43,000 loan guarantees worth over \$10.5 billion. The 7(a) program accounts for 30 percent of all long-term small business loans. The current 7(a) funding is almost \$40 million below last year, threatening 20,000 small business loans.

This amendment will restore \$10 million to the 7(a) program, bringing the level up to \$88 million, still far below the \$117 million we provided last year for the program. With more and more reports coming to light every day that capital is becoming increasingly difficult for small businesses to obtain, having an adequately funded 7(a) program will be critical to our Nation's small business success.

Oftentimes even before an enterprise gets their first loan, the dice have already been cast on whether they will succeed. The PRIME initiative gives entrepreneurs the understanding about potential business opportunities, pitfalls, and the necessary steps to success. Studies consistently show that entrepreneurs who receive counseling and technical assistance are twice as likely to succeed. This program ensures those mistakes do not happen. Our amendment funds the program at a modest \$5 to \$10 million less than what was funded last year.

Finally, while many areas of this country have prospered, there are pockets of communities that have not

benefited from the economic boom of the last 10 years. BusinessLinc helps entrepreneurs in these communities to penetrate otherwise inaccessible national markets through a mentoring program linking small firms with large corporate mentors. Our amendment provides a modest level of \$2 million to sustain BusinessLinc, still well below last year's level of \$7 million.

Our amendment is paid for through minor cuts to the administrative accounts of the Department of Commerce, Justice, and State. I do not anticipate these cuts will cause any hardship, because the levels are well above last year's. It will be a very small price to pay for programs that deliver such strong returns.

Mr. Chairman, our amendment is a commitment to America's small businesses, which helped to spur and sustain our historic "long boom." The foundation of American prosperity is built by entrepreneurs; and in these less certain times, we must provide the incentives, knowledge, and guarantees to continue their mission of success.

I encourage my colleagues to support this amendment.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to the amendment of the gentlewoman from New York.

Mr. Chairman, we recognize the importance of many of the small business programs in this bill, particularly the 7(a) business loan. However, I think everyone should understand that we have already funded the Small Business Administration very generously in this bill.

We are over the President's request by \$186 million. Let me go back again: this bill is over the President's request by \$186 million. For the 7(a) program, we have provided \$77 million in new budget authority. This amount, along with anticipated carryover funding, will support \$10 billion in loans for fiscal year 2002, which is an increase of over \$1 billion above the current level. So we are going to be over \$1 billion above the current level.

So even without this amendment, the 7(a) program for fiscal year 2002 will represent a significant increase above the current level.

The other two programs the gentlewoman seeks to fund, PRIME and BusinessLinc, were not included in the President's budget. These programs were judged by the administration to be duplications of existing programs to assist entrepreneurs, including microloan technical assistance, new markets technical assistance, small business development centers, women's business centers, business information centers, all of which are funded for fiscal year 2002. The increases proposed by this amendment are unnecessary.

We also would oppose the gentlewoman's proposal to further increase SBA programs at the expense of the State Department. Both sides of the

aisle for the last several years have talked about giving the Secretary of State the necessary resources. This amendment will cut \$15 million from Secretary Powell's initiatives to make urgently needed improvements to diplomatic readiness and to the Department's optimally automated system. So we would be taking this from the Defense Department at the very time both sides want to meet Secretary Powell's concerns.

In addition, the amendment includes a cut which, though small, would have a serious impact on the Department of Commerce, a 5 percent cut to the Department's management accounts, which is overwhelmingly where we get the real dollars and salaries, which may very well result in reductions in force.

So we are over, we are well over, we are beyond with the carryover. We are well over last year. Potential risks really create a difficult time for Secretary Powell, so I strongly urge opposition to the amendment.

Mr. SERRANO. Mr. Chairman, I rise in full support of the amendment offered by the gentlewomen from New York, Ms. VELÁZQUEZ and Mrs. KELLY.

Mr. Chairman, I have said on many occasions and will continue to say throughout further debate on this bill that my chairman, the gentleman from Virginia (Mr. WOLF), has done a wonderful job on this bill. That is why I say we will support this bill, and I will be asking both sides to vote for it in large numbers, if not unanimously.

However, I also said, and the gentleman from Virginia (Mr. WOLF) knows that, that if there is a weakness in this bill, it is what was not done for the SBA, and in fact what was the harm we did to SBA.

So while I myself am not crazy about cuts to the Department of Commerce or the Department of State, I realize the importance, one, of trying to pass this amendment here today, and at the minimum, to try to bring forth the understanding that this is an issue that we are not finished with; that in conference and as we move this bill on, we have to try to do something about the Small Business Administration.

So I think that what should be noted here is that we have people on this side who support this bill, but who feel that something should be done to remedy that one part of the bill that is very weak. I am a prime example of that.

So I would hope that the chairman does not see this in any way as an attack on the bill, but certainly an understanding that there is work yet that needs to be done.

In addition, I think it would be proper at this point to accept this amendment and then, as we go to conference, we can make the changes necessary in that State and Commerce situation.

Now, we have been very good to the Commerce Department in this bill. We

are very good to the State Department. There is no reason why we cannot be good to SBA, and then find a way to take care of these two cuts that we would be making, or this shifting of dollars that we would be making by this amendment.

So I would hope, again, that the chairman would take this amendment in the spirit that it is intended, and that is to remedy that one part of the bill that is weak and one that I know he wants to strengthen.

Secondly, I would hope that we use it, again, as a unifying situation to bring us together even further on the bill as we move along.

Mrs. KELLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in strong support of the Velázquez-Kelly amendment to increase the funding for the three crucial programs of the U.S. Small Business Administration, the 7(a) loan program, the PRIME program, and the BusinessLinc program. Together, these programs help our Nation's smallest businesses prosper and survive.

Our amendment provides for an additional \$10 million for the 7(a) loan program. This lending program supports over \$10 billion in new business loans annually. It brings money back into the Federal Treasury. It is a very good program.

Last year, the SBA 7(a) loans accounted for over 30 percent of all long-term loans made to U.S. small businesses. In my district, the 7(a) program was responsible for 93 loans totalling over \$22 million last year. Without appropriate funding this year, the program will not be as far-reaching as in past years.

I commend the gentleman from Virginia (Chairman WOLF) and the ranking member, the gentleman from New York (Mr. SERRANO) for the bill they have brought before us, and for acting to fund the 7(a) program at \$77 million, but I urge that we go one step further and give this worthwhile program the funds needed to ensure its viability.

In the midst of economic uncertainty, that is not the time to impose fees on lenders and reduce access to loans for small businesses.

The Kelly-Velázquez amendment also includes \$5 million for the Program for Investment in Microenterprises, known as the PRIME program, which is designed to increase investment and technical assistance in traditionally underserved areas. These much-needed funds will help PRIME provide training, technical assistance, and access to credit to entrepreneurs.

Long-term studies charting the effects of microenterprise investment have found that low-income individuals engaged in microenterprise development increase their personal incomes, build assets, and decrease their reliance on government benefits.

When we are telling people that it is time that they go from welfare to work, we are teaching them skills and training them to do jobs, and what we also must do then is provide them with the ability to go on to reach the American dream, and that is to begin and to succeed in businesses, tiny little businesses, with microloan programs, so that they, too, can experience the ability to be part of the American dream.

Who knows who and where the next Steve Jobs or Bill Gates is going to come from. It may come from one of these programs. It is a very important program that we do with BusinessLinc, with the PRIME program, and with the 7(a) loan programs. I have people in my own district who have moved from welfare into now very successful businesses.

Mr. Chairman, I urge my colleagues to support the Nation's small businesses and small business access to financial and technical assistance and adopt this amendment.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very clear, we are not adding one dime to a \$39 million-plus appropriation, not one dime. What we are doing is adjusting close to \$17 million of that \$39 billion in three programs that have already been funded a 100 percent increase.

What are we doing here? The SBA has had bipartisan support helping small businesses throughout America.

□ 1430

We forget that small business accounts for 99.7 percent of America's employers and employs are 52 percent of the private work force. Small companies account for 47 percent of the Nation's sales.

Indeed, over the last decade, America has experienced a period of growth unprecedented in our history. But the economic boom is slowing down, financial losses for many companies are mounting, and job cuts are affecting every industry in America. The current CJS appropriations bill has called for a \$129.7 million cut to the Small Business Administration. At a time when we can least afford to do that for the Nation's small businesses, we are doing that. And we come up with the excuses that we cannot find the money here, we cannot find the money there, and we cannot wreck the President's budget. We have already done that. We have done that in a bipartisan way as well.

Not one dime, Mr. Chairman, is being added to this appropriation, simply taking from specific programs that have already been budgeted a 100 percent increase. I do not know. That is crazy, it sounds to me. That does not sound like good budgeting. Not at all.

These cuts affect the very guts of small business. The New Markets Venture Capital Companies, the

BusinessLINC, the HUBZone program, the Small Business Investment Company Program, and these are the programs that serve a lot of low-income areas, areas that need our help. I think we can agree that slashing funding for these key SBA programs pushes aside the collective futures of women-owned and minority-owned small businesses while at the same time assuring that other small businesses lose access to vital capital resources offered by the agency.

I want to salute the ranking member of the Committee on Small Business, the gentlewoman from New York (Ms. VELÁZQUEZ), and my good friend and colleague, the gentlewoman from New York (Mrs. KELLY). This change that they have offered is on target, is real, and is realistic. To begin with, the 7(a) loan program has a history of success in ensuring that capital is available when small businesses need it. Since 1992, the 7(a) program has helped with over \$76 billion in loans to entrepreneurs. Last year alone, the 7(a) program provided for 43,000 loans throughout the United States of America into practically every district in this country.

The current CJS bill calls for the 7(a) program to be slashed from \$114 million to \$77 million for 2002. This would result in approximately 20,000 fewer loans. Twenty thousand. How can we tell the American small businessperson that help is not on the way in this business-friendly administration? This amendment would begin by restoring \$10 million to the 7(a) program, bringing the fiscal year 2002 funding level up to \$87 million in the appropriations, still well below the 2001 appropriation.

Likewise, the Velázquez-Kelly amendment would add \$2 million for the BusinessLINC program. The offsets for these funding increases will come from three of the biggest agencies in the Federal Government. The Congressional Budget Office has scored the Velázquez-Kelly amendment budget-neutral. Now, how many amendments do we see on this floor that can say that? Budget-neutral.

So let us stand for the American worker for a change and help restore the fuel that drives the American economy.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Velázquez-Kelly amendment.

Mr. Chairman, I join with those individuals who recognize that small businesses are in fact the economic engine that drives the economy of this country. It is amazing to me that we can understand how important, how relevant, how impactful small businesses are to the economic viability and well-being of our Nation and then cut those programs that are designed to enhance and promote the same.

This amendment is not a difficult amendment. It is not one that is dif-

ficult to understand. It is not even one that costs a great deal of money. But it is one that would generate in the hearts and minds of small business people all over the Nation that this Congress, that this administration does in fact understand what small businesses mean to America.

So I want to commend both my colleagues, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from New York (Ms. VELÁZQUEZ). It seems as though New York has some understanding of small business when we get two people, one from each side of the aisle, recognizing that without the resources there is no way that we can keep our small businesses alive, well, healthy, vibrant, and generating what is needed to keep our economy growing.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his very fine words, and I want to add my support for the amendment of both gentlewomen from New York and add just a special aspect.

As my colleague well knows, we have suffered in Houston an enormous impact from Tropical Storm Allison. Part of the FEMA recovery is the Small Business Administration that is on the ground helping businesses, small businesses that are the backbone of our community, recoupment. This is an important amendment not only for those that have been damaged severely by the storm, over \$4 billion in damages, but for all of the small businesses around the country, and particularly those regional offices that have been so outstanding in helping to restore those businesses.

So I thank the gentleman for yielding. This is an excellent amendment, and might I conclude by simply saying budget-neutral. I think that is a key element to the need for passing this amendment and providing opportunity for our small businesses.

Mr. DAVIS of Illinois. Mr. Chairman, reclaiming my time, I want to thank the gentlewoman from Texas for her remarks, and I associate myself with them.

Mr. UDALL of New Mexico. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to thank the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking minority member of the Committee on Small Business, and the gentlewoman from New York (Mrs. KELLY) for their hard work on this amendment, which I rise in support of.

Mr. Chairman, I rise to encourage my colleagues to support the Velázquez-Kelly Amendment that attempts to restore funding to the 7(a) Loan Program, BusinessLINC and PRIME programs.

As a member of the Small Business Committee I fear that a reduction in those programs that assist numerous small businesses especially in rural and low-income areas—will greatly hinder their success.

Key programs such as PRIME, the 7(a) Loan Program, and Business Link which are critical to business growth have been inadequately funded or zeroed out completely in this bill.

In an economy with more questions than answers, we should be increasing opportunities to access capital and technical assistance—not eliminating them when they are most needed.

Point out—many of these programs were designed to assist small businesses in low income areas and in minority communities. My district is one which needs this assistance.

I urge my colleagues to support this amendment which will restore funding to these vital programs used by small businessmen and women.

Mrs. NAPOLITANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in support of the amendment. There have been many calls from small businesses throughout my State that are looking at the reinstatement of some of the funding, so I am very happy to support both the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from New York (Mrs. KELLY) in their effort to be able to do that.

The current Commerce, Justice, State Appropriations (CJS) Bill, particularly the SBA program funding levels, is perhaps the worst bill in this nation's history for small businesses.

The current CJS appropriations bill called for several loan and technical assistance programs to be zeroed out in fiscal year 2002.

The total cut from \$860 million down to \$728 million in SBA's overall budget. This would cause over 10 critical programs to be zeroed out, including New Markets Venture Capital Companies, BusinessLINC, the HUBZone program and the Small Business Investment Company Program.

Cutting access to capital and technical assistance resources in a time of serious economic uncertainty creates a dangerous scenario where small businesses and the jobs they create will suffer in the long-term.

That scenario begins with the nearly \$40 million dollar cut in the 7(a) Loan Program and the zeroing out of the "Program for Investments and Microentrepreneurs" or PRIME.

The Velázquez-Kelly Amendment is a bipartisan proposal that looks to restore a measure of that funding to the 7(a), BusinessLINC and PRIME programs.

THE 7(A) LOAN PROGRAM ADJUSTMENTS

The 7(a) Program history of success is founded in over \$76 billion in loans to entrepreneurs since 1992. Last year alone, the 7(a) Program provided for 43,000 loans totaling \$10.5 billion for small businesses.

