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House of Representatives

□ 1400

CONFERENCE REPORT ON H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. YOUNG of Florida. Mr. Speaker, pursuant to a previous order of the House, I call up the conference report to accompany the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the order of the House of Monday, July 22, 2002, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of July 19, 2002 at page H 4935.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying H.R. 4775, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I am pleased to bring to the House the conference report on the 2002 supplemental appropriations bill. This is a war-time supplemental to add further to our efforts to respond to the terrorist attacks on September 11, to provide necessary funding to pursue the al Qaeda, to secure America, and to support further recovery from the vicious attack on September 11 of last year.

On May 24, almost 2 months ago, the House passed this version of this supplemental by a vote of 280 to 138. Two weeks later, the Senate passed its version of the bill. Over the past month and a half, we have worked diligently to address the differences in the House and Senate bills. The agreement being presented here to the House today is a fair bill that provides the funding that President Bush has requested as he leads our Nation against terrorism.

Mr. Speaker, this is a tremendously important bill, and I would again like to state that this is a wartime supplemental appropriations bill. It provides money for our troops, our intelligence community, our safety and security, the victims of New York, and to promote U.S. foreign policy.

The bill totals $28.9 billion in discretionary spending; $15 billion of that is for the Defense Department, including additional funds for the call-up of the Guard and Reserves as they were called to active duty to respond to September 11; $6.7 billion is for homeland security requirements; $2.1 billion is for foreign assistance and embassy security programs; and $5.5 billion is to further support recovery in New York.

The bill also includes $1 billion in funds to avert the estimated shortfalls in the Pell Grant student aid program. It includes $417 million for veterans' medical care, $205 million for Amtrak, $400 million for programs and activities to improve general election administration in our country, and $100 million to begin to address the need to respond to floods and the tremendous fires that our Nation has experienced and is still experiencing.

The committee has identified $3 billion in offsets to help pay for much of the new spending contained in the bill. These offsets are real, they are actual offsets; they are not smoke and mirrors.

It is a good bill, and I hope we can get it to the President's desk as soon as possible so that our soldiers, our diplomats, our law enforcement, and our intelligence officers can have the resources they need to protect our country from future attacks. At this point in the RECORD I will insert a table identifying the details of the conference report.

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H.R. 4775 - SUPPLEMENTAL APPROPRIATIONS ACT, 2002

(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
CHAPTER 1						
DEPARTMENT OF AGRICULTURE						
Office of the Secretary (contingent emergency)	---	---	18,000	18,000	+18,000	---
Agricultural Research Service						
Salaries and expenses (contingent emergency)	---	---	16,000	8,000	+8,000	-8,000
Buildings and facilities	---	---	50,000	25,000	+25,000	-25,000
Cooperative State Research, Education, and Extension Service						
Extension activities (contingent emergency)	---	---	16,000	6,000	+6,000	-10,000
Animal and Plant Health Inspection Service						
Salaries and expenses (contingent emergency)	---	10,000	60,000	33,000	+23,000	-27,000
Food Safety and Inspection Service						
Food Safety and Inspection Service (contingent emergency)	---	2,000	15,000	13,000	+11,000	-2,000
Natural Resources Conservation Service						
Watershed Rehabilitation Program (rescission)	-9,000	---	---	---	---	---
Watershed and Flood Prevention Operations	---	---	73,000	94,000	+94,000	+21,000
Contingent emergency	---	---	27,000	50,000	+50,000	+23,000
Rural community advancement program (contingent emergency)	---	---	25,000	20,000	+20,000	-5,000
Rural Utilities Service						
Local Television Loan Guarantee program account	---	---	20,000	8,000	+8,000	-12,000
Rescission	---	---	-20,000	-20,000	-20,000	---
Food and Nutrition Service						
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	75,000	75,000	75,000	75,000	---	---
Food Stamp program (rescission)	---	---	-33,000	-24,000	-24,000	+9,000

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses (contingent emergency)	---	18,000	---	17,000	-1,000	+17,000
General Provisions						
Export Enhancement Program (limitation) (sec. 101)	---	-450,000	---	-445,000	+5,000	-445,000
Agriculture Assistance	---	---	---	10,000	+10,000	+10,000
Contingent emergency	---	---	10,000	---	---	-10,000
Total, chapter 1	66,000	-345,000	352,000	-112,000	+233,000	-464,000
CHAPTER 2						
DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	---	---	2,000	---	---	-2,000
Emergency	5,750	5,750	---	5,750	---	+5,750
Contingent emergency	---	---	184,550	1,000	+1,000	-183,550
Legal Activities						
United States Attorneys (contingent emergency)	---	---	5,200	---	---	-5,200
Rescission	---	---	-7,000	-7,000	-7,000	---
United States Marshals Service:						
Salaries and expenses (contingent emergency)	---	1,000	---	37,900	+36,900	+37,900
Rescission	---	---	-2,100	---	---	+2,100
Federal prisoner detention (rescission)	---	---	---	-30,000	-30,000	-30,000
Assets forefeiture fund (rescission)	---	---	---	-5,000	-5,000	-5,000
Federal Bureau of Investigation						
Salaries and expenses (emergency)	10,000	10,000	---	10,000	---	+10,000
Contingent emergency	---	102,000	75,500	165,000	+63,000	+89,500
Immigration and Naturalization Service						
Enforcement and Border Affairs: Salaries and and expenses (emergency)	35,000	35,000	---	35,000	---	+35,000
Contingent emergency	---	40,000	35,000	46,250	+6,250	+11,250
Construction (contingent emergency)	---	---	84,000	32,100	+32,100	-51,900
Federal Prison System						
Buildings and facilities (rescission)	---	---	-30,000	-5,000	-5,000	+25,000
Office of Justice Programs						
Election Reform Grant Program	---	---	450,000	---	---	-450,000

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
Justice assistance (emergency)	---	175,000	---	---	-175,000	---
Contingent emergency	---	---	---	151,300	+151,300	+151,300
Rescission	---	---	-4,000	-600	-600	+3,400
COPS Interoperability (contingent emergency)	---	---	85,000	50,000	+50,000	-35,000
DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
RELATED AGENCIES						
Office of the United States Trade Representative						
Salaries and expenses (contingent emergency)	---	1,100	---	1,100	---	+1,100
European Communities Music Licensing Dispute	3,300	---	---	---	---	---
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration (contingent emergency)	---	---	1,725	---	---	-1,725
Export Administration						
Operations and Administration (emergency)	8,700	---	---	---	---	---
Contingent emergency	---	---	8,700	---	---	-8,700
Bureau of the Census						
Periodic Censuses and Programs (rescission)	---	---	-20,900	-11,300	-11,300	+9,600
National Institute of Standards and Technology						
Scientific and Technical Research and Services (emergency)	4,000	4,000	---	4,000	---	+4,000
Contingent emergency	---	---	84,600	33,100	+33,100	-51,500
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	---	---	26,400	2,000	+2,000	-24,400
Contingent emergency	---	---	2,800	2,800	+2,800	---
Rescission	---	---	---	-8,100	-8,100	-8,100
Procurement, acquisition and construction:						
Contingent emergency	---	---	7,200	7,200	+7,200	---
Rescission	---	---	-8,100	---	---	+8,100
Fisheries Finance Program Account (limitation on direct loans)	(24,000)	(24,000)	(24,000)	(24,000)	---	---
Negative subsidy	-3,000	-3,000	-3,000	-3,000	---	---
Departmental Management						
Salaries and expenses (emergency)	400	400	---	400	---	+400
Contingent emergency	---	---	400	---	---	-400

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
THE JUDICIARY						
Supreme Court of the United States						
Care of the Buildings and Grounds (emergency)	10,000	10,000	---	10,000	---	+10,000
Contingent emergency	---	---	10,000	---	---	-10,000
United States Courts of Appeals for the Federal Circuit						
Salaries and expenses (emergency)	857	---	---	---	---	---
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses (emergency)	3,143	3,143	---	3,143	---	+3,143
Contingent emergency	---	3,115	9,684	3,972	+857	-5,712
DEPARTMENT OF STATE AND RELATED AGENCY						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and Consular Programs (emergency)	51,050	51,050	---	47,450	-3,600	+47,450
Contingent emergency	---	---	38,300	---	---	-38,300
Capital Investment Fund (emergency)	2,500	---	---	---	---	---
Educational and Cultural Exchange Programs (emergency)	10,000	10,000	---	10,000	---	+10,000
Contingent emergency	---	10,000	9,000	5,000	-5,000	-4,000
Embassy Security, Construction, and Maintenance (emergency)	200,516	200,516	---	200,516	---	+200,516
Contingent emergency	---	---	210,516	10,000	+10,000	-200,516
Emergencies in the Diplomatic and Consular Service (emergency)	8,000	---	---	---	---	---
International Organizations and Conferences						
Contributions to International Organizations (emergency)	7,000	7,000	---	7,000	---	+7,000
Contingent emergency	---	---	7,000	---	---	-7,000
Contributions For International Peacekeeping Activities (emergency)	43,000	43,000	---	23,034	-19,966	+23,034
Rescission	---	---	-48,000	---	---	+48,000

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
RELATED AGENCY						
Broadcasting Board of Governors						
International Broadcasting Operations (emergency)	7,400	7,400	---	7,400	---	+7,400
Contingent emergency	---	---	7,400	---	---	-7,400
Broadcasting capital improvements	---	---	---	7,700	+7,700	+7,700
Contingent emergency	---	7,700	---	---	-7,700	---
RELATED AGENCIES						
Department of Transportation						
Maritime Administration						
Maritime guaranteed loan (Title XI) program account rescission	---	---	---	-5,000	-5,000	-5,000
Securities and Exchange Commission						
Salaries and expenses	20,000	20,000	20,000	30,900	+10,900	+10,900
Contingent emergency	---	9,300	9,300	9,300	---	---
GENERAL PROVISIONS						
Industrial Technology Services (sec. 201)	---	---	---	---	---	---
New England fishery (sec. 210)	---	---	11,000	11,000	+11,000	---
Northeast fishery (sec. 211)	---	---	5,000	5,000	+5,000	---
Total, chapter 2	427,616	753,474	1,267,175	901,315	+147,841	-365,860
CHAPTER 3						
DEPARTMENT OF DEFENSE - MILITARY						
Military Personnel						
Military Personnel, Air Force (emergency)	206,000	206,000	206,000	206,000	---	---
Operation and Maintenance						
Operation and Maintenance, Army (emergency)	107,000	107,000	107,000	107,000	---	---
Contingent emergency	---	119,000	---	102,000	-17,000	+102,000
Operation and Maintenance, Navy (emergency)	36,500	36,500	36,500	36,500	---	---
Contingent emergency	---	17,250	---	12,250	-5,000	+12,250
Operation and Maintenance, Air Force (emergency)	41,000	41,000	41,000	41,000	---	---
Contingent emergency	---	19,500	---	24,510	+5,010	+24,510
Operation and Maintenance, Defense-Wide (emergency)	739,000	739,000	739,000	721,975	-17,025	-17,025
Contingent emergency	---	12,975	---	---	-12,975	---
Defense Emergency Response Fund (emergency)	11,300,000	11,300,000	11,300,000	11,300,000	---	---
Contingent emergency	---	1,393,972	---	601,900	-792,072	+601,900
Total, Operation and maintenance	12,223,500	13,786,197	12,223,500	12,947,135	-839,062	+723,635

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
Procurement						
Other Procurement, Army (emergency)	79,200	79,200	79,200	79,200	---	---
Aircraft Procurement, Navy (emergency)	22,800	22,800	22,800	22,800	---	---
Procurement of Ammunition, Navy and Marine Corps (emergency)	262,000	262,000	262,000	262,000	---	---
Other Procurement, Navy (emergency)	2,500	2,500	2,500	2,500	---	---
Procurement, Marine Corps (emergency)	3,500	3,500	3,500	3,500	---	---
Aircraft Procurement, Air Force (emergency)	93,000	93,000	93,000	93,000	---	---
Contingent emergency	---	36,500	---	25,000	-11,500	+25,000
Procurement of Ammunition, Air Force (emergency)	115,000	115,000	115,000	115,000	---	---
Other Procurement, Air Force (emergency)	752,300	735,340	752,300	747,840	+12,500	-4,460
Procurement, Defense-Wide (emergency)	99,500	99,500	99,500	99,500	---	---
Non-emergency	---	4,925	---	---	-4,925	---
Contingent emergency	---	---	---	4,925	+4,925	+4,925
Total, Procurement	1,429,800	1,454,265	1,429,800	1,455,265	+1,000	+25,465
Research, Development, Test and Evaluation						
RDT&E, Army (emergency)	8,200	8,200	8,200	8,200	---	---
RDT&E, Navy (emergency)	19,000	9,000	19,000	9,000	---	-10,000
RDT&E, Air Force (emergency)	60,800	60,800	60,800	60,800	---	---
Contingent emergency	---	39,000	---	137,600	+98,600	+137,600
RDT&E, Defense-Wide (emergency)	74,700	52,000	74,700	67,000	+15,000	-7,700
Contingent emergency	---	20,000	---	---	-20,000	---
Total, Research, Development, Test & Evaluation	162,700	189,000	162,700	282,600	+93,600	+119,900
General Provisions						
General Transfer Authority	(1,000,000)	---	---	---	---	---
MH-47 Helicopters (contingent emergency) (sec. 308)	---	93,000	---	---	-93,000	---
Chemical Demil (contingent emergency) (sec. 306)	---	100,000	---	75,000	-25,000	+75,000
Rescissions (sec. 307)	---	-59,000	---	-163,100	-104,100	-163,100
Defense emergency response fund (rescission of emergency funds) (sec. 312)	---	---	---	-224,000	-224,000	-224,000
Revised economic assumptions (rescission) (sec. 313)	---	---	---	-226,000	-226,000	-226,000
Total, chapter 3	14,022,000	15,769,462	14,022,000	14,352,900	-1,416,562	+330,900

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
CHAPTER 4						
DISTRICT OF COLUMBIA						
Federal payment to the Children's National Medical Center (contingent emergency)	---	---	13,770	10,000	+10,000	-3,770
Federal payment to the District of Columbia (contingent emergency)	---	---	24,730	23,000	+23,000	-1,730
Federal payment to the Washington Metropolitan Area Transit Authority (contingent emergency)	---	---	25,000	8,000	+8,000	-17,000
Federal Payment to the Washington Metropolitan Area Council of Governments (contingent emergency)	---	---	1,750	1,750	+1,750	---
Federal Payment to the Water and Sewer Authority of the District of Columbia (contingent emergency)	---	---	3,000	1,250	+1,250	-1,750
Federal Payment for Family Court Act (rescission)	---	---	---	-700	-700	-700
Federal Payment for Family Court Act	---	---	---	700	+700	+700
DISTRICT OF COLUMBIA FUNDS						
Public safety and justice (rescission)	---	---	(-100)	(-100)	(-100)	---
Corrections Information Council	---	---	(100)	(100)	(+100)	---
Public education system (rescission)	---	(-37,000)	(-37,000)	(-37,000)	---	---
Human Support Services:						
Child and Family Services Agency	---	(11,000)	(11,000)	(11,000)	---	---
Department of Mental Health	---	(26,000)	(26,000)	(26,000)	---	---
Repayment of loans and interest (rescission)	---	(-7,950)	(-7,950)	(-7,950)	---	---
Certificates of participation	---	(7,950)	(7,950)	(7,950)	---	---
Total, chapter 4	---	---	68,250	44,000	+44,000	-24,250

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
CHAPTER 5						
DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
Flood control, Mississippi River and tributaries (by transfer/contingent emergency)	---	---	(6,500)	---	---	(-6,500)
Operation and Maintenance, General	---	---	10,000	32,000	+32,000	+22,000
Contingent emergency	---	128,400	22,000	108,200	-20,200	+86,200
DEPARTMENT OF THE INTERIOR						
Bureau of Reclamation						
Water and related resources (sec. 504)	---	---	3,000	7,000	+7,000	+4,000
DEPARTMENT OF ENERGY						
Energy Programs						
Science (contingent emergency)	---	29,000	---	24,000	-5,000	+24,000
National Nuclear Security Administration						
Weapons Activities (emergency)	19,400	19,400	---	19,400	---	+19,400
Rescission	---	---	---	-14,460	-14,460	-14,460
Contingent emergency	---	106,000	181,650	138,650	+32,650	-43,000
Defense Nuclear Nonproliferation	---	---	---	100,000	+100,000	+100,000
Contingent emergency	---	5,000	100,000	---	-5,000	-100,000
Office of the Administrator (contingent emergency)	---	---	1,750	1,750	+1,750	---
Environmental and Other Defense Activities						
Defense environmental restoration and waste management (contingent emergency)	---	67,000	40,000	56,000	-11,000	+16,000
Rescission	---	---	---	-15,540	-15,540	-15,540
Defense facilities closure projects (contingent emergency)	---	16,600	---	14,000	-2,600	+14,000
Other Defense Activities (emergency)	7,000	7,000	---	7,000	---	+7,000
Contingent emergency	---	---	7,000	---	---	-7,000
GENERAL PROVISIONS						
DEPARTMENT OF ENERGY						
Department-wide non-defense (rescission) (sec. 501)	---	---	-30,000	---	---	+30,000
Total, chapter 5	26,400	378,400	335,400	478,000	+99,600	+142,600