Unfortunately, the current bill calls for the 7(a) Program to be slashed from \$114 million in fiscal year 2001 to \$77 million in fiscal year 2002. This would result in approximately 20,000 fewer loans being made.

The amendment would begin by restoring \$10 million to the 7(a) Program bringing the fiscal year 2002 funding level up to \$87 million appropriations—this is still well below fiscal year 2001 appropriations.

THE BUSINESSLINC PROGRAM ADJUSTMENTS

The BusinessLINC Program would promote mentor-protégé relationships between small businesses in low-income and high unemployment areas and large companies.

While the fiscal year 2001 appropriation called for \$7 million, the current legislation would eliminate the program by zeroing out appropriations for fiscal year 2002.

The Velázquez Amendment would add \$2 million to the CJS appropriations bill—unfortunately this still represents more than a 60 percent cut in the program.

THE PRIME PROGRAM ADJUSTMENTS

PRIME establishes a technical assistance program for disadvantaged Microloan participants located in low-income communities.

But more importantly, PRIME creates a system where before the loan process even begins, entrepreneurs are brought to discuss every detail of the process—and in doing so are able to better determine whether a loan is or is not necessary.

The fiscal year 2001 appropriation was at \$15 million for PRIME—H.R. 2500 as reported out of Committee would zero out the program in fiscal year 2002.

While the amendment would add \$5 million back to the program, it still means the program will be operating at a 66 percent cut from the previous year.

The offsets for these funding increases will come from three of the biggest agencies in the federal government. The Congressional Budget Office has scored the Velázquez-Kelly Amendment "budget neutral."

While these offsets come at a price to other agency budgets, we believe these requests are not excessive.

The Department of Commerce General Administration budget would be reduced by a total of \$2 million—which keeps it at the current funding level. There is also off budget funds, such as working capital funds, that can also help offset this reduction.

The State Department would be reduced by \$8 million in their Diplomatic and Consular programs. This account received \$400 million in increase in their overall budget.

Finally, the State Department's Capital Investment Fund would be cut by \$7 million. This Fund was increased by \$113 million over the current funding level—which represents a 100 percent increase.

The cuts in the program represent a cut at the heart of SBA's ability to deliver key financial and technical assistance to small businesses.

This is especially important as the economy slows and mainstream capital sources begin to tighten credit standards—particularly in the high-risk pool of small business lending.

In addition, it will retain the services these programs provide to businesses in low-income areas—companies that are frequently well-removed or simply ignored by conventional lending sources.

While the amendment would add only a small portion, approximately \$17 million, back to these programs, it would allow them to re-

main an important part of the public policy of the SBA well into the future.

Mr. LANGEVIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the bipartisan Velázquez-Kelly amendment which would restore a portion of the funding that was cut from the Small Business Administration's 7(a) loan and other crucial programs in the FY 2002 Commerce, Justice, State spending bill. By providing loan guarantees to eligible small businesses that would otherwise be unable to secure financing, 7(a) loans fill the gap left by traditional private lenders and supplies the necessary capital for America's small businesses to expand and create jobs.

Last year, this crucial program backed more than 43,000 loans worth over \$10.5 billion to small firms nationwide. In the first 6 months of this year, 24 different financial institutions in Rhode Island approved over 540 7(a) loans for a total of over \$61 million to Rhode Island's small business community. In fact, 7(a) loans make up nearly one-third of all long-term loans made to U.S. small businesses.

Mr. Chairman, this program is important to every small business in America, and it deserves the continued support of the Congress. At a time when an economic downturn threatens businesses, jobs, and families across the country, cuts to SBA programs pose more danger than ever. Therefore, I strongly urge my colleagues to vote in favor of the Velázquez-Kelly amendment, and I strongly and admirably commend the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from New York (Mrs. KELLY) on their efforts.

Mr. Chairman, I rise today to address the severe funding cuts in Small Business Administration programs that were reported in the FY 2002 Commerce-Justice-State spending bill.

While I understand the appropriators' difficult task for maintaining fiscal responsibility while adequately funding the wide variety of programs contained in this bill, I am extremely disappointed in the subcommittee's decision to slash SBA funding by \$132 million, a 15 percent decrease from FY 2001.

In particular, I am very concerned about the \$30 million in cuts to the 7(a) guaranteed loan program. By providing loan guarantees to eligible small businesses that would otherwise be unable to secure private financing, this crucial loan program fills the gap left by traditional private lenders and supplies the necessary capital for America's small businesses to expand and create jobs. The committee's funding level amounts to a 32 percent cut and would eliminate an estimated 14,000 critical loan guarantees.

Just last year, the 7(a) program backed more than 43,000 loans worth over \$10.5 billion to small firms nationwide. Since 1992, the program has provided almost \$76 billion in capital to America's small entrepreneurs. In

fact, 7(a) loans make up nearly 30 percent of all long-term loans made to U.S. small businesses. This program is important to every small business in America, and it deserves the continued support of Congress.

Another element of the 15 percent cut to SBA would end the New Market Venture Capital initiative, and the PRIME and BusinessLinc programs. The New Market Venture Capital Program, which was designed to spur investment in low- and moderate-income communities and passed with overwhelming bipartisan support last year, has been zeroed out in this year's bill. The funding for the PRIME program, which allows the SBA to award grants to non-profit micro-enterprise development organizations, has also been eliminated. Finally, BusinessLinc, which grants funding to local non-profit economic development organizations to assist them in bringing local businesses to the attention of large corporations, has been underfunded to the point that the program will effectively no longer exist. Discontinuing these vital programs will undoubtedly negatively affect economic development initiatives targeted to assist low-income and minority business communities. At a time when an economic downturn is threatening businesses, jobs and families across the country, these kinds of cuts pose more danger than ever.

Small businesses are the backbone of Rhode Island's economy and account for more than 95 percent of the jobs in the state. They bring new and innovative services and products to the marketplace and provide business ownership opportunities to diverse and traditionally underrepresented groups. Many of these small businesses rely on the valuable loan assistance, technical training and grant programs offered by the SBA. These harsh budget cuts would severely impact Rhode Island's small business community, just when we need their contributions the most.

In closing, Mr. Chairman, these unwarranted cuts to SBA's budget will seriously undermine the agency's ability to deliver services to small businesses. The small business community supplies over half of the nation's workforce, and in the last decade has shown the greatest growth in our economy. In order to continue this successful entrepreneurial trend, small businesses need the access to capital that SBA provides. I would strongly urge the appropriators to reconsider their decision to cut SBA's funding. The small business community deserves our full-fledged support and nothing less.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the requisite number of words.

I want to be heard and go on the record in support of my colleagues, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from New York (Mrs. KELLY), with regard to this amendment.

Particularly of importance to my community is the BusinessLINC program that would allow businesses and the community to work together in improving small business.

Mr. Chairman, when Congress passed legislation to establish the New Markets Initiative last December, it did so in a spirit of biparti-

anship, to ensure that all of our nation's communities have the opportunity to realize the American dream.

BusinessLinc is an innovative partnership between the Small Business Administration, the Treasury Department, and the business community. The program encourages large businesses to work with small business owners and entrepreneurs to provide technical assistance and mentoring. This program will improve the economic competitiveness of smaller firms located in distressed areas, both urban and rural.

In speaking with many small businesses in my community, the Eleventh District of Ohio, it is clear that business success is predicated on a number of factors, such as the quality of the product or service, its price, marketing, the financial stability of the business, and the owner's experience. But one factor which has been largely overlooked in legislation is a business person's contacts within the community. Some call this the effect of the "old boy's club."

My constituents have conveyed their frustration at being left out of informal networks that form the basis for later business dealings. These informal networks have a decided effect on an owner's ability to plan and a small business' ability to grow. Simply stated—information and skills are key to success.

BusinessLinc will provide much-needed access to mentoring and support for disadvantaged businesses. In developing the BusinessLinc program, local coalitions have taken creative approaches to assist small businesses to employ strategies that best respond to the needs of the community.

My colleague, NYDIA VELÁZQUEZ, the Ranking Member of the Small Business Committee will offer an amendment to restore funding to this program. I urge my colleagues to support the amendment and demonstrate their support for business growth by funding BusinessLinc.

Mr. RUSH. Mr. Chairman, I rise in support of the Velázquez-Kelly amendment to add \$10 million to the Business Loans program account. In particular, I support \$5 million for the "Program for Investments in Microentrepreneurs" or PRIME.

PRIME, a bill that I sponsored in 1999, was authorized with broad bipartisan support as part of the Financial Services Modernization Act.

Under PRIME, the Small Business Administration is authorized to award grants to non-profit microenterprise development organizations. These loans are vital to the initial success of start-up small businesses. Many of the minority or disadvantaged entrepreneurs in low income communities who depend on these funds have no other access to capital.

However, PRIME not only provides desperately needed capital, it also provides the technical assistance necessary to ensure the ongoing viability of a new business. Thus, new small business developers will be able to access the expertise they need to operate their fledgling businesses.

With the slowing economy and ever greater numbers of unemployed, it is critical that we continue to provide opportunities for self-sufficiency through self-employment. There are approximately 400 microenterprise providers in the US moving about \$2 billion dollars in cap-

ital. The \$10 million requested for the Business Loans program and PRIME in particular, will help expand these efforts and strengthen the overall economy.

Congress appropriated \$15 million in the Fiscal Year 2001 Commerce-Justice-State Appropriations for PRIME Act implementation. The offsets necessary to pay for this amendment will have no impact on the ability of the agencies concerned to operate or fulfill their responsibilities.

I urge my colleagues on both sides of the aisle to vote in favor of this amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in support of the Velázquez-Kelly amendment. First I would like to commend Ranking Member VELÁZQUEZ and Congresswoman KELLY for their leadership in bringing this amendment to the floor.

Mr. Chairman, the current Commerce, Justice, State Appropriations (CJS) Bill, particularly the SBA program funding levels, is perhaps the worst bill in this nation's history for small businesses. The CJS appropriations bill calls for several loan and technical assistance programs to be zeroed out in FY 2002. The total cuts from \$860 million down to \$728 million in SBA's overall budget would eliminate over 10 critical programs, including the New Markets Venture Capital Companies, BusinessLINC, the HUBZone Program and the Small Business Investment Company Program. This bill, as it is currently written, essentially wipes out the small business programs that we fought for last Congress.

The Velázquez-Kelly amendment is a bipartisan proposal that looks to restore a measure of funding to the 7(a), BusinessLINC and PRIME Programs. The 7(a) Program history of success is founded in over \$76 billion in loans to entrepreneurs since 1992. Last year alone, the 7(a) Program provided for 43,000 loans totaling \$10.5 billion for small businesses. Unfortunately, the current bill calls the 7(a) Program to be slashed from \$114 million in FY 2001 to \$77 million in FY 2002. This would result in approximately 20,000 fewer loans being made. The BusinessLINC Program would promote mentor-protégé relationships between small businesses in low-income and high unemployment areas and large companies. The CJS bill would eliminate the program by zeroing out appropriation for FY 2002. This amendment would add \$2 million to the CJS appropriations bill. PRIME establishes a technical assistance program for disadvantaged Microloan participants. While the amendment would add \$5 million back to the program, the program will be operating at a 66% cut from the previous year. However, some funding is better than no funding.

Mr. Chairman, the offsets for these funding increases will come from three of the biggest agencies in the federal government. While these offsets come at the expense of other agency budgets, we believe these requests are not excessive. We are just attempting to obtain a fair distribution of funding. It is unfair that some agencies receive 100% increases, while programs that deliver key financial and technical assistance to small businesses—the engine for growth in our economy—are zeroed out. We cannot afford to cut funding for small business development and assistance as the economy slows and mainstream capital

sources begin to tighten credit standards. We must continue to retain the services that the 7(a), BusinessLINC, and PRIME provide to businesses in low-income areas—companies that are too often frequently well removed or simply ignored by conventional lending sources.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment, and I ask unanimous consent to reach ahead in the bill.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. DELAY:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be used to negotiate or pay any request or claim by the Government of the People's Republic of China for reimbursement of the costs associated with the detention of the crewmembers of the United States Navy EP-3 aircraft that was forced to land on Hainan Island, China, on April 1, 2001, or for reimbursement of any of the costs associated with the return of the aircraft to the United States.

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

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

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume, and I rise to offer an amendment that will stop any payment from being sent from the United States Government to the Communist Chinese Government that is related to the downing of our Navy EP-3 aircraft and the detention of our crew members.

I take this amendment, quite frankly, from a bill authored by the gentleman from California (Mr. LANTOS), a more extensive bill than this amendment; but I appreciate the fight that the gentleman from California (Mr. LANTOS) is putting up, and I appreciate him in this regard.

I must say that in offering this amendment it must never be American policy to pay tribute to aggressive regimes. Such a payment would not only violate a hard-won tradition of confronting international aggression, it would force America to abdicate a role as the leading defender of free movement through the world's international skies and waters. And it is not a duty we are willing to duck.

The brazen audacity of some demands can almost take on a kind of a

comic grandeur. At first glimpse, the preposterous suggestion that the United States is somehow indebted to the Communist Chinese Government for the costs associated with downing our plane and detaining our air crew appears to fall into that camp. And for that reason, we are tempted to dismiss the Communist Chinese Government's demand for compensation as the deluded daydreams of a despotic regime.

But as illogical and unbelievable as it may sound, today Communist leaders in Beijing are soberly demanding that the people of the United States pay them \$1 million in compensation. The idea that American taxpayers should start rewarding Communist piracy is as contemptible as it is unlikely to happen. This Congress will never allow a single dollar to be used to compensate the perpetrators of an international aggression.

This is simply the latest example of the reckless, ruthless, and irrational mindset of China's Communist Government. President Bush is standing firm for freedom. We need to support the administration by staking out a very clear position because, if history has taught us anything, it teaches that appeasement is nothing more than a downpayment on further trials and added hardships. To export our American values, we must always be prepared to defend our interests.

□ 1445

We must remain engaged with China. We owe it to the billion Chinese people who are victimized by an oppressive and abusive Communist government. We know that once the Chinese people begin to sense the opportunities and blessings of self-government they will soon shake off the shackles of communism. We look forward to that day.

But until the Chinese people are liberated to determine their own destiny, we must stand firm in defense of our commitment to freedom. This amendment does just that. It will send a clear signal to the Communist rulers in China: If you thought intimidation would persuade the United States to abdicate the defense of freedom, it failed.