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
CHAPTER 6						
BILATERAL ECONOMIC ASSISTANCE						
Funds Appropriated to the President						
United States Agency for International Development						
Child Survival and Health Programs Fund (contingent emergency)	---	200,000	200,000	200,000	---	---
Transfer out (contingent emergency)	---	---	---	(-6,000)	(-6,000)	(-6,000)
International Disaster Assistance (emergency)	40,000	---	---	40,000	+40,000	+40,000
Contingent emergency	---	190,000	150,000	144,000	-46,000	-6,000
Operating Expenses of the United States Agency for International Development (emergency)	7,000	7,000	---	7,000	---	+7,000
Contingent emergency	---	---	5,000	---	---	-5,000
By transfer (contingent emergency)	---	---	---	(6,000)	(+6,000)	(+6,000)
Other Bilateral Economic Assistance						
Economic Support Fund (emergency)	525,000	460,000	---	465,000	+5,000	+465,000
Contingent emergency	---	250,000	700,000	200,000	-50,000	-500,000
Transfer out (contingent emergency)	---	---	(-200,000)	(-200,000)	(-200,000)	---
Assistance for the Independent States of the Former Soviet Union (emergency)	110,000	110,000	---	110,000	---	+110,000
Contingent emergency	---	---	110,000	---	---	-110,000
Department of State						
International Narcotics Control and Law Enforcement (emergency)	114,000	120,000	---	114,000	-6,000	+114,000
Contingent emergency	---	---	104,000	3,000	+3,000	-101,000
Migration and refugee assistance	---	---	50,000	---	---	-50,000
Contingent emergency	---	10,000	---	40,000	+30,000	+40,000
Nonproliferation, Anti-Terrorism, Demining and Related Programs (emergency)	83,000	83,000	---	83,000	---	+83,000
Contingent emergency	---	---	93,000	5,000	+5,000	-88,000
By transfer (contingent emergency)	---	---	(200,000)	(200,000)	(+200,000)	---
MILITARY ASSISTANCE						
Funds Appropriated to the President						
Foreign Military Financing Program (emergency)	372,500	366,500	---	357,000	-9,500	+357,000
Contingent emergency	---	---	347,500	30,000	+30,000	-317,500
Peacekeeping Operations (emergency)	28,000	20,000	---	20,000	---	+20,000
Contingent emergency	---	---	20,000	---	---	-20,000

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
MULTILATERAL ECONOMIC ASSISTANCE						
Funds Appropriated to the President						
Special Payments to the International Financial Institutions (rescission)	-157,000	-159,000	-159,000	-159,000	---	---
GENERAL PROVISIONS						
Rescission (sec. 602)	---	-60,000	---	-60,000	---	-60,000
Rescission (sec. 604)	---	---	-75,000	-50,000	-50,000	+25,000
Total, chapter 6	1,122,500	1,597,500	1,545,500	1,549,000	-48,500	+3,500
CHAPTER 7						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of Lands & Resources (contingent emergency)	---	658	---	658	---	+658
United States Fish and Wildlife Service						
Resource management (contingent emergency)	---	1,443	412	1,038	-405	+626
Construction (contingent emergency)	---	---	3,125	3,125	+3,125	---
National Park Service						
Operation of the National Park System (contingent emergency)	---	1,173	---	1,173	---	+1,173
Construction (contingent emergency)	---	19,300	17,651	17,651	-1,649	---
United State Geological Survey						
Surveys, investigations, and research (contingent emergency)	---	25,700	26,776	26,000	+300	-776
Bureau of Indian Affairs						
Operation of Indian programs (contingent emergency)	---	134	---	134	---	+134
Rescission	-10,000	-5,000	-10,000	-10,000	-5,000	---
Indian trust fund management litigation	---	---	---	---	---	---
Departmental Offices						
Departmental Management: Salaries and expenses (contingent emergency)	---	905	7,030	905	---	-6,125

H.R. 4775 - SUPPLEMENTAL APPROPRIATIONS ACT, 2002

(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Wildland fire management (contingent emergency)	---	---	---	50,000	+50,000	+50,000
Capital improvement and maintenance (contingent emergency)	---	---	3,500	3,500	+3,500	---
OTHER RELATED AGENCIES						
Smithsonian Institution						
Salaries and expenses (contingent emergency)	---	11,000	---	10,000	-1,000	+10,000
Construction (contingent emergency)	---	2,000	2,000	2,000	---	---
Total, chapter 7	-10,000	57,313	50,494	106,184	+48,871	+55,690
CHAPTER 8						
DEPARTMENT OF LABOR						
Employment and Training Administration						
Training & Employment Services (contingent emergency)	750,000	300,000	400,000	---	-300,000	-400,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Health Resources and Services Administration						
Health Resources and Services (rescission)	-20,000	---	---	---	---	---
Centers for Disease Control and Prevention						
Disease Control, Research and Training (contingent emergency)	---	1,000	315,000	1,000	---	-314,000
National Institutes of Health						
Buildings and facilities (contingent emergency)	---	---	72,000	---	---	-72,000
Rescission	-30,000	-30,000	-30,000	-30,000	---	---
Administration for Children and Families						
Children and Families Services Programs (contingent emergency)	---	500	---	500	---	+500
Office of the Secretary						
Public Health and Social Services Emergency fund Contingent emergency	---	---	90,000	90,000	+90,000	---

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
DEPARTMENT OF EDUCATION						
Student financial assistance	1,276,000	1,000,000	---	1,000,000	---	+1,000,000
Contingent emergency	---	---	1,000,000	---	---	-1,000,000
General Provisions						
Administrative costs (rescission)	---	---	-45,000	-45,000	-45,000	---
Total, chapter 8	1,976,000	1,271,500	1,802,000	1,016,500	-255,000	-785,500
CHAPTER 9						
LEGISLATIVE BRANCH						
House of Representatives						
Committee Employees						
Standing Committees, Special and Select	---	1,600	---	1,600	---	+1,600
Library of Congress						
Copyright Office: Salaries and expenses	---	---	---	7,500	+7,500	+7,500
Emergency	7,500	7,500	---	---	-7,500	---
Contingent emergency	---	---	7,500	---	---	-7,500
Joint Items						
Capitol Police Board						
Capitol Police						
General expenses	---	---	---	16,100	+16,100	+16,100
Contingent emergency	---	16,100	3,600	---	-16,100	-3,600
Government Printing Office						
Congressional printing and binding	5,875	---	---	---	---	---
Government Printing Office revolving fund	2,000	---	---	---	---	---
Total, chapter 9	15,375	25,200	11,100	25,200	---	+14,100
CHAPTER 10						
DEPARTMENT OF DEFENSE						
Military construction, Air Force (contingent emergency)	---	8,505	---	7,250	-1,255	+7,250
Military construction, Defense-wide (contingent emergency)	---	21,500	---	21,500	---	+21,500
Total, chapter 10	---	30,005	---	28,750	-1,255	+28,750

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
CHAPTER 11						
DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Transportation Administrative Service Center (obligation limitation)	(128,123)	(128,123)	(128,123)	(128,123)	---	---
Transportation Security Administration						
Salaries and expenses (emergency)	3,370,000	2,305,000	---	3,370,000	+1,065,000	+3,370,000
Contingent emergency	---	1,545,000	4,702,525	480,200	-1,064,800	-4,222,325
	3,370,000	3,850,000	4,702,525	3,850,200	+200	-852,325
U.S. Coast Guard						
Operating Expenses (emergency)	189,000	189,000	---	189,000	---	+189,000
Contingent emergency	---	21,000	318,400	11,000	-10,000	-307,400
	189,000	210,000	318,400	200,000	-10,000	-118,400
Acquisition, Construction, & Improvements (emergency)	66,000	66,000	---	66,000	---	+66,000
Vessels (emergency)	---	---	---	(26,100)	(+26,100)	(+26,100)
Other equipment (emergency)	---	---	---	(27,729)	(+27,729)	(+27,729)
Shore facilities (emergency)	---	---	---	(12,171)	(+12,171)	(+12,171)
Contingent emergency	---	12,000	347,700	262,000	+250,000	-85,700
Vessels (contingent emergency)	---	---	---	(12,000)	(+12,000)	(+12,000)
Aircraft (contingent emergency)	---	---	---	(200,000)	(+200,000)	(+200,000)
Shore facilities (contingent emergency)	---	---	---	(50,000)	(+50,000)	(+50,000)
	66,000	78,000	347,700	328,000	+250,000	-19,700
Federal Aviation Administration						
Operations:						
Contingent emergency	---	---	100,000	42,000	+42,000	-58,000
Transfer authority	(100,000)	(25,000)	---	(33,000)	(+8,000)	(+33,000)
Facilities and equipment (Airport and Airway trust fund) (contingent emergency)	---	---	15,000	7,500	+7,500	-7,500
Grants-in-aid for airports (contingent emergency)	---	200,000	---	---	-200,000	---
(Airport and Airway trust fund) (contingent emergency)	---	---	100,000	150,000	+150,000	+50,000
	---	200,000	100,000	150,000	-50,000	+50,000

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
Federal Highway Administration						
Federal-Aid Highways, Emergency Relief Program (Highway Trust Fund):						
Non-emergency	---	---	120,000	---	---	-120,000
Emergency	167,000	167,000	---	167,000	---	+167,000
Contingent emergency	---	---	167,000	98,000	+98,000	-69,000
Federal-aid Highways (rescission of contract authority)	---	---	-320,000	-320,000	-320,000	---
Federal Motor Carrier Safety Administration						
Border Enforcement Program (emergency)	19,300	19,300	---	19,300	---	+19,300
Contingent emergency	---	---	19,300	---	---	-19,300
Hazardous materials security (Highway trust fund) (contingent emergency)	---	5,000	---	5,000	---	+5,000
Federal Railroad Administration						
Capital grants to the National Railroad Passenger Corporation	---	---	55,000	205,000	+205,000	+150,000
Federal Transit Administration						
Capital Investment Grants (emergency)	1,800,000	1,800,000	---	1,800,000	---	+1,800,000
Contingent emergency	---	---	1,800,000	---	---	-1,800,000
Research and Special Projects Administration						
Research and Special Programs (emergency)	3,500	---	---	---	---	---
Contingent emergency	---	---	3,500	---	---	-3,500
General Provisions						
Airline loan program limitation (sec. 1103)	---	-1,254,000	---	---	+1,254,000	---
Total, chapter 11	5,614,800	5,075,300	7,428,425	6,552,000	+1,476,700	-876,425

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
CHAPTER 12						
DEPARTMENT OF THE TREASURY						
Federal law Enforcement Training Center (contingent emergency)	---	15,870	---	15,870	---	+15,870
Financial Management Service						
Salaries and expenses (sec. 1201) (rescission)	---	-14,000	-14,000	-14,000	---	---
United States Customs Service						
Salaries and expenses (contingent emergency)	---	---	59,000	39,000	+39,000	-20,000
Internal Revenue Service						
Information Systems (rescission)	---	---	-10,000	-10,000	-10,000	---
Business Systems Modernization (sec. 1201)	---	14,000	---	14,000	---	+14,000
United States Secret Service						
Salaries and expenses (contingent emergency)	---	46,750	17,200	28,530	-18,220	+11,330
POSTAL SERVICE						
Payment to the Postal Service Fund (emergency)	87,000	87,000	---	87,000	---	+87,000
Contingent emergency	---	---	87,000	---	---	-87,000
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Office of Administration (emergency)	5,000	---	---	3,800	+3,800	+3,800
Contingent emergency	---	---	5,000	---	---	-5,000
Office of Management and Budget (rescission)	---	-750	---	-100	+650	-100
Election Administration Reform and Related expenses	---	450,000	---	---	-450,000	---
Contingent emergency	---	---	---	400,000	+400,000	+400,000
INDEPENDENT AGENCIES						
Federal Election Commission	---	750	---	750	---	+750
GENERAL SERVICES ADMINISTRATION						
Real Property Activities						
Federal Buildings Fund (emergency)	51,800	51,800	---	21,800	-30,000	+21,800
Contingent emergency	---	---	51,800	---	---	-51,800

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
General Activities						
Policy and Operations (emergency)	2,500	---	---	---	---	---
Contingent emergency	---	---	2,500	---	---	-2,500
Total, chapter 12	146,300	651,420	198,500	586,650	-64,770	+388,150
CHAPTER 13						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Health Administration						
Compensation and pensions	1,100,000	---	1,100,000	1,100,000	+1,100,000	---
Medical Care	142,000	417,000	142,000	142,000	-275,000	---
Contingent emergency	---	---	275,000	275,000	+275,000	---
Medical and Prosthetic Research (rescission)	-5,000	---	---	---	---	---
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing certificate fund (rescission)	---	-300,000	-300,000	-388,500	-88,500	-88,500
Community Planning and Development						
Community Development Fund (emergency)	750,000	750,000	---	783,000	+33,000	+783,000
Contingent emergency	---	---	750,000	---	---	-750,000
Rural Housing and Economic Development (rescission)	-20,000	---	---	---	---	---
HOME investment partnership program (rescission)	---	---	-50,000	-50,000	-50,000	---
Housing Programs						
Rental Housing Assistance (rescission)	---	-300,000	---	-300,000	---	-300,000
INDEPENDENT AGENCIES						
Department of Health and Human Services						
National Institutes of Health						
National Institute of Environmental Health Sciences (emergency)	---	8,000	---	---	-8,000	---
Contingent emergency	---	---	---	8,000	+8,000	+8,000
Agency for Toxic Substances and Disease Registry						
Salaries and expenses (emergency)	---	11,300	---	---	-11,300	---
Contingent emergency	---	---	---	11,300	+11,300	+11,300
Environmental Protection Agency						
Science and technology (contingent emergency)	---	---	100,000	50,000	+50,000	-50,000
Hazardous Substance Superfund (emergency)	12,500	---	---	---	---	---
Contingent emergency	---	---	12,500	---	---	-12,500

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Conference versus Senate
Federal Emergency Management Agency						
Disaster Relief (emergency)	3,780,000	2,750,000	---	2,650,700	-99,300	+2,650,700
Contingent emergency	---	---	2,660,000	---	---	-2,660,000
Disaster assistance for unmet needs (contingent emergency)	---	23,320	---	23,200	-120	+23,200
Emergency Management Planning & Assistance (emergency)	326,728	151,700	---	225,400	+73,700	+225,400
Contingent emergency	---	---	745,000	221,800	+221,800	-523,200
Cerro Grande fire claims (contingent emergency)	---	---	80,000	61,000	+61,000	-19,000
National Science Foundation						
Education and Human Resources (emergency)	19,300	---	---	19,300	+19,300	+19,300
Contingent emergency	---	---	19,300	---	---	-19,300
Total, chapter 13	6,105,528	3,511,320	5,533,800	4,832,200	+1,320,880	-701,600
CHAPTER 14						
GENERAL PROVISIONS						
Federal admini & travel expenses (non-def rescission)	---	---	---	-154,000	-154,000	-154,000
Federal admin & travel expenses (defense rescission)	---	---	---	-196,000	-196,000	-196,000
Total, chapter 14	---	---	---	-350,000	-350,000	-350,000
Grand total (net)	29,512,519	28,775,894	32,614,644	30,010,699	+1,234,805	-2,603,945
Appropriations	(2,621,175)	(1,980,275)	(2,209,400)	(2,892,250)	(+911,975)	(+682,850)
Emergency appropriations	(26,392,344)	(24,091,099)	(14,022,000)	(24,971,208)	(+880,109)	(+10,949,208)
Contingent emergency appropriations	(750,000)	(5,336,270)	(17,599,344)	(5,138,641)	(-197,629)	(-12,460,703)
Rescissions	(-251,000)	(-927,750)	(-896,100)	(-2,002,400)	(-1,074,650)	(-1,106,300)
Rescission of contract authority	---	---	(-320,000)	(-320,000)	(-320,000)	---
Rescission of emergency funds	---	---	---	(-224,000)	(-224,000)	(-224,000)
Offsets	---	(-1,704,000)	---	(-445,000)	(+1,259,000)	(-445,000)
(Transfer out-contingent emergency)	---	---	(-200,000)	(-206,000)	(-206,000)	(-6,000)
(By transfer-contingent emergency)	---	---	(200,000)	(206,000)	(+206,000)	(+6,000)
(By transfer emergency)	---	---	(6,500)	---	---	(-6,500)
(Other)	(1,252,123)	(177,123)	(152,123)	(513,123)	(+336,000)	(+361,000)

Mr. YOUNG of Florida. Mr. Speaker, I would like to extend a statement of appreciation to the gentleman from Wisconsin (Mr. OBEY), who has worked along with us through these last several months in trying to bring this conference report to conclusion. There were differences, as anyone might expect. We did finally work out those differences. I expect we could find some controversy here in this bill; I think we could find areas that I do not agree with and areas that the gentleman from Wisconsin (Mr. OBEY) does not agree with. But, nevertheless, this is a good work product as we dealt with the many different institutions and principals who were involved in bringing this bill to conclusion.