We support open ties with all peoples, especially Chinese families struggling beneath communism. We seek the free exchange of goods, services and democratic ideals with men and women around the world. We wish to cultivate stronger ties between the Chinese people and the United States. But Jiang Zemin and his circle of apparatchiks will never deter America from flying patrols to the frontier of freedom.

Mr. Chairman, I ask support for this amendment.

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

Mr. LANTOS. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent that I may control the time in opposition.

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

There was no objection.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

First, I want to commend my friend, the gentleman from Texas (Mr. DELAY), the distinguished Republican Whip, for bringing this matter to my attention, thereby expediting the process that several of us began some time ago.

I introduced the free-standing bill, Mr. Chairman, on behalf of the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, and the distinguished chairman and ranking member of the Committee on Armed Services which seeks to achieve what the DeLay amendment seeks to achieve.

On April 1, 2001, a Chinese F-8 fighter flew dangerously close to a United States Navy EP-3 aircraft which was on a routine reconnaissance mission in international air space off the coast of China; and it collided with it, resulting in structural damage to our aircraft.

The crew of our aircraft transmitted a series of Mayday distress calls, and they were able to successfully land at the nearest air field due to the heroic actions of our pilot and of our crew to keep the plane in the air until it could land safely.

The 24 crew members of the EP-3 aircraft were detained against their will, and I underscore this, Mr. Chairman. The 24 crew members of our aircraft were detained against their will for 11 days before being released, in clear violation of international rules governing the treatment of such personnel and despite repeated requests for their release by the United States government at the highest levels.

The Chinese military authorities boarded the aircraft, removed equipment from our aircraft, notwithstanding its status under international law as the property of the United States of America. The Chinese government, Mr. Chairman, refused to allow the United States to repair the downed aircraft in Hainan. It refused to allow it to be flown back to the United States. It instead demanded that the United States cut the plane into pieces and return it to the United States on a leased transport aircraft.

Now the Chinese government has presented us with a \$1 million invoice which allegedly covers the expenses of the 24 crew members while held in captivity and related expenses.

This, Mr. Chairman, is the ultimate arrogance on the part of this Communist regime. The accident was caused by reckless action by a Chinese

pilot with a long and documented history of taking overly aggressive actions in intercepting United States reconnaissance aircraft operating in international air space.

The Chinese government failed to comply with its international obligations immediately to return our crew members.

The United States government, Mr. Chairman, has already incurred significant costs associated with the recovery of our aircraft, including the dispatching of our personnel and other employees of our government to the Chinese island of Hainan to cut the aircraft into pieces and pack it aboard a cargo plane and leasing the cargo plane itself.

We are currently evaluating, Mr. Chairman, whether this aircraft can be repaired to make it airworthy again or whether a new EP-3 aircraft must be purchased to replace it. The cost of that would be \$80 million.

Mr. Chairman, our resolution and the amendment of the gentleman from Texas (Mr. DELAY) makes it clear that it is the sense of the Congress of the United States that we have to make a full accounting of all of the costs associated with this outrage, clearly precipitated by the action of the Chinese pilot, and that no payment, not one dime, may be paid to the Chinese government until the Chinese government reimburses us for the whole cost of this disgraceful episode. That may run well over \$80 million.

Mr. Chairman, I strongly urge all of my colleagues to support the amendment of the gentleman from Texas (Mr. DELAY).

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

Mr. WOLF. Mr. Chairman, I rise in strong support of the amendment and want to commend the gentleman from Texas (Mr. DELAY) for offering the amendment.

The gentleman from California (Mr. LANTOS) can almost argue that we should be sending the Chinese government a bill if we look at the precedent that was set with regards to Serbia and the destruction of their embassy. But I think it is a great amendment, and I hope that it is passed by unanimous vote and that this sends a message to the Chinese government.

Mr. DELAY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I support the gentleman's amendment. I am very strong on dealing with China and trading with China, but I think this particular incident was very unfortunate. It is pretty much an arrogant statement to try to charge us and to create more out of what clearly was a mistake on their part. I support the gentleman's amendment, and I hope

there is bipartisan support for the amendment.

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

Mr. Chairman, I appreciate the support of the gentleman from New York (Mr. SERRANO), and I want to make it clear that this amendment does not go against the people of China. We all support the people of China. This is a statement against the Communist government of China and some of their outrageous actions.

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

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

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

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

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11, as amended by Public Law 100-504), \$21,176,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

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

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

SEC. 203. None of the funds made available by this Act 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.

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 award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 207. 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 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 2002 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 2002 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, 2002".

AMENDMENT NO. 1 OFFERED BY MR. HERGER

Mr. HERGER. 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. HERGER:
Page 63, after line 9, insert the following:

TITLE IIA—DEPARTMENT OF JUSTICE
KLAMATH PROJECT WATER RIGHTS
COMPENSATION

For just compensation for private property taken for public use, as required by the 5th Amendment to the Constitution of the United States, for payment by the Attorney General to the water users of the Klamath Project for the Federal taking of water rights pursuant to the Klamath Reclamation Project 2001 Annual Operations Plan, which provides for the delivery of no water to most of the lands served by the Klamath Reclamation Project, and instead implements an alternative plan developed pursuant to the Endangered Species Act of 1973; and the amount otherwise provided in this Act for "National Oceanic And Atmospheric Administration—Operations, Research, and Facilities" (and the amounts specified under such heading for direct obligations, appropriation from the General Fund, and the National Marine Fisheries Service) are hereby reduced by; \$200,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. HERGER) and a Member opposed each will control 5 minutes.

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

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program; therefore, it violates clause 2 of rule XXI.

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

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

The CHAIRMAN. Does any Member wish to be heard on the point of order?

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

The CHAIRMAN. The gentleman from California (Mr. HERGER) is recognized for 5 minutes.

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

Mr. Chairman, I appreciate the hard work that the gentleman from Virginia (Mr. WOLF) and the members of the Committee on Appropriations have put into this bill.

Mr. Chairman, I offer this important amendment today on an issue that is receiving national attention. Approximately 1,500 family farmers and scores of agriculture-dependent businesses and families along the northern California and southern Oregon border have had their livelihood stripped from them by the Federal Government. A community of 70,000 could go bankrupt.

On April 6 of this year, the Bureau of Reclamation announced that there will be no water, zero water for farming this year because, in the opinion of a select group of biologists and based on what many feel is flawed science, every drop of water was needed for the preservation of two species of fish. Based only on a best guess about these species and what is needed to sustain them, the National Marine Fishery Service and the U.S. Fish and Wildlife

Service have deprived these communities of the use of their water rights and their land.

Mr. Chairman, this is the poster child for the injustices that are occurring under the current implementation of the Endangered Species Act. Under this well-intentioned law, communities throughout the West are going broke, and in some cases human lives are being placed in jeopardy.

Mr. Chairman, this need not happen. As a country that put a man on the moon three decades ago, I am convinced we can both protect fish and provide economic stability for our rural communities. Regrettably, under the current implementation of the ESA, it is an either/or proposition.

My amendment explicitly recognizes that the Endangered Species Act also continues to come into direct conflict with fundamental U.S. constitutional rights and protections. It seeks simply to ensure that the government satisfies its mandate under the Fifth Amendment of the Constitution to provide just compensation for the taking of private property for a public use.

We have a responsibility to uphold constitutional protections when they are compromised by the implementation of Federal laws. It is also a first step toward rectifying the financial harm that the government has caused in this area.

As the agency partly responsible for this decision, NMFS, which is funded at more than \$540 million in this bill, will be forced under my amendment to cover the cost of compensation. That is simple accountability. No amount of money can fully rectify the harm that has been done to these communities. A way of life is at risk. Ultimately, the Endangered Species Act must be updated and balance must be restored if we are to preserve this way of life and prevent future injustices here and in other parts of the country.

□ 1500

But as we speak, a select few individuals are bearing severe economic and social burdens. Fundamental principles of fairness and justice demand that they be compensated. These are public burdens which should rightfully be borne by the public as a whole.

Moreover, Federal agencies that are responsible for harming Americans through their regulatory actions will be held accountable. Perhaps if we force them to share some of the pain, they will stop to consider the real consequences of reckless actions.

That is also why I have introduced H.R. 2389. It recognizes that what has happened in the Klamath Basin is a government-caused disaster. As such, it requires the Federal Government to pay for the economic losses that have been sustained. I ask for the support and consideration of my colleagues on this bill. I also ask my colleagues to re-

alize what is currently happening under the Endangered Species Act and join me in demanding that it be modernized because, Mr. Chairman, Americans are being needlessly hurt.

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

Mr. YOUNG of Florida. Mr. Chairman, I continue to reserve the point of order.

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

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

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

Mr. DICKS. Mr. Chairman, I rise reluctantly in opposition to this amendment. As I understand the gentleman's amendment, it would take \$200 million out of the National Marine Fisheries Service's budget. I think that would be devastating to their budget. The whole problem we have got in the Northwest is difficult, but we have got to work with the National Marine Fisheries Service because Congress gave them the responsibility of administering the Endangered Species Act. They are doing their best. In fact, I think we should be giving them additional support so that they can get the job done and deal with these regulatory problems.

Also in these situations like this, the way to approach the problem is to do a habitat conservation plan, work with the regulators, and come up with a plan under which you can go forward. I know this is a tough problem, and if you want to deal with it, you have got to change the Endangered Species Act, which I do not favor, but to come here and to take \$200 million out of the National Marine Fisheries Service would be a disaster.

Mr. DICKS. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time; and I agree with what he is saying in terms of the danger were this approach to be taken to penalize other areas throughout the Pacific Northwest that are dealing with problems with salmon recovery. But I fundamentally disagree with my friend from California's primary premise.

If there were no Endangered Species Act, the people in the Klamath Basin would be in desperate straits. It is because the Federal Government has overcommitted over the course of the last century the water in the Klamath Basin. What we should be doing, rather than penalize people who are trying to deal with species recovery, is to go back and help the people in need.

We should not have a series of temporary payments that they have to go

through legal hoops to obtain. It is very unlikely that it would occur. It is far better that we step up and provide money for a permanent solution which is to reduce the conflicting water demands in the Klamath Basin. We can do that by making generous payments to willing sellers who will sell their land. We can buy back at fair value conservation easements and water rights. If we do this, we will make these people whole, we will not penalize Native Americans and other people up and down the West Coast, and we will not be back here time after time after time.

The gentleman from California is right, the Federal Government has made a mess, but it is not the Endangered Species Act, it is the fact that there are more demands on water in the Klamath Basin, for waterfowl, for agriculture, for endangered species. We need a comprehensive solution. I strongly urge rejecting this amendment and approaching it in a way that we can put in place a permanent solution which is to give them compensation and reduce the demands on water that the Federal Government has messed up.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I rise in opposition to this amendment. However, I agree with my colleague from California that there is a serious problem in the Klamath Basin. This year a severe drought has further exacerbated the pressure on the fishing industry, tribal interests, the economic well-being of the farmers, and the waterfowl that use this very critical part of the Pacific Flyway.

However, the underlying issue is an overcommitment of water in the Klamath Basin. The farmers in this region do need our assistance, and the Senate has already taken steps to provide immediate assistance to those farmers hurt by the drought this year. But we need to recognize that there is simply not enough water to meet all the current demand in the Klamath Basin. The answer to this problem is to work together across both State and party lines to using the best available science to come up with a solution that includes reducing water demands and at the same time helps farmers and tribes and conserves the region's fish and waterfowl habitat.

These solutions would include enhancing the CRP, the WRP, and the WHIP programs in a way that promotes farming on a majority of the 200,000 acres in that region that are currently being farmed. There is growing support for this type of solution. In fact, there are nearly 100 farmers in the area that have already come forward and are willing to put up some 30,000 acres of their privately owned land to be able to achieve the success that we need to reach in that area.

Mr. Chairman, let us turn to real, positive solutions in the Klamath and not decimate the National Marine Fisheries Service budget or the Endangered Species Act.

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

Mr. WOLF. Mr. Chairman, I continue to reserve the point of order, and I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I want to start my brief comments with a quote by Patrick Henry:

The Constitution is not an instrument for the government to restrain the people. It is an instrument for the people to restrain the government, lest it come to dominate our lives and interests.

Mr. Chairman, the reason I am speaking in behalf of the gentleman from California's amendment is that I visited his district in June and I had a chance to meet these people. I can honestly tell Members that there is something wrong with the Federal Government when the Federal Government is trying to put people out of business who are trying to make a living and paying their taxes.

Down in my district of North Carolina, we have an issue with the piping plover. The piping plover is a bird that the Federal Government is going to make a decision that will have a tremendous economic impact in a negative way on many States in the southeastern part of the United States.

I wanted to say and the reason I want to be a small part of this debate is it is a shame when a suckerfish has more influence on the Federal Government than the people who have been promised land and promised water years and years ago.

I want to say to my friends on the other side who are in opposition to the gentleman from California's amendment, I certainly understand their position and respect that. Again, this is your part of the United States of America, but when it comes to the Endangered Species Act, the ESA is having a very negative impact across this Nation. What we need to do is to reform the Endangered Species Act and find a balance so that nature and people can move forward.

Mr. WOLF. Mr. Chairman, I continue to reserve the point of order.

Mr. Chairman, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. I thank the gentleman from Virginia for yielding.

Mr. Chairman, I rise today to offer a few remarks about the situation along the Klamath River. It is interesting sitting here considering what we are talking about.

In the 1960s, the Bureau of Reclamation made an effort to actually poison

the suckerfish in the Klamath. They thought it was a pest, and they attempted to remove it. Now 40 years later, we are here arguing about what to do to protect the suckerfish. The sad part of it, the sucker policy, if you will, here, is that there is a study by Oregon State University that shows the preferred action that Fish and Wildlife Service or NMFS is putting forward, that is, raising the lake level, will actually hurt the coho salmon which is also a listed species.

The fact is this really is a sucker policy. Thankfully, one of our friends to the north, Senator SMITH of Oregon, is no sucker. He has thoughtfully proposed that we follow the facts outlined in a plan from 1993, much of which is still awaiting implementation. This comprehensive plan balances the needs of wildlife while providing sufficient water to our farms and communities.

The plan basically says, if the government truly wants to save these suckerfish, why do they not improve the habitat in the current lake? Why have they not created suckerfish hatcheries or worked to restrict the growth of suckerfish predators as set forth in the plan? It is a real dilemma to me that this sucker punch policy on suckerfish is being jammed down our throat.