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

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

Mr. Speaker, I think there are a number of items in this bill which Members ought to know about. This bill, for instance, has $13 million in the conference report for safety of imported meat and poultry above the amount recommended by the President. We have $17 million above the amount recommended by the President for bioterrorism responsibilities of the Food and Drug Administration. We have $37 million above the President's request for the Marshals Service to safeguard U.S. Federal courts. We have $165 million above the President's request for the FBI to provide, among other things, additional analysts to increase the FBI's ability to process and disseminate counterterrorism information. We have $78 million more for the Immigration and Naturalization Service, including $25 million for analysis to help find, arrest, and deport high-risk, undocumented immigrants in the United States. We doubled the President's request for the Securities and Exchange Commission, and we try to provide additional funds for staff and pay parity in information technology, improvements for that agency so that they can be more effective in dealing with some of the accusations of corporate fraud that are now flooding the country and ruining its markets.

We have a number of other items in the bill as well, which I would be happy to comment on if any Members have individual questions about it.

Let me simply say there is nothing in this bill that anyone is going to be very thrilled about, because it is the product of a long compromise process, but it is a reasonable package, and I think the most important thing we can say about it is that we simply need to get on with it and get this down to the President.

This bill also includes a fix of the problem that we faced with respect to a dip in highway funding and support to States because of the anomaly in the ISTEA highway distribution formula, and we provide sufficient money; unlike the White House, we provide sufficient monies so that we do not have to, in fact, demobilize the Guard and Reserve forces until they can be replaced in sensitive areas by adequately trained personnel to deal with terrorist threats facing the country.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Transportation.

(Mr. ROGERS of Kentucky asked and was given permission to revise and extend his remarks.)

Mr. ROGERS of Kentucky. Mr. Speaker, this bill contains $3.85 billion to continue operations and activities of the Transportation Security Administration for the remainder of fiscal year 2002. I am pleased to report that this is the same level as approved by the House in its version of the supplemental. The Senate wanted almost $1 billion more for this start-up agency compared to the House level, with no limit on staffing, and we held the line against that proposal. Members should know that we have upheld the position of the House in this agreement, and it is adequate.

The Department of Transportation has raised objections to specific security items in this bill. What are they objecting to?

They are objecting to funds for airport modifications to ensure the timely installation of explosive detection systems, an additional $225 million, for a total of $738 million. This will lessen the likelihood of chaos later this year when bomb detection machines are delivered and installed in airports.

They are objecting to grants to improve port security, an issue of great vulnerability, $125 million.

They are objecting to systems for air marshals to communicate with the pilots and officials on the ground, $15 million.

They are objecting to funds to address airport terminal security, a critical issue, since the attack on El Al in Los Angeles a few weeks ago, $17 million.

And they are objecting to funds for immediate replacement of the outdated metal detectors at all commercial airports, $23 million.

With additions like these, we have improved upon the administration's request in modest ways, and provided the means for TSA to work smarter. The bill also caps TSA's full-time permanent staffing to no more than 45,000 people. My subcommittee's review of the TSA plan points to well over 12,000 positions that should be reevaluated. In fact, in a recent hearing, the head of the agency gave me his commitment to eliminate many of these positions such as ''ticket checkers'' and ''customer service representatives.'' TSA is building a huge bureaucracy, and this bill helps bring that process under control.

The Secretary of Transportation testified earlier today that TSA needs every penny of the amount they requested. I respectfully disagree. The agency is so far behind in its own hiring goals, there should be little doubt that fewer resources are needed to get them through fiscal year 2002. OMB even offered up some of this money. Maybe they know the agency has not been the best steward of the monies we have already provided for this year, several billions of dollars, offering law enforcement personnel salaries that are higher than necessary, allowing excessive overhead charges on the existing screener contracts, and not monitoring those charges and refusing to move out quickly on new technology, such as metal detectors, which would reduce the staffing need dramatically at the check-out points at airports. Just this morning, the DOT Inspector General testified that ''Controls over the existing security screener contracts were lacking, and that improvements were drastically needed.''

Until they straighten out these problems, they do not need more money.

This bill provides adequate funding for TSA to get through the next 10 weeks. It deletes unnecessary funds and encourages them to look much more carefully at how they are spending our money. We will not give them money for salaries that are outside the norm for similar Federal activities. We will not give them money for wasteful overhead charges on Federal contracts, and we will not give them money to hire a standing army of almost 70,000 people to take off your shoes, check your briefcase three times, and perform intensive checks of white-haired grandmothers in wheelchairs and babes in arms. If the Department of Transportation does not understand this by now, this bill should help them get that message.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I want to congratulate the chairman and the ranking member for bringing us together on this supplemental. I support it.

Today's bill, Mr. Speaker, includes an additional $150 million for the assistance to the Firefighters Grant Program. This is part of homeland security, defending the homeland. This brings the amount of money we will give to fire departments around the country up to $510 million for fiscal year 2003.

This is personal for me, Mr. Speaker. On May 9 of last year, Alberto Birado, a firefighter for the City of Passaic, died in the line of duty during the primary search of a building on fire. He died because his Self-Contained Breathing Apparatus ran out of air.

Just last week, the Passaic Fire Department was awarded a grant to purchase more SCBAs and spare air cylinders. Features of these additional cylinders will hopefully prevent all other unnecessary deaths. This is what the Firefighters Grant Program is all about.

The attacks on September 11 taught us many lessons. One of those is the importance of firefighters to the public safety equation and, indeed, to homeland security. We had to scrape and beg to get $100 million last year in the emergency spending bill.

The leadership told us they did not believe us when we said the fire services needed the money desperately. In one year, we have gone from $100 million funding to half a billion dollars. We still have a long way to go. There are over 20,000 applications to FEMA in the second year of this program with requests totaling over $2.2 billion.

Trust me. We will be hearing from all of these fire departments in Members' districts around this country. The odds are that all of us have a few fire departments at home that will not get a grant this year because there was not enough money to go around.

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I know our contribution to this worthy cause will continue to rise as each of us hears from our constituents.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I rise to engage in a colloquy with the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. YOUNG of Florida. Mr. Speaker, I am pleased that we were joined by the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, which is the committee of the House with legislative jurisdiction over the American Servicemembers' Protection Act. This legislation appears as title II of this conference report. I would like to ask the gentleman to explain the background of this legislation and describe how some of its provisions are intended to work.

Mr. HYDE. I thank the gentleman. The gentleman from Texas (Mr. DELAY) and I first introduced the American Servicemembers' Protection Act as H.R. 4654 on June 14, 2000, and reintroduced it in the 107th Congress as H.R. 1794. On May 10, 2001, the House of Representatives adopted the text of our legislation as a floor amendment to another bill, H.R. 1646. The gentleman from Texas (Mr. DELAY) and I thereafter entered into negotiations with representatives of the Bush administration in an effort to agree on a version of the American Servicemembers' Protection Act that the Bush administration could support. We were joined in these negotiations by Senator HELMS, the lead sponsor of the Senate companion bill.

After many months of detailed discussions, we reached an agreement on language last September, and Senator HELMS, the gentleman from Texas (Mr. DELAY) and I each received from the administration letters dated September 25, 2001, promising the administration's full support for enactment of this agreed language. I am pleased that the conference report includes the language we agreed on last September with only one nonsubstantive addition that I will describe in a few minutes.

Mr. YOUNG of Florida. Mr. Speaker, I note that one provision of this agreed language, which appears as section 2011 of the conference report, is particularly complicated. And I would hope that the gentleman could draw on his background as the former chairman of our Committee on the Judiciary, as well as his current position as chairman of our Committee on International Relations, to explain to our colleagues the purpose of section 2011.

Mr. HYDE. I thank the chairman. I would be pleased to explain the purpose of section 2011.

Mr. YOUNG of Florida. Mr. Speaker, does the gentleman know if all other Members of Congress agree with the interpretation that he has provided of the language negotiated with the administration?

Mr. HYDE. Mr. Speaker, obviously I cannot read the minds of all of our colleagues, but I do know that the gentleman from Texas (Mr. DELAY), Senator HELMS and I were the only three members actively involved in negotiating the language of sections 2004, 2006 and 2011 with the administration. I have accurately described our understanding of how these sections would work together, what our intention was, and what we understood the administration's understanding and intention to be. I suppose that someone else could try to project onto these sections a different intention, but they would be doing precisely that, projecting onto them a new meaning that was never intended by those of us who were involved in drafting and refining them.

Mr. YOUNG of Florida. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. HYDE) for providing clarity to this rather complicated and important title of this conference report.

Mr. HYDE. Mr. Speaker, my statement on the American Servicemembers' Protection Act is as follows:

When Congressman DELAY, Senator HELMS, and I sat down with representatives of the Bush Administration to discuss the American Servicemembers' Protection Act, it quickly emerged that the Administration's principal concern with the legislation was the belief that a few of its restrictions on United States interaction with the International Criminal Court could, in certain improbable circumstances, interfere with the exercise of authorities vested in the President by the Constitution. The constitutional authorities that they saw as possibly conflicting with the legislation were the president's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the Constitution, and the President's constitutional authority with respect to the conduct of foreign policy, in particular his authority to exchange information with foreign governments and international organizations. Because there is no specific enumeration in the Constitution of the President's authority to conduct foreign policy, this authority is encompassed textually within the executive power vested in the President by article II, section 1 of the Constitution.

There are two sections of our legislation that restrict United States interaction with the International Criminal Court and which therefore, in the view of the Administration, could possibly come into conflict with the exercise of the President's constitutional authority as Commander in Chief and his authority to conduct foreign policy as chief executive. These sections appear as sections 2004 and 2006 of the conference report.

To ensure that sections 2004 and 2006 will never operate to prohibit the President from taking an action that he is empowered under the Constitution to take and that Congress is without power to prohibit, we developed the ''exercise of constitutional authorities'' exception set forth in section 2011 of the conference report.

The Committee on International Relations has approved a lot of legislation over the years containing presidential waiver provisions. The ''exercise of constitutional authorities'' exception contained in section 2011 is very different from these other waiver provisions.

The other waiver provisions give the President, or some other official of the Executive branch, the authority to ''waive'' an otherwise applicable prohibition or restriction. Typically, the President or other official must first determine that a particular standard set forth in the waiver provision is satisfied. Common examples are requirements that he find that exercising the waiver is ''in the national interest,'' ''important to the national interest,'' or ''vital to the national interest.'' Whatever the waiver standard, the idea is that the President or other official is invited to sue his judgment, and if he judges that the facts permit him to determine that the wavier standard is satisfied, he can then exercise the wavier, which has the effect of rendering the prohibition or restriction inapplicable with respect to the action that he wishes to take or direct.

The ''exercise of constitutional authorities'' exception contained in section 2011 is very different. Section 2011 does not turn on factual judgments made by the President. Rather, it turns on the parameters of the President's authority under the Constitution. What it says, in effect, is that Congress has not prohibited anything under sections 2004 and 2006 that Congress is without constitutional authority to prohibit.

The intent of Congress in sections 2004 and 2006 could not be clearer. Congress wishes to prohibit any form of assistance to, or cooperation with, the International Criminal Court. We wish to impose such a prohibition to the fullest extent of our ability under the Constitution to do so. To the extent that certain forms of interaction with the International Criminal Court are subject to the shared responsibility of Congress and the President under the Constitution, Congress has the constitutional authority to forbid those forms of interaction, and in sections 2004 and 2006 we exercise that authority to forbid such interaction. However, we recognize that there may be forms of interaction that are the exclusive authority of the President under the Constitution, which Congress constitutionally is without authority to prohibit.

Accordingly, with respect to those forms of interaction, section 2011 provides a mechanism for ensuring that sections 2004 and 2006 do not constrain the President in ways that, as a matter of constitutional law, he may not be constrained by Congress.

To put the matter differently, it is the intention of Congress that the ''exercise of constitutional authorities'' exception in this legislation shall only be available in those instances where the President's lawyers could in good faith write a legal opinion concluding that application of the prohibitions of sections 2004 or 2006 to a proposed action by the President would be unconstitutional. It is not good enough that the prohibitions of sections 2004 or 2006 conflict with what the President judges to be in the national interest, or that they interfere with the foreign policy that he would like to conduct. The prohibitions must actually be unconstitutional if applied to the proposed action. This is the meaning of the term ''action . . . taken or directed by the President . . . in the exercise of the President's authority as Commander in Chief of the Armed Forces . . . or in the exercise of the executive power . . .'' The action by the President, in contravention of the prohibitions set forth in sections 2004 or 2006, must actually be an exercise by him of constitutional authority to take an action that Congress is without authority to prohibit.

We understand that many, if not most, actions by the President involve, to some degree or another, an exercise of some constitutional authority. But that is not the kind of constitutional authority to which section 2011 refers. Section 2011 refers to an exercise of the kind of constitutional authority necessary to overcome a statutory prohibition on the taking of a particular action. That kind of constitutional authority exists only with respect to statutory prohibitions that Congress is without constitutional authority to impose in the first place.

This means, as a practical matter, that most of the prohibitions in section 2004 are beyond the reach of the exception set forth in section 2011. This is because most of them do not restrict the exercise of any authority vested exclusively in the President by the Constitution.

A clear example is section 2004(d), which prohibits the extradition of any person from the United States to the International Criminal Court. The Supreme Court ruled in the case of Valentine v. United States in 1936 that the President has no inherent constitutional authority to extradite persons to foreign jurisdictions. To the contrary, the Supreme Court ruled that it is unconstitutional for the President to extradite persons in the absence of an extradition treaty or a statute authorizing extradition to the foreign jurisdiction in question. Because there is no treaty or statute authorizing the extradition of persons to the International Criminal Court, the President could not rely on section 2011 to extradite a person to the International Criminal Court in contravention of section 2004(d). This point is underscored by section 2011(c), which makes clear that section 2011 grants no statutory authority to the President to take any action.

Another category of prohibitions that cannot be overcome under section 2011 is those relating to the provision by the U.S. Government of funds, property, or services to the International Criminal Court. Congress has plenary authority under the Constitution with respect to the use of appropriated funds and the disposition of U.S. Government property. Subsections (e) and (f) of section 2004 represent an exercise of this plenary authority. The intention of Congress is to prohibit any direct or indirect provision by the U.S. Government to the International Criminal Court of appropriated funds, U.S. Government property, or services provided utilizing appropriated funds. There may be very limited circumstances in which the President may rely on section 2011 to direct the provision of services to the International Criminal Court notwithstanding the prohibitions of subsections (e) and (f) of section 2004, for example, services provided by the United States Armed Forces pursuant to an exercise of the President's authority as Commander in Chief. But in the absence of an exercise of a constitutional authority vested exclusively in the President—such as the Commander in Chief authority—the prohibitions of these subsections prohibit the provision of the kinds of support to which they apply, and the exception set forth in section 2011 is not available to permit an action by the President in contravention of these sections.

A third category of prohibitions that cannot be overcome under section 2011 is those relating to the exercise of functions not vested in the Executive branch of the United States Government. The President has no inherent constitutional authority to direct or control the operations of state and local governments. Nor does he have any inherent constitutional authority to direct or control the operations of the judicial branch of the federal government, much less the judicial functions of state and local governments. Accordingly, the President may not rely on section 2011 to direct state and local governments. Accordingly, the President may not rely on section 2011 to direct state and local governments to take actions prohibited under subsections (b), (d) and (e) of section 2004, or to authorize such governments to take such actions notwithstanding the prohibitions of these subsections. Similarly, the President may not rely on section 2011 to direct federal, state, or local courts to take actions prohibited under subsections (b), (d), (e) and (f) of section 2004, or to authorize such courts to take such actions notwithstanding the prohibitions of these subsections. The explanation is very simply. Because the exercise of functions by state and local governments and by federal, state, and local courts is by design beyond the inherent constitutional authority of the President, there is no constitutional authority that the President can exercise under section 2011 to overcome prohibitions that this legislation applies to such governments and courts.

This does not mean that section 2011 is of no practical use to the President. In our negotiations with the Administration we discussed a number of circumstances where the President would be able to rely on section 2011 to direct actions plainly prohibited in the first instance by the language of sections 2004 or 2006.