Mr. Chairman, I hope that this body will follow the leadership of Senator SMITH and the other Senator from Oregon, Senator WYDEN, and my colleagues in the House, the gentleman from California (Mr. HERGER), the gentleman from North Carolina (Mr. JONES), and the gentleman from Oregon (Mr. WALDEN) when we consider how many people in California and Oregon will be punished because the Federal Government ignored its own 1993 recommendations and is now acting on bad science to change the balanced policy that has existed but not been implemented for the past 8 years.

If we do not correct this egregious policy error, then our constituents will know us for the suckers we are.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Virginia insist on his point of order?

Mr. WOLF. I do, Mr. Chairman.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. HERGER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from California is recognized.

Mr. HERGER. Mr. Chairman, this is a critically important amendment on an issue that has national implications. The bankrupting of family farmers and rural communities in the Klamath Basin of northern California and southern Oregon under a Federal regulatory decision is being discussed across the country. It is being written about nationally in publications such as *The*

New York Times, The Washington Post and The Washington Times. It has been covered on the national Fox News Network. That is because it sets a tragic precedent which must be addressed before more communities are lost.

Again, I appreciate the hard work that the gentleman from Virginia and the members of the committee have put into this bill. This amendment is not in any way to take away from that good work. But an entire community of 70,000 people could go bankrupt. A way of life is at stake. And the Federal regulatory agency, the National Marine Fisheries Service, that is in part responsible for that decision is funded in this bill to the tune of approximately \$540 million. Through the issuance of severely flawed biological opinions, NMFS, along with the U.S. Fish and Wildlife Service, have taken the water rights of these communities for a public use. The fifth amendment to the U.S. Constitution not just authorizes but requires just compensation. And the Justice Department, as the final arbiter of such claims against the Federal Government, would be amply suited, I believe, to determine and make payment on the underlying takings that have occurred.

Mr. THOMPSON of California. Mr. Chairman, I rise on a point of order.

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

Mr. THOMPSON of California. Mr. Chairman, I believe that my colleague was recognized to speak on the point of order, not the merits of the amendment.

□ 1515

The CHAIRMAN. The gentleman is correct. The Chair has given a bit of leeway, but the gentleman from California needs to speak on the point of order, and not on the underlying issue.

Mr. BLUMENAUER. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. HERGER) have 2 additional minutes to finish his thoughts, even if he is not speaking on the point of order.

The CHAIRMAN. The Chair would advise the gentleman from Oregon that that request cannot be entertained while a point of order is pending.

The Chair would ask the gentleman from California (Mr. HERGER) to confine his remarks to the point of order. Otherwise, the Chair is prepared to rule.

Mr. HERGER. Mr. Chairman, again, I understand that the gentleman has concerns that this bill is not a perfect fit, but I wish to underscore that this was caused at least in part by the National Marine Fisheries Service. It is a government-caused disaster.

Mr. Chairman, fairness and justice demand that the Federal Government be accountable for the harm that it has caused. Perhaps this amendment is precedent-setting, but the bankrupting

of entire farming communities at the stroke of a biologist's pen, to say the least, is a much more tragic precedent for the rural communities of this Nation.

I urge that the Chair rule that this amendment is in order and allow for its debate and full consideration.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Virginia makes a point of order that the amendment offered by the gentleman from California proposes to appropriate funds for an expenditure not previously authorized by law in violation of clause 2 of rule XXI.

The amendment offered by the gentleman from California proposes to provide an appropriation for certain water users of the Klamath Project "as required by the fifth amendment to the Constitution of the United States." The constitutional provisions cited provides, "nor shall private property be taken for public use without just compensation."

The Chair finds that this provision does not support the specific appropriation for fiscal year 2002 proposed in the gentleman's amendment.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 70, line 7, 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 63, line 10, through page 70, line 7, is as follows:

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; \$42,066,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$70,000,000, 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, \$19,287,000.

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 as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$13,073,000.

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, \$3,631,940,000 (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 \$2,692,000, 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, as amended; 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, \$500,671,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

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)), \$48,131,000, 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), \$224,433,000, of which not to exceed \$10,000,000 shall remain available until expended for security systems or contract costs for court security officers, 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, \$60,029,000, 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, \$20,235,000; of which \$1,800,000 shall remain available through September 30, 2003, 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), \$26,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$8,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$1,900,000.

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, \$11,575,000, 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. Of the unexpended balances transferred to the Commission on Structural Alternatives in Federal Appellate Courts, up to \$400,000 may be expended on court operations under the "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses".

AMENDMENT NO. 8 OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. ROEMER:

Page 70, after line 7, insert the following:

SEC. 305. (a) The Federal building located at 10th Street and Constitution Avenue, NW, in Washington, DC, and known as the Department of Justice Building, shall be designated and known as the "Robert F. Kennedy Department of Justice Building".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Robert F. Kennedy Department of Justice Building".

Mr. WOLF. Mr. Chairman, I reserve a point of order against the amendment and claim the time in opposition.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Indiana (Mr. ROEMER) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

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

Mr. Chairman, first of all, I am going to concede the point of order. I realize and recognize that this would be authorizing on an appropriations bill. While I concede the point of order, I am even more determined on the merits of the amendment to continue to pursue the naming of the Justice Department building after Robert F. Kennedy.

Mr. Chairman, we have 100 cosponsors of this legislation, Democrats and Republicans. We have very, very helpful and influential Members on the other side of the aisle, including the gentleman from Virginia (Mr. WOLF); and I thank the gentleman for his cosponsorship of this bill. We have the gentleman from New York (Mr. QUINN) and the gentleman from Florida (Mr. SCARBOROUGH). We have the gentleman from Virginia (Mr. TOM DAVIS) and many other Republicans.

I also have engaged in conversation and negotiation with the administra-

tion and the White House, and we are hopeful that the White House will also be supportive and enthusiastic of this effort to get this Justice Department building named after an Attorney General who served with honor and integrity and dignity in that office from 1961 to 1964.

Mr. Chairman, one of my favorite quotes of Robert Kennedy was as follows: "We will never be able to completely eliminate children being tortured in the world, but we can reduce the number of those children being tortured."

In fact, what he is saying is that we can work, and we have an obligation to work, especially for the most vulnerable people in society, our children, to in noble and civil ways have government effectively help them. And, as Attorney General, he worked in a plethora of ways to achieve these noble and virtuous objectives.

Convictions against organized crime figures rose 800 percent while he was Attorney General. He enforced Federal Court orders to integrate schools and universities across our country, particularly in 1962, when he fought and sent troops down to the University of Mississippi to help James Meredith enter that school.

He and Lyndon Johnson, the President at that time, fought for the 1964 Civil Rights Act, and there are some scholars that say that that Civil Rights Act, that is one of the glories of this country, may not have come along for another 10 years without those two individuals working hard to pass it.

He was particularly helpful and informative and insightful on the foreign policy realm for President Kennedy, helping negotiate the strategy on the Cuban missile crisis. He also traveled the world on human rights.

So here we have an Attorney General on fighting organized crime, on fighting for civil rights, on promoting human rights across the world, on fighting to make sure that racketeering and RICO charges were brought forward, enforcing the laws of this country. We have a very talented and skillful and honorable Attorney General. It is time, it is time, Mr. Chairman, that we name this building after Robert F. Kennedy.

Now, yesterday in this House of Representatives we passed legislation to name the Peace Corps building after Paul Coverdell, and this body authorized \$10 million to pursue some objectives along those lines. We have named trade buildings, airports, CIA centers and aircraft carriers. It is time in fairness, it is time in justice, it is time in a bipartisan way, to name this building after Robert F. Kennedy.

I would hope that we could do this soon, although maybe not on this piece of legislation today, but soon. So let us do justice and reward nobility and hard

work, and let us name this Justice Department building downtown after Mr. Kennedy.

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

Mr. Chairman, I continue to reserve the point of order; but let me just say that I am a cosponsor of the gentleman's amendment, and I think it makes a lot of sense. I am reminded of the quote by Bobby Kennedy that says: "Some men see things as they are and ask why; I dream things that never were and ask why not."

I am also reminded one of the famous quotes that he gave to a group of students in South Africa in 1966, which I use many times when I speak to high school kids. He said: "A third danger," and this is a great recommendation to this body and to anyone, "a third danger is timidity. Few men or women are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality of those who seek to change a world which yields most painfully to change. Aristotle tells us that 'at the Olympic games it is not the finest and the strongest men who are crowned, but they who enter the lists.' So too in the life of the honorable and the good it is they who act rightly who win the prize."

He goes on to say, "I believe that in this generation," and hopeful in the generation that we are in, particularly when we think of China and Sudan and the persecution of believers around the world, "that in this generation those with the courage to enter the moral conflict will find themselves with companions in every corner of the world."

So I think the gentleman's amendment is a great idea. The gentleman understands why we are objecting. But as he knows, I am a cosponsor and have been very appreciative of the work the gentleman has done, and that also his family has done in the area of human rights in China and around the world.

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

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

Mr. ROEMER. Mr. Chairman, I thank the gentleman for his support of the amendment. I look forward to working with the distinguished gentleman, who has also worked so hard around the world for human rights, for justice, for honorable public service. I would hope that the gentleman from Virginia (Mr. WOLF) would continue to work, as he already has, with me and with others. As I mentioned, we have 100 cosponsors on this legislation to send forth, as the gentleman mentioned Bobby Kennedy's quote from South Africa, this type of ripple of hope that helps sweep down the mightiest walls of oppression and resistance.

There should be no resistance to this idea, and I do not think there is much; and I would hope, working with the administration and the White House and the gentleman from Virginia and the 100 cosponsors of this bill, that we can soon see this happen. I look forward to working with the gentleman, and I appreciate his strong support for this legislation.

Mr. WOLF. Mr. Chairman, reclaiming my time, I want to thank the gentleman for his sponsorship and efforts with regard to a memorial here in this city for the Adams family; not only John Adams, but John Quincy Adams, who, when he left the Presidency, served in this body, in the House of Representatives, for 17 years, and died just 50 or 60 yards down the hallway. So I appreciate his efforts, and hopefully we can be part of doing both of them.

Mr. Chairman, with that, I insist on my point of order.

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

Mr. Chairman, I will be very brief. I just wanted to rise in support of the gentleman's idea. On my wall here in my Washington office I have two pictures in one special section. There is a picture of Dr. Martin Luther King and another one, a photograph of Bobby Kennedy.

It was those two individuals that invited my generation into public service and into activism at the community level; Dr. King obviously through his work on the civil rights movement and bringing us all together, and it was Bobby Kennedy who taught my generation that politics and government service were in fact an honorable profession.

I remember the time he came to the South Bronx and campaigned there when he was running for Senator of New York, how excited everybody was at his excitement about public service, to a generation of Americans, many from the minority community, who were turned off to the system and turned off to politics.

Bobby Kennedy continues to be that figure in my life that I look to as one who paid the ultimate price for asking all of us to come together to stand up for what we believed in. So I think at a minimum the gentleman's idea is one that we should fulfill.

I would hope as we move along we pay attention to this idea and that we do rename the Justice Department building in honor of Bobby Kennedy. So I support the gentleman, and I commend the gentleman for the work he does on this.

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

The CHAIRMAN. The gentleman is recognized for 30 seconds.

Mr. ROEMER. Mr. Chairman, let me say there are scores of pictures throughout Capitol Hill of Bobby Ken-

nedy and in homes everywhere in America about Bobby Kennedy, his quotes, his dedication to public service, and with these two statements from these two distinguished Members, I will continue to pursue this. I am hopeful and optimistic that we will do the same.

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

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Judiciary Appropriations Act, 2002".

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, as amended; 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, \$3,166,000,000: *Provided*, 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, \$270,259,000 shall be available only for public diplomacy international information programs: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$323,000,000 of offsetting collections derived from fees collected under the authority of section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) during fiscal year 2002 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further*, That any fees received in excess of \$323,000,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002: *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.

AMENDMENT NO. 19 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. 19 offered by Ms. JACKSON-LEE of Texas:

Page 72, line 5, immediately before the period insert the following:

Provided further, That, notwithstanding any other provision of law, of the amount made available under this heading, \$7,800,000 shall be available to provide funds for legal representation for parents who are seeking the return of children abducted to or from the United States under the Hague Convention on the Civil Aspects of International Child Abduction

Mr. WOLF. Mr. Chairman, I reserve a point of order against the amendment and claim the time in opposition.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Ms. JACKSON-LEE) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Ms. JACKSON-LEE).

□ 1530

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Virginia (Mr. WOLF) very much for his kindness, and I appreciate the fact that this is a very difficult issue.

I rise today to address how we in Congress can help in a small way to ease the suffering of families whose children have been abducted to other countries, usually by a parent of the very child taken. That creates a very large wall that would keep these parents, American citizens on American soil, from helping their children.

International parental kidnapping is a complex crime and takes an enormous toll, both emotionally and financially, on the searching parents left behind. The Hague Convention on the civil aspects of international child abduction is the primary legal tool to remedy international child abductions.

Currently, at least 480 Americans are seeking access to a return of their children abducted in foreign countries who are signatories to The Hague Convention. At any given time, an estimated 300 families are searching for their children abducted from the United States. Often, these families must incur thousands of dollars in legal fees to try to obtain the return of their children.

Legal representation is frequently beyond the financial reach of most families seeking the return of their children, sometimes costing between \$20,000 and \$40,000 per case in this country. Mr. Chairman, 75 percent of the families who seek return of their children from the United States qualify for pro bono or reduced legal assistance.

Mr. Chairman, this is an important legislative initiative because of the reason of being a parent, loving one's child, being able to see one's child and, many times, these children are ab-

ducted to lifestyles and conditions that do damage to them and prevent them from seeing another loving parent.

Mr. Chairman, let me, first of all, thank the gentleman from New York (Mr. SERRANO) for his kindness on this amendment and also the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee. The chairman's history in fighting human rights abuses is world renowned.

I come to this floor not wanting to concede the point of order, but asking for the point of order to be waived, because I have seen in my office the pain of parents who cannot find their children, as I chair the Congressional Children's Caucus.

Mr. Chairman, I rise today to address how we in Congress can help in a small way to help ease the suffering of families whose children have been abducted to other countries, usually by a parent of the very child taken.