I have already mentioned one such circumstance, and that is actions by the United States Armed Forces directed by the President in the exercise of his constitutional authority as Commander in Chief. An example we discussed in our negotiations was a decision by the President to facilitate the transfer to the International Criminal Court of a foreign national wanted by that Court. Section 2004(e) prohibits the United States Government from facilitating the transfer of persons to the International Criminal Court, including by the United States Armed Forces. But we recognize that at a certain level this prohibition may come into conflict with the President's authority to command our Armed Forces, and in such a case, section 2011 would ensure that the President is not unconstitutionally constrained.

Another circumstance where the President may be able to rely on section 2011 concerns the provision of information controlled by the President to foreign governments and to international organizations, including the International Criminal Court. To the degree the President has inherent constitutional authority to provide such information to foreign governments and international organizations, conflicts could arise between this authority and the prohibitions of section 2004(e) and section 2006. In the case of such a conflict, the President could rely on section 2011 to provide information in the exercise of his constitutional authority without violating the letter of the statute.

I am not aware of other circumstances where the President could rely on section 2011 to take or direct actions otherwise prohibited under section 2004 and 2006, and we pressed the Administration very hard on this point in our negotiations. These were only examples they gave us of situations where the prohibitions of sections 2004 and 2006 could come into conflict with the President's constitutional prerogatives. In order to address this concern, we developed the mechanism contained in section 2011. Section 2011 is narrowly tailored to be available only in cases where there is such a conflict exists. In other cases where the prohibitions of the legislation are merely inconvenient, or in conflict with the President's preferred foreign policy, section 2011 is not available to permit the President to take or direct actions prohibited by section 2004 or 2006.

Another feature of section 2011 is that, by its terms, it can be invoked by the President only on a ''case-by-case basis''. In using this term, we were mindful of the way that the existing United Nations war crimes tribunals for Yugoslavia and Rwanda have gone about their work. those tribunals have developed separate cases against suspected war criminals. Usually these cases involve a single defendant, though sometimes a case will have multiple defendants who were involved in the same specific incident. we intend the term ''case'' in section 2011 to have the same meaning that it has in current usage at the Yugoslavia and Rwanda tribunals. Yugoslavia and Rwanda are not ''cases'' before those tribunals. Rather, the prosecutions of individual named persons are the ''cases'' pending before these tribunals. This can be verified by simply looking at the web sites of these two tribunals.

Before closing, I wish to comment on the effect of the addition by the Senate to this legislation of the language appearing as section 2015. That section was not part of language we negotiated with the Administration. But it does not in any way vitiate the restrictions on cooperation with the International Criminal Court set forth in sections 2004 and 2006. Section 2015 simply reiterates that this legislation does not apply to international efforts besides the International Criminal Court to bring to justice foreign national accused of genocide, war crimes, or crimes against humanity. Regarding application of this section to the

International Criminal Court, however, ordinary cannons of statutory construction apply. The specific controls the general unless otherwise provided, and in the case of this legislation it is quite obvious that the legislation is very specific about what is to be allowed and what is to be forbidden when it comes to assisting the International Criminal Court. Had the Senate wanted to vitiate the restrictions of sections 2004 and 2006, it would have had to amend them, strike them, or expressly notwithstand them.

The Senate debate during which the language of section 2015 was agreed to makes clear that this language was understood at the time to make no substantive change to the other provisions of the American Servicemembers' Protection Act. The full text of sections 2004, 2006 and 2011, along with other provisions of the American Servicemembers' Protection Act, was adopted by the Senate as an amendment to another bill on December 7, 2001, by a vote of 78–21. When Senator WARNER offered these same provisions as an amendment to this supplemental appropriations bill, the Senate had essentially the same debate it had on December 7th of last year. Neither the supporters nor the opponents of the language that became section 2015 suggested that this language made any change to the legislation that had previously passed the Senate, and the final vote in favor of the amendment, 75–19, was essentially the same as the vote last year. For these reasons, Mr. DELAY and I agreed with the House conferees that there was no reason not to accept the Senate language.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I did not want to insert myself in the colloquy that has just preceded, but I would simply say that while there may have been negotiations going on outside of the room with the administration, the negotiations that count were the negotiations between the four parties that produced this language. And I think that the understandings discussed here are not necessarily those that were reached between the gentleman from Florida (Mr. YOUNG), myself, Mr. BYRD and Mr. STEVENS.

I think the language speaks for itself without being maneuvered one way or another by any after-the-fact colloquies that may or may not relate to the language involved.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. SERRANO).

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

Mr. Speaker, I rise in support of the conference report. Mr. Speaker, no one can forget the shock and horror of September 11 when terrorists attacked the United States, murdering nearly 3,000 people, destroying the World Trade Center, damaging the Pentagon and threatening sites in Washington, D.C.

New Yorkers in particular relive that every time we see the gap in our skyline or mourn the missing in our families and neighborhoods. But within days of the vicious attacks, the President met with Members of the New York delegation and pledged to support our recovery with at least $20 billion in Federal funds. He has kept that promise and no part of our government has wavered, not the House nor the Senate nor the conferees.

This bill contains an additional $5.5 billion which brings the total funding available for New York's recovery to more than $21 billion.

As a member of the committee of conference, and as a New Yorker, I rise simply to thank President Bush, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) and my colleagues in this Congress for all the support provided to my city so far. The September 11 attacks were truly attacks on America and America has responded with grace and generosity.

Mr. Speaker, we are a grateful city and we thank Congress for this support. I urge my colleagues to support this conference report.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Arizona (Mr. KOLBE), chairman of the Committee on Appropriations Subcommittee on Foreign Operations.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time, and I want to pay special tribute to the gentleman from Florida (Mr. YOUNG) as well as the gentleman from Wisconsin (Mr. OBEY) for the leadership that they have provided in crafting this bill and bringing it at long last to the floor for much-needed supplemental appropriations to continue the war against terrorism, the enduring freedom fight.

I want to address my remarks to that part that addresses foreign operations that are in this conference report. First, the numbers, the figures themselves. The funding in this chapter includes a spending level of $1,818,000,000. But there are rescissions in there of $269 million, meaning there is a net spending level in foreign operations of $1,549,000,000. That is $48.5 million below where we were when we passed this bill in the House, $3.5 million above where it was in the Senate. So much for the overall numbers.

A few of the specific things that are in there. We have $200 million in here for the fight against HIV/AIDS, tuberculosis, and malaria around the world, particularly in Africa and Eurasia. This has been in both the House and Senate bills. While this number was not in the initial request to the President, as I think everybody knows, the President has endorsed this and spoken specifically about the programs that he will use this money for. And I believe, as he does, that it is vitally important that we continue to make progress in combating the worldwide scourge against AIDS.

In addition, there is another figure in there that was not in the President's original request and that is $200 million for antiterrorism assistance for the state of Israel and $50 million for humanitarian assistance for the Palestinian people. Not to the PLA, the Authority, the Palestine Authority, but rather $50 million for humanitarian assistance to Palestinians themselves. We believe this also is very important, given the fight that has been going on over there. We need to express our support for Israel's fight against terrorism. We need to say to the Palestinian people, we are there to support you when you are trying to rebuild your country, when you are trying to provide for the well-being of your people. We will not support the government that you have in place now.

I think the President has made clear that we have need to see a new government, a new direction of that government before we can have serious negotiations with them. But I think this is the right approach to it.

The negotiations with the Senate on the assistance for Colombia were very tough, but in the end the House language prevailed. It allows the administration to expand its assistance to the government of Colombia for the war against terrorism and narco-traffickers. It includes some of the provisions that the Senate wanted to make sure that we are not going to be involved in combat operations.

Regarding Afghanistan, we have added funding to both the House and the Senate bills to provide humanitarian and reconstruction assistance for Afghanistan. There is up to 384 million that could be available under this conference report to help rebuild in Afghanistan.

Let me end on two final points here. Regarding the United Nations' Population Funds, or UNPF, as it is called, the conference work does not address this issue. I am disappointed with the administration's decision that has come down since this conference report was adopted, and I expect that in our 2003 appropriations bill we are going to address this issue and try to ensure that funding for this very important organization is included.

Most of the funding in the chapter is dedicated to assisting our allies in the war on terrorism. At this last minute the Office of Management and Budget proposed removal of hundreds of millions of dollars requested by the President for assistance to our allies. I am puzzled, I am disappointed that OMB made such a proposal, and I do not think they reflected what either the President or the Secretary of the State or the Secretary of Defense had in this regard. But I am pleased overall with the bill that we have now, I think it is a good bill and, Mr. Speaker, I urge its adoption.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. BOSWELL) who has been very much focused on several aspects of this bill.