International parental kidnapping is a complex crime, and takes an enormous toll, both emotionally and financially, on the searching parents left behind. The Hague Convention on the Civil Aspects of International Child Abduction is the primary legal tool to remedy international child abductions. Currently, at least 480 Americans are seeking access to or return of their children abducted to foreign countries who are signatories to the Hague Convention. At any given time, an estimated three hundred families are searching for their children abducted to the United States.

Often these families must incur thousands of dollars in legal fees to try to obtain the return of their children. Legal representation is frequently beyond the financial reach of most families seeking their return of their children, sometimes costing between \$20,000 and \$40,000 per case in this country. Seventy-five percent of families who seek return of their children from the United States qualify for pro bono or reduced fee legal assistance.

Because the United States, through the concurrent jurisdiction of federal district courts and state courts provided for in our implementing legislation, has thousands of judges who may hear a given case, our system is even more dependent than others on the knowledge of the attorneys and their ability to educate the court on the issues involved.

The cost of bringing a Hague Convention case in court varies from state to state, but we typically private attorneys charge a retainer between \$5,000 and \$10,000. The hourly rate, of course, depends upon the attorney involved, but \$150 or \$200/hour is typical. Applicant parents also pay court filing fees and other expenses associated with the case.

Nearly every country signatory to the Hague Convention provides free legal assistance to parents seeking the return of internationally abducted children. The Convention requires that if a country takes an exception to the specific provision of legal aid in these cases, as does the United States, then they must provide the same legal aid services to the foreign applicant parents that are available to citizen parents. The U.S. is not currently meeting even this obligation to parents who seek legal aid for children abducted to this country and, coupled with residency requirements and other

restrictions, the existing options for legal aid in this country are unreachable even for those foreign citizens who might qualify financially.

The U.S. Department of Justice has a list of attorneys willing to handle cases on a pro bono basis, often as a learning experience. And while some do very well, it can be difficult to find experienced help in every case. We must do more for these searching parents, and aid them in obtaining the proper legal representation to facilitate the return of their children.

In countries where legal aid is unavailable, a resource bank of low-fee or pro bono attorneys should be developed. Furthermore, all countries should take steps to establish a travel fund and a counseling and psychological treatment center for victim families. The work of Central Authorities and non-governmental organizations with regard to helping and supporting victim families needs to be recognized and funded.

We in Congress have expressed a keen interest in requiring the Department of State to report on the shortcomings of treaty-partner countries. Although the United States' leadership in this field is appropriate, we must make sure that we address our own shortcomings as we point out those of others.

This amendment will provide a source of funds to help pay for the legal representation that parents of abducted children desperately need when seeking the return of their children from countries who are signatories to the Hague Convention. Although the \$7.8 million will not fully fund all legal fees for those who seek, it will help those who have the most need.

Please join me and Congressman LAMPSON in supporting this budget neutral amendment to the Commerce, Justice, State Appropriations bill to assist these families as they search for their children—and help them to resolve their cases more quickly with the best legal representation they require and deserve. This bill earmarks the money from the State Department's funds for Administration of Foreign Affairs, Diplomatic and Consular programs and would be funds well spent.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON), who chairs the Missing and Exploited Children's Caucus. We both serve in each other's caucus. The gentleman from Texas (Mr. LAMPSON) has been to The Hague on this very important issue.

Mr. LAMPSON. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I strongly urge my colleagues to support the Jackson-Lee-Lampson amendment that would appropriate \$7.8 million to the Department of State to provide funds for legal representation for parents who are seeking the return of children abducted to or from the United States under The Hague Convention on the Civil Aspects of International Child Abduction. I am chairman and founder of the Congressional Caucus on Missing and Exploited Children, and I have been active on this issue for over 3 years.

Last year, this body passed H. Con. Res. 293, a resolution that called on

signatories to The Hague Convention on Civil Aspects of International Child Abduction to abide by the provisions of The Hague and also recognized some weaknesses in certain provisions.

What I hear over and over again from both American parents and non-American parents is that the financial burden of legal expenses is overwhelming. One father with whom I have spoken has spent over several million dollars in travel expenses, attorneys' fees and court fees in Italy, and I have heard from numerous parents who have spent over \$200,000 in their fights for the return of their children or just the opportunity to see their children. Nearly every country signatory to The Hague Convention provides free legal assistance to parents seeking the return of internationally abducted children. The United States does not.

Mr. Chairman, we must do more for these searching parents and aid them in obtaining the proper legal representation to facilitate the return of their children. In countries where legal aid is unavailable, a resource bank of low-fee, pro bono attorney's fees should be developed, and that is what this amendment does.

Again, I urge my colleagues to support the Jackson-Lee-Lampson amendment to appropriate \$7.8 million for our Nation's searching parents.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, a list of pro bono attorneys at the Department of Justice is a nice idea, but those attorneys are just learning; and they cannot provide the legal expertise for these terrible fights that these parents have, \$20,000, \$40,000, \$60,000 to psychologically break the bond between parent and child. I would hope that we would have the opportunity to pursue this amendment and work with the very distinguished chairman and ranking member.

Mr. WOLF. Mr. Chairman, I reluctantly rise in opposition, and I reserve a point of order on the amendment. I yield myself such time as I may consume.

Let me say I do think the gentlewoman is onto something that is very important. I have worked on a couple of these cases, one dealing with two young children in Serbia. My administrative assistant, Charlie White, who has since died, and myself met with Milosevic on this issue. The mother was from California, was very articulate and was very able to get CBS and ABC to do news stories, but what about someone who really cannot?

Perhaps we could put some report language in also asking Legal Services to also look at something like this. There may be somewhere in Legal Services that someone could become an expert, could give some guidance to a mom or dad that is faced with this.

I also did not see the story, but my kids did, of the Sally Fields movie,

"Not Without My Daughter." I think is the name of that movie.

So I think the gentlewoman is onto something very important. We will work with the gentlewoman to do some language or do something to see if we can push the ball a little farther forward so that if a mom or a dad is in some situation that there is some place to go or some help or some guidance. So we will be glad to work with the gentlewoman.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) insist on his point of order?

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

The CHAIRMAN. Would the gentlewoman from Texas (Ms. JACKSON-LEE) like to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Yes, Mr. Chairman.

First of all, let me say that, because of the nature of this issue, I had hoped that we could waive the point of order and allow some help for these desperate families. But I must say to the gentleman from Virginia, I want to thank him, and I think the ultimate goal is to work this through. Let me thank the gentleman for his offer, and let me say that I would like to work with him on this matter.

Mr. LAMPSON. Mr. Chairman, I concur; and I look forward to working with both of my colleagues on this.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that this amendment explicitly supersedes existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent to at this time offer out of order my "Buy American" amendment.

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

There was no objection.

AMENDMENT NO. 38 OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. TRAFICANT:

Page 108, after line 7, insert the following new section:

SEC. ____ . No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

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

As my colleagues know, I had two amendments at the desk. At the request of both the gentleman from Virginia (Mr. WOLF), the fine chairman in his first term of this subcommittee, and the gentleman from New York (Mr. SERRANO), our outstanding ranking member, I will not offer the second amendment that deals with overcrowding of Federal prisons, except to say when there were great headlines of one murder and killing in a private prison, that same year there were nine murders, killings in Federal prisons. I am advising both of these Members to take a look at the conditions of overcrowding, rape and serious problems in the Federal Prison System that have been swept under the rug.

Mr. Chairman, back to my specific amendment here that is being offered, and I would like the chairman's attention.

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

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

Mr. WOLF. Mr. Chairman, I am confused as to which amendment we are discussing. Is this the Buy American?

Mr. TRAFICANT. Yes, it is, Mr. Chairman. I will not offer the other amendment. I have advised both the chairman and ranking member to look seriously at overcrowding and rape and serious problems in the Federal Bureau of Prisons.

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

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

Mr. WOLF. Mr. Chairman, that is why we opposed the Hinchey amendment last night that proposed to take \$73 million out of the Bureau of Prisons for that very reason. I think the gentleman is right.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I want to reflect briefly on my amendment on the floor.

Over the July 4 holiday when Americans celebrate Independence Day, the National Symphony Orchestra on the mall was performing, Mr. Chairman, and vendors were passing out on the mall to all those who came from throughout the United States to be a part of the Washington celebration of our freedom, they were passing out small plastic flags that were made in China. It may not seem like much, but I think we are giving away the farm. I think our trade policy sucks more than the suckerfish, and I think it is time we get a grip on this.

The amendment simply says, anybody who has a prior conviction of having violated the Buy American law in this country is not eligible for any monies in this bill. It has been attached to every other bill, and it should be approved without great debate.

But I am saying to Congress, we have a massive \$300 billion-plus trade deficit in America; 20,000 American jobs lost per billion of trade deficit. Now, one does not have to be a rocket scientist to figure out what is happening in this country.

So, with that, I would hope for his approval of this amendment; and I yield to the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee.

Mr. WOLF. Mr. Chairman, we accept the amendment.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished ranking member, the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, we are in support of the gentleman's amendment; and we congratulate him on his work.

Mr. TRAFICANT. Mr. Chairman, I ask for an "aye" vote. I thank both the chairman and ranking member for allowing me to go out of order under the circumstances.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 83, line 22, be considered as read, printed in the RECORD and open for 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 72, line 6, through page 83, line 22 is as follows:

In addition, not to exceed \$1,343,000 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, as amended; 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, \$487,735,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$210,000,000, to remain avail-

able until expended, as authorized: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$29,264,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (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, \$237,000,000, 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, \$6,485,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$9,400,000, to remain available until September 30, 2003.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), 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, \$470,000,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$815,960,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

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

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$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, \$17,044,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$135,629,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

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, \$850,000,000: *Provided*, 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, of the funds appropriated in this paragraph, \$100,000,000 may be made available only pursuant to a certification by the Secretary of State that the United Nations has taken no action in calendar year 2001 prior to the date of enactment of this Act 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 budget for the biennium 2000-2001 of \$2,535,700,000: *Provided further*, That if the Secretary of State is unable to make the aforementioned certification, the \$100,000,000 is to be applied to paying the current year assessment for other international organizations for which the assessment has not been paid in full or to paying the assessment due in the next fiscal year for such organizations, subject to the reprogramming procedures contained in Section 605 of this Act: *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, \$844,139,000: *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 to 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, \$24,705,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$5,520,000, 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, \$10,311,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$19,780,000: *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), as amended, \$9,250,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

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, 2002, 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, 2002, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$9,400,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$33,500,000, 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, construction, and improvement of facilities for radio and television transmission and reception to Cuba, \$453,106,000, 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, \$25,900,000, 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.

The SPEAKER pro tempore. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2002".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$89,054,000, of which \$13,000,000 shall remain available until expended for capital improvements at the U.S. Merchant Marine Academy.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$10,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$30,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2002, commitments to subsidize loans authorized under this heading shall not exceed \$1,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$3,978,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and

make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior Appropriations Act.

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, \$489,000, 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, \$1,499,000, 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, \$500,000, 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, as amended (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 \$30,000,000 for payments to State and local enforcement agencies for services to the

Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, 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, \$310,406,000: *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 (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$238,597,000, of which not to exceed \$300,000 shall remain available until September 30, 2003, for research and policy studies: *Provided*, That \$218,757,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and 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 2002 so as to result in a final fiscal year 2002 appropriation estimated at \$19,840,000: *Provided further*, That any offsetting collections received in excess of \$218,757,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002.

FEDERAL MARITIME COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$15,466,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

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; not to exceed \$2,000 for official reception and representation expenses, \$155,982,000: *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, as amended: *Provided further*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed \$155,982,000 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) 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 2002, so as to result in a final fiscal year 2002 appropriation from

the general fund estimated at not more than \$0, to remain available until expended: *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).

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, as amended, \$329,300,000, of which \$310,000,000 is for basic field programs and required independent audits; \$2,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$12,400,000 is for management and administration; and \$4,400,000 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 2001 and 2002, respectively.

Section 504(a)(16) of Public Law 104-134 is hereafter amended by striking "if such relief does not involve" and all that follows through "representation".

MARINE MAMMAL COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,732,000.

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, as amended, \$4,000,000.

PACIFIC CHARTER COMMISSION
SALARIES AND EXPENSES

For necessary expenses for the Pacific Charter Commission, as authorized by the Pacific Charter Commission Act of 2000 (Public Law 106-570), \$2,500,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$109,500,000 from fees collected in fiscal year 2002 to remain available until expended, and from fees collected in previous fiscal years, \$328,400,000, to remain available until expended; of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the

Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: *Provided further*, That fees collected as authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) for sales transacted on, and with respect to securities registered solely on, an exchange that is initially granted registration as a national securities exchange after February 24, 2000 shall be credited to this account as offsetting collections: *Provided further*, That for purposes of collections under section 31, a security shall not be deemed registered on a national securities exchange solely because that national securities exchange continues or extends unlisted trading privileges to that security.

□ 1545

AMENDMENT NO. 34 OFFERED BY MR. OXLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. OXLEY:

Page 94, beginning on line 9, strike “: *Provided further*, That fees” and all that follows through line 20 and insert a period.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. OXLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

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

Mr. Chairman, I offer this amendment to the Commerce-Justice-State appropriations bill to strike language that would amend the Federal securities laws with respect to the treatment of certain SEC fees.

The provisions that my amendment would strike pertain to an issue that has already been addressed in much more comprehensive form in the form of H.R. 1088, the Investor and Capital Markets Fee Relief Act.

That bill, which was approved in the House with a resounding bipartisan vote of 404 to 22, reduces the excess fees that investors are currently paying in connection with securities transactions, IPOs, and other securities activities.

My amendment strikes language that would change the treatment of certain exchange-traded transactions for purposes of allocating fees charged under section 31 of the Securities and Exchange Act for budgetary purposes.

Rather than addressing this issue in a piecemeal fashion and outside the consideration of the committee of jurisdiction, and that would be the Committee on Financial Services, it should be addressed, as it already has been, in H.R. 1088.

I want to thank my good friend, the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee, for his cooperation on this matter, as well as for his support of H.R. 1088, and urge all Members of the body to support my amendment to reduce SEC fees in a comprehensive manner, rather than in the appropriations process. I urge support for the amendment.

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

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

Mr. Chairman, we will accept the amendment. We have spoken with the gentleman from the class of 1980, and we have no objection to the amendment.

We want to assure the gentleman that these provisions were not intended to infringe upon the gentleman's jurisdiction in any way.

Lastly, if there are any unforeseen circumstances, as we mentioned to the gentleman, in which the gentleman's legislation is not enacted, the committee will need to reconsider the inclusion of this language in the conference report.

But it is a good amendment, and we strongly accept it.

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

Mr. Chairman, I will be very brief. I just want to reiterate what the chairman just said. We, of course, support the gentleman's amendment; but if we run into this problem that the gentleman's bill is not passed, we would hope that he will join us in making sure that this language is put back in. He is shaking his head.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

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, \$303,581,000: *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, as amended (5 U.S.C. App.), \$11,927,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$1,500,000, to be available until expended; and for the cost of guaranteed loans, \$77,000,000, as authorized by 15 U.S.C. 631 note, of which \$45,000,000 shall remain available until September 30, 2003: *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, as amended: *Provided further*, That during fiscal year 2002 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed \$3,750,000,000: *Provided further*, That during fiscal year 2002 commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, 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 2002 guarantee commitments under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed \$4,100,000,000.

AMENDMENT NO. 5 OFFERED BY MR. MANZULLO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MANZULLO:

Page 96, line 10, strike “\$4,100,000,000” and insert the following:

the levels established by section 20(h)(1)(C) of the Small Business Act (15 U.S.C. 631 note)

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

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

Mr. Chairman, I bring this amendment, along with my colleague, the ranking minority member on the Committee on Small Business, the gentleman from New York (Ms. VELÁZQUEZ), and thank her for her help.

This amendment is very simple. It increases the guaranteed commitment levels for the Small Business Administration's two Small Business Investment Company programs to reflect the levels established by Congress in the SBA Reauthorization Act. It does not call for any increased spending.

Mr. Chairman, I understand that the gentleman from Virginia (Mr. WOLF) is going to accept the amendment.

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

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

Mr. WOLF. Mr. Chairman, we accept the amendment. The gentleman has worked with us in developing this amendment. We have no objection to it.

However, I would note that we have assumed a zero subsidy rate for the SBIC programs based on anticipated authorization changes.

I am sure the gentleman is aware that in the event those changes are not enacted, that both the SBIC programs do not operate with a zero subsidy rate, we will certainly not be in a position to maintain such a generous program level limitation.

With that, we accept the amendment and congratulate the gentleman.

Mr. MANZULLO. The gentleman is correct in his assumption.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment was agreed to.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 107, line 20, 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 96, line 11, through page 107, line 20, is as follows:

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, as amended, \$84,510,000, 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, as amended.

In addition, for administrative expenses to carry out the direct loan program, \$120,354,000, 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 \$110,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which \$9,854,000 is for indirect administrative expenses: *Provided*, That any amount in excess of \$9,854,000 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; 106 Stat. 4515-4516), \$6,835,000, to remain available until expended: *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.

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 2002, 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 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 2002, 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.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) 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.

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: (1) that the United Nations undertaking is a peace-keeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that 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 2002.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102-567: *Provided*, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. 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. 614. Hereafter, none of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. 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. 616. 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. 617. (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, as amended.

(b) Subsection (a)(1) of section 616 of that Act, as amended, is further amended—

(1) by striking "Claudy Myrthil,".

(c) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2002.

SEC. 618. 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 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. 619. 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 \$575,000,000 shall not be available for obligation until the following fiscal year.

SEC. 620. 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. 621. None of the funds appropriated in this Act shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 622. 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.

The CHAIRMAN. Are there any amendments to this section of the bill? The Clerk will read.

The Clerk read as follows:

SEC. 623. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

AMENDMENT NO. 33 OFFERED BY MR. OLVER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. OLVER:

Page 107, beginning on line 21, strike section 623 (relating to Kyoto Protocol).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

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

Mr. Chairman, the amendment that I have is a simple one. It detracts nothing from the respect that I have for the chairman, who has done such a good job with this bill, nor of the ranking member, the gentleman from New York (Mr. SERRANO), who has joined him in presenting what I think is, in whole, an excellent bill.

But I rise to strike section 623 from this legislation, which, as indicated, would be a provision on any funding used for anything, really, related to global warming. I hope that this amendment would be accepted.

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

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

Mr. WOLF. Mr. Chairman, we accept the amendment.

Mr. OLVER. Mr. Chairman, I thank the gentleman.

Mr. Chairman, for the most part, this bill is an excellent bill, and I greatly respect the outstanding work of the chairman of the subcommittee, the gentleman from Virginia, and of the ranking member on the subcommittee, the gentleman from New York.

I rise to strike section 623, an anti-environmental rider, which is meant to prevent any and all action to address the climate change caused by global warming.

Last week, the gentleman from Maryland (Mr. GILCREST) and I offered this same amendment on the Agriculture appropriations bill which was graciously accepted by the Chair and adopted by voice vote. Less than 2 months ago, this House adopted a sense of the Congress relating to global warming, in the Foreign Relations Authorization Act, and that sense of Congress pointed out that global climate change poses a significant threat to national security. And just this morning, the Chairman of the VA-HUD Appropriations Subcommittee, the gentleman from New York, removed this egregious language from that bill. I am extremely pleased to see that the debate on global warming, in the House of Representatives, is moving in the right direction.

Regardless of the fate of the Kyoto Protocol, there is overwhelming, peer reviewed, sound scientific evidence that global warming is occurring, and substantially due to human influence—the National Academy of Science has very recently reaffirmed that fact. Placing a gag order on federal agencies can only stifle our ability to address this critical environmental issue—at a time when carefully considered, but comprehensive action is needed.

As I explained last week, this rider is not new. It dates back to the Clinton Administration, when the majority believed with good reason that President Clinton would have acted to implement Kyoto.

But President Bush has made it clear that he has no intention of implementing the Kyoto Protocol. He has even declared the Kyoto protocol "dead."

So, if this Administration isn't even remotely thinking about implementing the Kyoto Protocol, what is the language that this amendment would strike really about?

It is really about preventing any serious progress at all on global warming—our most serious environmental issue for the 21st century. The rider is used to badger federal agencies and to demand repeated explanations for their environmental activities. The Inspector General was recently forced to investigate alleged violations of the rider by the EPA, Department of Energy, and the State Department and found no instances of violation.

This rider jeopardizes executive agency work on any and every issue related to climate change—which the U.S. is obligated to address as part of the United Nations framework Convention on climate change. Remember that the UN Framework Convention on climate change was proposed for ratification by then President George Herbert Walker Bush in September 1992, ratified by the Senate in October 1992, and took force in 1994.

Mr. Chairman, the United States has an obligation to be an international leader on global warming. We owe it to our children who deserve to inherit a healthy planet. The consequences of global warming will not be mild and we must be acting soon.

The American public wants this Congress and this Administration to find a way to address global warming. How we do that, is NOT the subject of today's debate. This vote has nothing to do with implementing or even liking the Kyoto Protocol.

I urge this body to pass this and all remaining Appropriation bills, free of this ill-conceived and unneeded rider. Allow our agencies to search for ways and measures authorized by the already ratified UN Framework to begin addressing greenhouse gases.

I urge a yes vote on the Gilchrest/Olver amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The amendment was agreed to.
The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

TITLE VII—RESCISSIONS
DEPARTMENT OF COMMERCE
DEPARTMENTAL MANAGEMENT
EMERGENCY OIL AND GAS GUARANTEED LOAN
PROGRAM ACCOUNT
(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, \$115,000,000 are rescinded.

EMERGENCY STEEL GUARANTEED LOAN
PROGRAM ACCOUNT
(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, \$10,000,000 are rescinded.

AMENDMENT NO. 25 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. 25 offered by Ms. JACKSON-
LEE of Texas:

Page 108, after line 22, insert the following:

**TITLE VIII—ADDITIONAL GENERAL
PROVISIONS**

SEC. 801. Of the amounts made available under the heading "Immigration and Naturalization Service, Enforcement and Border Affairs", \$20,000,000 may be used for a program of alternatives to detention for aliens who are not a danger to the community and are not likely to abscond.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I have a point of order against the amendment.

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

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it provides for an appropriation for an unauthorized program, and it therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I serve on the Committee on the Judiciary, the authorizing subcommittee, the Subcommittee on Immigration and Claims. In that capacity, I am seeing on a regular basis the impact that this amendment tries to address.

This amendment would earmark a relatively small amount of INS detention funds, \$20 million, for the implementation of alternatives to detention for those persons who are not a danger to society and are not in danger of absconding.

The financial and human costs of detaining foreign nationals in the United States has increased exponentially in recent years. INS detention costs now total more than \$1 billion a year. More than 22,000 aliens are currently detained by the INS, and the number is growing.

Sixty percent of detained aliens are held in local and county jails. The rest are detained in INS-owned and operated facilities. Many of these detained are neither a danger to themselves or their communities, and they are not in danger of absconding. Detaining these

people wastes valuable Federal resources that could be put to better use.

Detention is not only costly in dollars, it is costly, as well, in terms of human suffering, as people are needlessly separated from loved ones. Often the person in the detention is the breadwinner.

Asylum seekers, children, and other people with strong community ties should not be detained. The INS should support alternatives to detention nationwide. Faith-based and other organizations are willing to work with the INS to make such projects work.

I urge the committee to adopt this amendment that will be allowed to utilize alternative detention, particularly for those who are not prepared to abscond, are not dangerous to society, and are simply seeking the opportunity to be free in this country, away from persecution.

I believe this is a right direction and a response to those who are not in any way endangering the lives and conditions of Americans, like children, like families, and like those who simply want to be free.

Mr. WOLF. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman insists on his point of order.

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

The amendment proposes to earmark certain funds in the bill under Clause 2(a) of rule XXI. Such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the proponent of the amendment.

Finding that this burden has not been carried, the point of order is sustained and the amendment is not in order.

AMENDMENT NO. 21 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. 21 offered by Ms. JACKSON-
LEE of Texas:

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

**TITLE VIII—ADDITIONAL GENERAL
PROVISIONS**

SEC. 801. None of the funds made available in this Act may be used to remove, deport, or exclude any alien from the United States under the Immigration and Nationality Act for conviction of a crime if the alien—

- (1) before April 1, 1997, entered into a plea agreement under which the alien pled guilty to the crime that renders the alien inadmissible or deportable; and
- (2) after June 25, 2001—

(A) requests discretionary relief under section 212(c) of the Immigration and Nationality Act (as in effect at the time of the alien's plea agreement) on the ground that the opinion of the Supreme Court of the

United States rendered in *Immigration and Naturalization Service v. St. Cyr*, 533 U.S. ____ (2001) renders the alien eligible to seek such relief; and

(B) has not received a final order of removal, deportation, or exclusion upon denial of such request.

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

The CHAIRMAN. The gentleman from Virginia will be recognized in opposition to the amendment.

The Chair recognizes the gentleman from Texas (Ms. JACKSON-LEE).

□ 1600

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and the chairman, and I hope that by the time I conclude we will have an opportunity to agree on this amendment because it seeks to comply with a recent decision by the United States Supreme Court that aliens who came to a plea agreement prior to the enactment of the 1996 Anti-terrorism and Effective Death Penalty Act and Illegal Immigration Reform and Responsibility Act be afforded their due process rights by enabling them to seek relief from removal under the same circumstances that existed prior to the effective date of these 1996 acts.

In essence, this is simply to allow due process, which certainly is, I believe, an important remedy on the floor of this House. Specifically, my amendment would amend H.R. 2500 to specify that none of the funds in the bill may be used to remove, deport, or exclude an alien for a conviction of a crime if the alien entered into a plea agreement before April 1, 1997, or who, after June 25, 2001, requested 212(c) relief, which gives the Attorney General discretion to waive deportation of resident aliens under the Immigration and Naturalization Act, pursuant to the recent Supreme Court decision in *INS v. St. Cyr*, or who has not received a final deportation removal order.

On June 25, 2001, the United States Supreme Court issued a decision in the case of *INS v. St. Cyr* that people who had pleaded guilty to a deportable offense at a time when they may have been eligible for relief from removal under then section 212(c) of the Immigration and Nationality Act remain eligible for the 212(c) waiver. Under the Supreme Court ruling, so long as an immigrant was eligible for 212(c) waiver at the time of his or her guilty plea under the law as it existed at that time, they remain eligible for the waiver regardless of when the INS started deportation or removal proceedings.

There have been reports by some attorneys who represent clients who have become eligible for relief pursuant to the Supreme Court's *St. Cyr* decision that the INS is moving to remove them from the United States, despite their possible eligibility for a waiver and to be able to apply due process under the Supreme Court case.

I would suggest that if aliens who are represented by attorneys are being removed despite the decision of the Supreme Court, it is almost certain there are some individuals who are not represented who are also eligible for relief. Because there is no procedure to allow a person who has been removed from the United States to pursue 212(c) relief from outside the country, an individual who is removed from the United States would therefore be ineligible for the very relief which the Supreme Court has said they are now entitled to.

My amendment would not provide relief legislatively to any individuals. The decision on whether to grant relief would be up to the immigration judges. I do not interfere with that process. Those judges will be required to weigh the individual circumstances with the requirements of the law as the law existed prior to the enactment of AEDPA and the IIRIRA. Removal of these individuals prior to ascertaining the eligibility for 212(c) relief would constitute an unconscionable violation of their due process rights, in contravention of the decision of the U.S. Supreme Court.

I urge my colleagues to consider this correction, which is without a request for funding. It is, in essence, budget-neutral. It is simply to reinforce the due process that is necessary to provide anyone with their right to access justice.

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

Mr. Chairman, we really should not be going here. We should not be doing this. We are not the authorizers. This is so complex. It is my understanding that the INS is still trying to interpret this case and its subsequent impact on the INS.

We understand the gentlewoman is seeking to ensure that aliens qualified under the *St. Cyr* decision benefit from the decision, but I am not sure if the amendment does that or goes farther. The Committee on the Judiciary has concerns. We have been trying to reach the gentleman from Pennsylvania (Mr. GEKAS), who is chairman of the Subcommittee on Immigration and Claims; but he is not available.

This is a very complicated case. There are legions of lawyers at the INS still trying to figure this out, and I would not want, nor do I think the Congress would want, to impose another layer that would only complicate this issue. So this is just not a place we should go, and I strongly urge that we oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on

the amendment offered by the gentleman from Texas (Ms. JACKSON-LEE) will be postponed.

AMENDMENT NO. 20 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. 20 offered by Ms. JACKSON-LEE of Texas:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in title I of this Act may be used to prohibit states from participating in voluntary child safety gun lock programs.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Ms. JACKSON-LEE) for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I thank my colleagues for their indulgence.

We have found over the course of this debate dealing with safety and guns, and I want to remove this from being a divisive debate, that we have a lot that we can agree upon. In fact, the President of the United States himself, while the Governor of the State of Texas, supported voluntary trigger lock programs. This particular amendment is a limitation and does not have a budget impact. It simply asks that we not allow any funds to be utilized to prohibit the utilization or the implementation of voluntary safety lock programs in the States throughout the Nation.

Each year, teenagers and children are involved in more than 10,000 accidental shootings in which close to 800 people die. In addition, every year 1,300 children use firearms to commit suicide. In 1998, the year for which the most recent total statistics are available, there were 1,971 juvenile deaths attributable to firearms. Of the juvenile total, 1,062 were homicides or due to legal interventions; 648 were suicides; 207 were unintentional; and 54 were of unknown causes. From 1993 to 1998, firearm-related deaths for juveniles have decreased by an average rate of 10 percent annually, for an overall decrease of 40 percent.

However, even one child who dies from a gun death is one too many. And I am sure that we all can come to an agreement that we have had a meeting of the minds on the value of voluntary trigger lock programs, safety programs that, one, can be taught in the school; and, two, can engage parents and communities to be able to assist us in working together. I also have had hearings on the issue of bullying in the

schools, so I recognize that there are many elements to violence among children. But if we can do anything that would ensure that we have a common agreement, it is to be able to support safety locks and the technology behind them.

I would also just say to my colleagues that safety locks have been tested. The committee has reported that no funds shall be obligated for the purchase and distribution of gun safety locks until the National Institute of Standards and Technology develops national standards for the locks, but we are also asking that they not prevent individual jurisdictions from participating in a gun safety lock program.

With that, Mr. Chairman, I ask my colleagues to join in supporting this amendment, which has no statement on a Member's support or nonsupport on guns. It only says we want to make sure that our children are safe.

Mr. Chairman, this amendment to Title I of the appropriations bill, which provides spending for the Department of Justice, states that no federal funds can be used to prohibit states from participating in voluntary gun child safety-lock programs.

As a parent and chair of the Congressional Children's Caucus, the safety of children is of utmost concern to me. For example, this year I have introduced H.R. 70, a bill which would prohibit keeping a loaded firearm or an unloaded firearm and ammunition within any premises knowingly or recklessly disregarding the risk that a child is capable of gaining access to it and will use the firearm to cause death or serious bodily injury.

Even more alarming, is the fact that the number of homicides committed annually with a firearm by persons in the 14- to 24-year-old age group increased sharply from 1985 to 1993; they have declined since then, but not to the 1985 level. According to the Bureau of Justice Statistics, from 1985 to 1993, the number of firearm-related homicides committed by 14- to 17-year-olds increased by 294%, from 855 to 3,371. From 1993 to 1999, the number of firearm-related homicides committed by persons in this age group decreased by 65%, from 3,371 to 1,165. A Department of Justice survey indicated that 12.7% of students age 12 to 19 reported knowing a student who brought a firearm to school. We have made valuable strides in protecting our youth from gun violence, but we have not done enough.

This Congress and the Administration have taken an important step in this bill by requesting \$75 million for Program ChildSafe. According to the majority Committee's report on this program, it will help make sure that gun safety locks are available for every handgun in America. Although this legislation does not require gun safety locks, as should be done, its intent is commendable.

However, by offering this amendment, I want to make sure that there is no other "back door" legislation that will act to discourage states from participating in this or any other federally funded program that provides gun safety locks.

Gun safety locks will not save all our children from death from a gun. However, they do

play an important role in protecting children who get access to a gun. It is important that at both the state and federal levels our government supports these efforts, not hampers them.

I urge my colleagues to join me in supporting this amendment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume, and I rise to simply say that we accept the gentlewoman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

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. 29 offered by the gentlewoman from New York (Mrs. MALONEY), amendment No. 28 offered by the gentlewoman from New York (Mrs. MALONEY), amendment No. 17 offered by the gentleman from Texas (Mr. DELAY), and amendment No. 21 offered by the gentlewoman from Texas (Ms. JACKSON-LEE of Texas).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 29 OFFERED BY MRS. MALONEY OF NEW YORK

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 29 offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 217, not voting 7, as follows:

[Roll No. 239]

AYES—209

Abercrombie	Brown (FL)	DeLauro
Ackerman	Brown (OH)	Deutsch
Allen	Capps	Dicks
Andrews	Capuano	Dingell
Baca	Cardin	Doggett
Baird	Carson (IN)	Dooley
Baldacci	Carson (OK)	Doyle
Baldwin	Clay	Edwards
Barcia	Clayton	Engel
Barrett	Clement	Eshoo
Becerra	Clyburn	Etheridge
Bentsen	Condit	Evans
Berkley	Conyers	Farr
Berman	Costello	Fattah
Berry	Coyne	Flner
Bishop	Cramer	Fletcher
Blagojevich	Crowley	Ford
Blumenauer	Cummings	Frank
Bonior	Davis (CA)	Frost
Borski	Davis (FL)	Gephardt
Boswell	Davis (IL)	Gonzalez
Boucher	DeFazio	Gordon
Boyd	DeGette	Green (TX)
Brady (PA)	Delahunt	Gutierrez

Hall (OH)	Matheson	Rothman
Harman	Matsui	Royal-Ballard
Hastings (FL)	McCarthy (MO)	Rush
Hill	McCarthy (NY)	Sabo
Hilliard	McCollum	Sanchez
Hinchey	McDermott	Sanders
Hinojosa	McGovern	Sandlin
Hoefel	McIntyre	Sawyer
Holden	McKinney	Schakowsky
Holt	McNulty	Schiff
Honda	Meehan	Scott
Hookey	Meek (FL)	Serrano
Hoyer	Meeks (NY)	Sherman
Inslee	Menendez	Shows
Israel	Millender-	Skelton
Jackson (IL)	McDonald	Slaughter
Jackson-Lee	Miller, George	Smith (WA)
(TX)	Mink	Snyder
John	Mollohan	Solis
Johnson, E. B.	Moore	Spratt
Jones (OH)	Moran (VA)	Stark
Kanjorski	Morella	Strickland
Kaptur	Murtha	Stupak
Kennedy (RI)	Nadler	Tanner
Kildee	Napolitano	Tauscher
Kilpatrick	Neal	Taylor (MS)
Kind (WI)	Oberstar	Thompson (CA)
Klecza	Obey	Thompson (MS)
Kucinich	Oliver	Thurman
LaFalce	Ortiz	Tierney
Lampson	Owens	Towns
Langevin	Pallone	Turner
Lantos	Pascarell	Udall (CO)
Larsen (WA)	Pastor	Udall (NM)
Larson (CT)	Payne	Velázquez
Lee	Pelosi	Visclosky
Levin	Peterson (MN)	Waters
Lewis (GA)	Phelps	Watson (CA)
Lipinski	Pomeroy	Watt (NC)
Lofgren	Price (NC)	Waxman
Lowe	Rahall	Weiner
Lucas (KY)	Rangel	Wexler
Luther	Reyes	Woolsey
Maloney (CT)	Rivers	Wu
Maloney (NY)	Rodriguez	Wynn
Markey	Roemer	
Mascara	Ross	

NOES—217

Aderholt	DeLay	Hostettler
Akin	DeMint	Houghton
Armey	Diaz-Balart	Hulshof
Bachus	Doolittle	Hunter
Baker	Dreier	Hyde
Ballenger	Duncan	Isakson
Barr	Dunn	Issa
Bartlett	Ehlers	Istook
Barton	Ehrlich	Jenkins
Bass	Emerson	Johnson (CT)
Bereuter	English	Johnson (IL)
Biggert	Everett	Johnson, Sam
Bilirakis	Ferguson	Jones (NC)
Blunt	Flake	Keller
Boehert	Foley	Kelly
Boehner	Forbes	Kennedy (MN)
Bonilla	Fossella	Kerns
Bono	Frelinghuysen	King (NY)
Brady (TX)	Galleghy	Kingston
Brown (SC)	Ganske	Kirk
Bryant	Gekas	Knollenberg
Burr	Gibbons	Kolbe
Burton	Gilchrest	LaHood
Buyer	Gillmor	Largent
Callahan	Goode	Latham
Calvert	Goodlatte	LaTourette
Camp	Goss	Leach
Cannon	Graham	Lewis (CA)
Cantor	Granger	Lewis (KY)
Capito	Graves	Linder
Castle	Green (WI)	LoBiondo
Chabot	Greenwood	Lucas (OK)
Chambliss	Grucci	Manzullo
Coble	Gutknecht	McCrery
Collins	Hall (TX)	McHugh
Combest	Hansen	McInnis
Cooksey	Hart	McKeon
Cox	Hastings (WA)	Mica
Crane	Hayes	Miller (FL)
Crenshaw	Hayworth	Miller, Gary
Cubin	Hefley	Moran (KS)
Culberson	Herger	Myrick
Cunningham	Hilleary	Nethercutt
Davis, Jo Ann	Hobson	Ney
Davis, Tom	Hoekstra	Northup
Deal	Horn	Norwood

Nussle	Ryan (WI)	Tauzin
Osborne	Ryun (KS)	Taylor (NC)
Ose	Saxton	Terry
Otter	Scarborough	Thomas
Oxley	Schaffer	Thornberry
Pence	Schrock	Thune
Peterson (PA)	Sensenbrenner	Tiahrt
Petri	Sessions	Tiberi
Pickering	Shadegg	Toomey
Pitts	Shaw	Trafigant
Platts	Shays	Upton
Pombo	Sherwood	Vitter
Portman	Shimkus	Walden
Pryce (OH)	Shuster	Walsh
Putnam	Simmons	Wamp
Quinn	Simpson	Watkins (OK)
Radanovich	Skeen	Watts (OK)
Ramstad	Smith (MI)	Weldon (PA)
Regula	Smith (NJ)	Weller
Rehberg	Smith (TX)	Whitfield
Reynolds	Souder	Wicker
Rogers (KY)	Stearns	Wilson
Rogers (MI)	Stenholm	Wolf
Rohrabacher	Stump	Young (AK)
Ros-Lehtinen	Sununu	Young (FL)
Roukema	Sweeney	
Royce	Tancredo	

NOT VOTING—7

Gilman	Paul	Weldon (FL)
Hutchinson	Riley	
Jefferson	Spence	

□ 1634

Mr. TERRY changed his vote from "aye" to "no."

Messrs. RANGEL, TOWNS, TURNER, BOSWELL, and FLETCHER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GILMAN. Mr. Chairman, on rollcall No. 239 I was inadvertently detained. Had I been present, I would have voted "no".

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, let me begin by appreciating the members of the committee, the floor managers, and the Members with amendments for their cooperative work today. We are making fine progress on this bill. There is every reason for us to understand that we can complete our work on this bill this evening. So after this series of votes, I am going to ask the committee to go back to this bill. We would expect to complete our work on this bill this evening. We would then probably find it late in the evening, too late, to pick up H.R. 7 tonight, so we would turn our attention to H.R. 7 in the morning as the first order of business following the rule.

I want to again thank everybody for their cooperation and say, let us go back to work and get this bill done.

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

Mr. ARMEY. I yield to the gentleman from Texas.

Mr. OBEY. Let me simply say, I agree with the gentleman that the committee is making good progress. There are still a number of hurdles that we are going to have to get over tonight if we are going to be finished. It will require the cooperation of every Member in terms of limiting time on amendments which we will try to get done. We are not there yet, but I hope that we can get there if we have a reasonable sense of flexibility on Members' part.

Mr. ARMEY. Mr. Chairman, I may just remind all the Members, unless you had a particular fire burning in your heart, you would always find it an attractive option to put it in the RECORD.

AMENDMENT NO. 28 OFFERED BY MRS. MALONEY OF NEW YORK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) 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. Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—ayes 215, noes 215, not voting 3, as follows:

[Roll No. 240]

AYES—215

Abercrombie	Costello	Hastings (FL)
Ackerman	Coyne	Hill
Allen	Cramer	Hilliard
Andrews	Crowley	Hinches
Baca	Cummings	Hinojosa
Baird	Davis (CA)	Hoeffel
Baldacci	Davis (FL)	Holden
Baldwin	Davis (IL)	Holt
Barcia	DeFazio	Honda
Barrett	DeGette	Hooley
Becerra	DeLaunt	Hoyer
Bentsen	DeLauro	Inslee
Berkley	Deutsch	Israel
Berman	Diaz-Balart	Jackson (IL)
Berry	Dicks	Jackson-Lee
Bishop	Dingell	(TX)
Blagojevich	Doggett	Jefferson
Blumenauer	Dooley	John
Bonior	Doyle	Johnson, E. B.
Bono	Edwards	Jones (OH)
Borski	Engel	Kanjorski
Boswell	Eshoo	Kaptur
Boucher	Etheridge	Kennedy (RI)
Boyd	Evans	Kildee
Brady (PA)	Farr	Kilpatrick
Brown (FL)	Fattah	Kind (WI)
Brown (OH)	Filner	Klecza
Capps	Ford	Kucinich
Capuano	Frank	LaFalce
Cardin	Frost	Lampson
Carson (IN)	Gephardt	Langevin
Carson (OK)	Gonzalez	Lantos
Clay	Gordon	Larsen (WA)
Clayton	Green (TX)	Larson (CT)
Clement	Gutierrez	Lee
Clyburn	Hall (OH)	Levin
Condit	Hall (TX)	Lewis (GA)
Conyers	Harman	Lipinski

Lofgren	Obey	Skelton
Lowey	Olver	Slaughter
Lucas (KY)	Ortiz	Smith (WA)
Luther	Owens	Snyder
Maloney (CT)	Pallone	Solis
Maloney (NY)	Pascrell	Spratt
Markey	Pastor	Stark
Mascara	Payne	Stenholm
Matheson	Pelosi	Strickland
Matsui	Peterson (MN)	Stupak
McCarthy (MO)	Phelps	Tanner
McCarthy (NY)	Pomeroy	Tauscher
McCollum	Price (NC)	Taylor (MS)
McDermott	Rahall	Thompson (CA)
McGovern	Rangel	Thompson (MS)
McIntyre	Reyes	Thurman
McKinney	Rivers	Tierney
McNulty	Rodriguez	Towns
Meehan	Roemer	Turner
Meek (FL)	Ros-Lehtinen	Udall (CO)
Meeks (NY)	Ross	Udall (NM)
Menendez	Rothman	Velazquez
Millender-	Roybal-Allard	Visclosky
McDonald	Rush	Waters
Miller, George	Sabo	Watson (CA)
Mink	Sanchez	Watt (NC)
Mollohan	Sanders	Waxman
Moore	Sandin	Weiner
Moran (VA)	Sawyer	Wexler
Morella	Schakowsky	Wilson
Murtha	Schiff	Woolsey
Nadler	Scott	Wu
Napolitano	Serrano	Wynn
Neal	Sherman	
Oberstar	Shows	

NOES—215

Aderholt	Fletcher	LaTourette
Akin	Foley	Leach
Armey	Forbes	Lewis (CA)
Bachus	Fossella	Lewis (KY)
Baker	Frelinghuysen	Linder
Ballenger	Gallely	LoBiondo
Barr	Ganske	Lucas (OK)
Bartlett	Gekas	Manzullo
Barton	Gibbons	McCrery
Bass	Gilchrest	McHugh
Bereuter	Gillmor	McInnis
Biggert	Gilman	McKeon
Bilirakis	Goode	Mica
Blunt	Goodlatte	Miller (FL)
Boehlert	Goss	Miller, Gary
Boehner	Graham	Moran (CA)
Bonilla	Granger	Myrick
Brady (TX)	Graves	Nethercutt
Brown (SC)	Green (WI)	Ney
Bryant	Greenwood	Northup
Burr	Grucci	Norwood
Burton	Gutknecht	Nussle
Buyer	Hansen	Osborne
Callahan	Hart	Ose
Calvert	Hastings (WA)	Otter
Camp	Hayes	Oxley
Cannon	Hayworth	Paul
Cantor	Hefley	Pence
Capito	Herger	Peterson (PA)
Castle	Hilleary	Petri
Chabot	Hobson	Pickering
Chambliss	Hoekstra	Pitts
Coble	Horn	Platts
Collins	Hostettler	Pombo
Combust	Houghton	Portman
Cooksey	Hulshof	Pryce (OH)
Cox	Hunter	Putnam
Crane	Hyde	Quinn
Crenshaw	Isakson	Radanovich
Cubin	Issa	Ramstad
Culberson	Istook	Regula
Cunningham	Jenkins	Rehberg
Davis, Jo Ann	Johnson (CT)	Reynolds
Davis, Tom	Johnson (IL)	Rogers (KY)
Deal	Johnson, Sam	Rogers (MI)
DeLay	Jones (NC)	Rohrabacher
DeMint	Keller	Roukema
Doolittle	Kelly	Royce
Dreier	Kennedy (MN)	Ryan (WI)
Duncan	Kerns	Ryun (KS)
Dunn	King (NY)	Saxton
Ehlers	Kingston	Scarborough
Ehrlich	Kirk	Schaffer
Emerson	Knollenberg	Schrock
English	Kolbe	Sensenbrenner
Everett	LaHood	Sessions
Ferguson	Largent	Shadegg
Flake	Latham	Shaw

Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu

Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter

NOT VOTING—3

Hutchinson
Riley
Spence

□ 1646

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. DELAY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 424, noes 6, not voting 3, as follows:

[Roll No. 241]

AYES—424

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)

Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings

Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley

Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchee
Hinojosa
Hobson
Hoefel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin

Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeke (NY)
Menendez
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascarella
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad

Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)

Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller

Wexler
Whitfield
Wicker
Wilson
Wolf

NOES—6

Ackerman
Clay

Hastings (FL)
McDermott

NOT VOTING—3

Riley
Shows
Spence

□ 1654

Mr. STARK changed his vote from “aye” to “no.”

Mr. MORAN of Virginia changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) 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 189, noes 242, not voting 2, as follows:

[Roll No. 242]

AYES—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings

Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Frank
Gephardt
Gonzalez
Green (TX)
Grucci
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hilliard
Hinchee
Hoefel
Holt
Honda
Hooley
Hoyer
Inslee
Israel

Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (NY)
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan

Meek (FL) Pelosi
 Meeks (NY) Peterson (MN)
 Menendez Pomeroy
 Millender-Price (NC)
 McDonald Rahall
 Miller, George Rangel
 Mink Reyes
 Mollohan Rivers
 Moore Rodriguez
 Moran (VA) Ros-Lehtinen
 Morella Rothman
 Murtha Roybal-Allard
 Nadler Rush
 Napolitano Sabo
 Neal Sanchez
 Oberstar Sanders
 Obey Sandlin
 Olver Sawyer
 Ortiz Scarborough
 Owens Schakowsky
 Pallone Schiff
 Pascrell Scott
 Pastor Serrano
 Payne Sherman

NOES—242

Aderholt Ganske
 Akin Gekas
 Arney Gibbons
 Bachus Gilchrest
 Baker Gillmor
 Ballenger Gilman
 Barr Goode
 Bartlett Goodlatte
 Barton Gordon
 Bass Goss
 Bereuter Graham
 Berry Granger
 Biggert Graves
 Bilirakis Green (WI)
 Blunt Greenwood
 Boehlert Gutknecht
 Boehner Hall (OH)
 Bonilla Hansen
 Bono Hart
 Boyd Hastings (WA)
 Brady (TX) Hayes
 Brown (SC) Hayworth
 Bryant Hefley
 Burr Herger
 Burton Hill
 Buyer Hilleary
 Callahan Hinojosa
 Calvert Hobson
 Camp Hoekstra
 Cannon Holden
 Cantor Horn
 Capito Hostettler
 Carson (OK) Houghton
 Castle Hulshof
 Chabot Hunter
 Chambliss Hutchinson
 Coble Hyde
 Collins Isakson
 Combest Issa
 Cooksey Istook
 Cox Jenkins
 Cramer John
 Crane Johnson (CT)
 Crenshaw Johnson (IL)
 Cubin Johnson, Sam
 Culberson Jones (NC)
 Cunningham Keller
 Davis, Jo Ann Kelly
 Davis, Tom Kennedy (MN)
 Deal Kerns
 DeLay Kingston
 DeMint Kirk
 Doolittle Knollenberg
 Dreier Kolbe
 Duncan LaHood
 Dunn Largent
 Ehlers Latham
 Ehrlich LaTourette
 Emerson Leach
 English Lewis (CA)
 Everett Lewis (KY)
 Ferguson Linder
 Flake LoBiondo
 Fletcher Lucas (KY)
 Foley Lucas (OK)
 Forbes Maloney (CT)
 Fossella Manzullo
 Frelinghuysen Markey
 Gallegly McCrery

Slaughter
 Smith (WA)
 Solis
 Stark
 Stenholm
 Strickland
 Tauscher
 Thompson (CA)
 Thompson (MS)
 Tierney
 Towns
 Udall (CO)
 Udall (NM)
 Velázquez
 Waters
 Watson (CA)
 Watt (NC)
 Waxman
 Weiner
 Wexler
 Woolsey
 Wu
 Wynn

Stupak
 Sununu
 Sweeney
 Tancredo
 Tanner
 Tauzin
 Taylor (MS)
 Taylor (NC)
 Terry
 Thomas
 Thornberry
 Thune

Riley

NOT VOTING—2

Spence

□ 1704

So the amendment was rejected.
 The result of the vote was announced as above recorded.

Mr. MARKEY. Mr. Chairman, during rollcall vote No. 242 on H.R. 2500 I mistakenly recorded my vote as a “no” when I should have voted “yes.”

Mr. OBEY. Mr. Chairman, as the designee of the gentleman from New York (Mr. SERRANO), I move to strike the last word.

Mr. Chairman, it has been my intent to offer today an amendment to this bill that would have been a straight limitation on the Federal Communications Commission prohibiting the Commission from implementing any change in the current rules related to media cross-ownership and concentration of media ownership issues.

I am concerned with the current level of concentration in media markets. I think there are too few media outlets in many markets across the country. A concentration of media power into the hands of a few media companies is an issue I think every one of us in this body ought to be concerned about, and I think we need to take a closer look at this issue. That was the purpose of my amendment.

I am concerned that the current group of commissioners on the FCC, particularly the chairman, does not share this concern and may even be laying the groundwork for relaxing or even eliminating some of the media ownership limitations on the books at the FCC.

My amendment would not have tied the agency’s hands in considering proposed changes. I just wanted to make sure that the Congress had an opportunity to review the proposals in the appropriate forum before the FCC could implement any changes to those rules. My amendment, therefore, would have delayed until the end of the year the implementation of any proposed changes to the rules addressed in media cross-ownership and concentration.

I know the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce, shares many of my concerns; and I know he also had concerns about the amendment I was considering because he feared it would tie the hands of the Commission to respond to any court order challenging the current rules, if there is such a court order, during the fiscal year.

So I would like to engage in a colloquy with the gentleman. Knowing of the gentleman’s concerns regarding the issue of diversity in the media and maintaining the voice of local broadcasting, I would urge him to keep this issue at the front of the debate on the Committee on Energy and Commerce, and I would ask the gentleman one question: Can he tell us if the authorizing committee intends to hold hearings on the issue of media ownership?

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

Mr. OBEY. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, first of all, I want to commend the gentleman for his position.

Second of all, I want to thank him for yielding.

Third of all, I want to tell the gentleman that I strongly agree with him. I assure the gentleman that I share his concerns about excessive concentration of ownership in media markets. In fact, I think there is too much concentration at this time. In fact, I just recently wrote the chairman of the FCC, as the gentleman knows, and expressed my strong belief that the current broadcast ownership cap should be retained and that the public interest requires that that be done. However, I also believe that the amendment originally proposed by my friend might have had some unintended consequences; and I want to thank him for deciding not to offer it today.

I will assure the gentleman from Wisconsin (Mr. OBEY) that I will work with him in all kinds of ways and on all occasions to try and see to it that his view and my view prevail on the matter of increasing concentration in the media.

There are several court cases pending that many believe will remand certain media ownership rules back to the FCC for further consideration and revision. Unless and until the FCC acts pursuant to a court order, there would be no ownership limitations in place if the amendment carried. That is an outcome that I believe neither of us would like to see.

I will assure the gentleman from Wisconsin that I will continue to work within the legislative committee. It will be my intent to work with my good friend from Wisconsin to assure that existing constraints on excessive media concentration are maintained. To that end, I am going to be requesting the chairman of the Committee on Energy and Commerce to hold hearings on that topic so that we can make better informed judgment as to how we might best protect the American public from the very real dangers that media concentration and media ownership concentration issues present.

Mr. Chairman, I want to thank the gentleman for yielding to me, and I want to commend him for what he has

had to say today, and I wish to say to him again, I agree with him.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman. Let me simply say that I think that is a very helpful comment from him.

I think Members need to understand that we are in danger of seeing news outlets in this country virtually homogenized. We are in danger of seeing many local voices stilled by these constant mergers and mega-mergers between media corporations. We need a diversity of media expression in this country, and I hope that the FCC does not contribute to the exact opposite, as I fear they may be planning, and I thank the gentleman.

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. REYNOLDS) 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. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

FURTHER LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2500 in the Committee of the Whole, pursuant to House Resolution 192 and the order of the House of July 17, 2001, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment); amendments numbered 14, 26 shall be debatable only for 10 minutes equally divided and controlled by the proponent and an opponent; amendments numbered 3, 30, 6, 7, shall be debatable only for 20 minutes equally divided and controlled by the proponent and an opponent; and, lastly, amendment numbered 12 shall be debatable only for 60 minutes equally divided and controlled by the proponent and an opponent.

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

Mr. SERRANO. Mr. Speaker, reserving my right to object, and I will not object, but I just wanted to know, does our agreement now leave, to the gen-

tleman's understanding, any amendments that are not covered by time limits?

Mr. WOLF. Mr. Speaker, if the gentleman will yield, there are just a couple that are not.

Mr. SERRANO. Mr. Speaker, do we know exactly how many?

Mr. WOLF. Mr. Speaker, I do not know. We will try to find out.

Mr. SERRANO. Mr. Speaker, I withdraw my reservation of objection.

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, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 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. 2500.

□ 1712

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. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, 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, the bill was open for amendment from page 108, line 17, through page 108, line 22.

Pursuant to the further order of the House, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, may offer one pro forma amendment for the purpose of further debate on any pending amendment); amendments numbered 14, 26 shall be debatable only for 10 minutes equally divided and controlled by a proponent and an opponent; amendments numbered 3, 30, 6 and 7 shall be debatable only for 20 minutes equally divided and controlled by a proponent and an opponent; and amendment numbered 12 shall be debatable only for 60 minutes equally divided and controlled by a proponent and an opponent.

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

I yield to the gentlewoman from California (Ms. ROYBAL-ALLARD) for the purpose of a colloquy with myself, the gentleman from Virginia (Mr. WOLF), and several other Members.

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentleman for yielding.

I greatly appreciate the past support of the Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies for programs that assist communities and industries adversely impacted by foreign trade, communities such as those in my own district where the textile and apparel industry has taken a significant hit from foreign competition over the last decade.

□ 1715

This has resulted in the loss of thousands of jobs to Mexico, China, and other countries.

The National Textile Center, administered by the Department of Commerce, helps to counter the negative impact of foreign competition through research that supports state-of-the-art manufacturing in our domestic textile and apparel industry.

Incredibly, the University of California, with an internationally recognized textile science program, is not a member of the National Textile Center consortium. As a result, it has been unable to obtain grants from the National Textile Center for its important research.

What makes the exclusion of the University of California even more surprising is the fact that California is the second largest textile- and apparel-producing State in the Nation, the leading manufacturer of apparel in the United States, having produced \$13 billion worth of goods last year alone. And nationally, California is the largest employer in the apparel and textile trade, employing over 144,000 Californians.

If the National Textile Center is to be truly national, its membership should not be limited to eastern and southeastern institutions alone. Textile manufacturing in California is very different, and the emphasis of the University of California's research programs differs from that of these institutions.

As one of the leading manufacturing States in the country and a significant contributor to our Nation's economy, California's institutions are more than worthy of membership in the National Textile Center consortium.

I look forward to working with the gentleman from Virginia (Chairman WOLF) to implement a true national program that supports the textile and apparel industry throughout the United States.

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

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

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

Mr. Chairman, I would like to continue the discussion. For the last 9 years, the member colleges and universities of the National Textile Center have been doing research and outreach and support of the textile industry. Its