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

Mr. BOSWELL. Mr. Speaker, I thank the gentleman for yielding me time and I thank the gentleman from Florida (Mr. YOUNG) for his hard work.

Today I can support this bill with enthusiasm. I was very sorry the last time we discussed it I could not, and I want to thank the conference committee for their hard work. It kind of signals a win to me for a concern that I have had for my State of Iowa in the area of Medicare reimbursements rates.

In May the Committee on Rules made an exception and put into this supplemental bill what I thought was an unfair fix for rates for a selected few and leave out many. I appreciate this. It has actually drawn attention to this ploy and helped to shed additional light on the discriminatory formulas and the adverse consequences for seniors, hospitals and health care professionals across Iowa and other similarly situated areas.

Although our health care professionals are doing a great job with less, the fact remains, as we see here, and I will show you a chart one more time in a moment, that there are places in the country where Medicare patients are getting eyeglasses and they are getting prescriptions. In fact, it is a double of what we were getting in Iowa, the amount. It is a whole lot more than what the gentleman from Wisconsin (Mr. OBEY) was getting as well. They are below the average as well, and I know the gentleman knows that. This is something we have been working on. Let us do something about this. I think that perhaps we are making some progress, and I hope so.

On the Medicare reimbursement relief of last month, a few days ago there was attention given and an additional $120 million for Iowa over 3 years, and that is a big help, but we have a ways to go. So I want you to again look at this chart, and it will show you very clearly that there is a great disparity across this country, and the citizens pay the same taxes for the same service. They pay the same.

Look here. There are some States, mine, but others are receiving less than half of what the top is. Is that fair for Americans? I do not think so. I do not think there is one of you here that would feel this way. So I do support this bill today and I appreciate it for the whole country. I hope that our seniors are considered of equal importance, and I think they are. I thank the gentleman again for this time, and I do support the bill, and I support the fact that we have been talking about there now. Let us talk about it some more.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations.

Mr. WOLF. Mr. Speaker, I want to commend the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) for the great job of this conference report, and I rise in strong support.

The bill includes $175 million to improve the ability of the FBI to synthesize and interpret data and intelligence collections from investigations. The funding will support technology upgrades and allow the FBI to hire additional cybercrime counterterrorism and counterintelligence analysts. The bill also provides $81.3 million for the INS, including upgrades for the border patrol agents and immigration inspections who are also on the frontline, and $25 million for an Absconder Initiative, to find and remove more aliens who have been ordered deported and who have not followed those orders.

□ 1430

I want to thank the gentleman from Arizona (Mr. KOLBE) for his good efforts with this action and with regard to this issue.

As we all saw in the tragic events of September 11, we depend on our State and local police, fire, EMS and HAZMAT people to respond to acts of terrorism. Their heroism and preparedness has saved many lives and will likely save many more. The bill provides $2.1 million for State and local first responder equipment, exercise and training, and including $50 million to provide communities across the country with interoperable emergency communications equipment.

The SEC, the Securities and Exchange Commission, requires an infusion of resources to strengthen oversight and enforcement and preserve the integrity of the financial markets. This bill provides $40.2 million for the SEC, $20.2 million above the request, including funds for the immediate addition of 125 staff positions in enforcement and corporate oversight and key information technology upgrades. This will begin to provide the SEC with the resources they need to combat corporate fraud and to protect the savings and retirement investments of millions of American families.

The conference report also includes $318.1 million for embassy security and public diplomacy. The diplomatic staff is hard at work right now under very difficult and dangerous conditions in south Asia and elsewhere. This bill will provide for an expedited construction of fully secured replacement embassy facilities in Afghanistan and Tajikistan.

Recently, a lot of attention has been focused on improving our public diplomacy's efforts, including the gentleman from Illinois' (Mr. HYDE) legislation H.R. 3969, which passed the House yesterday. We are not doing an adequate job of telling America's story, and it is a great story to the world. To improve this effort, the bill includes $40.1 million for information and exchange programs of the State Department, Radio Free Afghanistan and the Middle East Broadcasting Initiative.

In addition, the bill includes $55 million for the enhanced security of the Federal judiciary in response to terrorist and other high threat trials, including $10 million for the Supreme Court building and $37.9 million for the U.S. Marshals Service.

The bill also includes authorization and funding for the closed circuit transmission of the Moussaoui trial to victims of the September 11 attacks.

Finally, the bill includes $37 million for the National Institute of Standards and Technology to develop an information technology security framework for the Federal Government.

Lastly, these additional funds for fiscal year 2002 are vital for carrying out our continued homeland security, international and corporate oversight responsibilities, and I urge my colleagues to support it.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me the time, and I want to congratulate our chairman, the gentleman from Florida (Mr. YOUNG) who everybody knows I feel very highly, about one of the fairest chairman I have ever served under, and the gentleman from Wisconsin (Mr. OBEY), one of the most able Members I have served with.

Mr. Speaker, I rise in support of the conference report and want to highlight funding in two critical areas. First, this supplemental appropriations bill gives us $400 million reasons to complete our work on election reform as soon as possible. The gentleman from Florida (Mr. YOUNG), the gentleman from Illinois (Speaker HASTERT), and the gentleman from Wisconsin (Mr. OBEY) were critically important in making sure this money stayed in this bill.

Appropriators from both sides of the aisle on both sides of the Capitol have done their job. They recognize that we must upgrade our election systems. They recognize that the disenfranchisement of an estimated 6 million voters in November 2000 offends our democratic values, and they recognize that real reform costs money.

Now we must finish the job and pass the election reform conference report that authorizes the expenditure of the funding. Election reform conferees are making progress in resolving the differences between the House and the Senate bills, and I hope this supplemental appropriation bill and the $400 million it provides for election reform adds urgency to our negotiations. We must not delay.

Secondly, I want to note the $150 million that is provided for the Fire Grant Program through FEMA, bringing the fiscal year 2002 total to $510 million. I note that some $3 billion-plus had been requested by local fire services and emergency responders throughout the Nation, but this is a significant step forward. Every day we ask our firefighters to risk their lives to protect our homes, our businesses and our children. With this additional funding, Mr. Speaker, we say to them we recognize and appreciate their sacrifice and want to ensure they can do their jobs as safely and effectively as possible.

Mr. YOUNG of Florida. Mr. Speaker, I would like to inquire as to the time remaining on both sides.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Florida has 12 minutes remaining. The gentleman from Wisconsin has 19 minutes remaining.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a distinguished member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, I thank the chairman of the Committee on Appropriations for yielding me the time.

This bill is critical to winning the war on terrorism, New York City repayment and recovery efforts, homeland security, replenishment munitions in which the gentleman from California's (Mr. HUNTER) been trying to do for years, and support ongoing intelligence.

While I support this emergency spending, a bill to fight the war on terrorism and aid continued recovery efforts, I must point out a section of this legislation that does not belong in this bill. It is legislation on an appropriations bill, and that is section 3002 regarding mail service to Alaska.

Section 3002, the Rural Service Improvement Act of 2002, was never subject to any congressional hearings or other fact-finding events. We have got two opposing sides claiming problems on either side, and yet the chairman, a Republican, from the other body, refuses to even have a hearing on this issue.

These provisions specifically target carriers that successfully and profitably transported mail for the Postal Service within the State of Alaska for many years. The Act's stated goal is to reduce costs which then actually it will increase costs from the Postal Service. Congressional approval of this legislation, without any hearings, that eliminates a single competitor from business and protects incumbent carriers from competition is wrong. Matter of fact, in my opinion, it is an abuse of power from a single Senator from the other body that is abusing his office by legislating someone out of business.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the Members to temper their remarks to avoid improper references to Members of the other body.

Mr. CUNNINGHAM. Mr. Speaker, I do not know how to temper an event when someone legislates someone out of office and denies them going to court. To me that is unconstitutional, and the legislative business that we perform every day should not take up legislation like this on such an important bill.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank the gentleman from Florida (Mr. YOUNG) for all the excellent work they have done on this bill. It is an excellent bill. It contains aid for New York City, contains aid for our allies, but perhaps troubling, it also contains aid for our enemies.

Quietly and without any floor debate, $50 million is included in this bill for aid to the West Bank in Gaza. This is on top of more than $100 million that has gone to the Palestinians since 1999. In that same time period, 577 Israelis and dozens of American citizens have died in over 50 homicide attacks in Israel.

I support foreign aid. Foreign aid exports are values. It buys cooperation overseas. It makes tense areas of our world more peaceful, but on every level, Palestinian aid has failed in those fundamental values. Rather than promoting our values, the people of Nablus were cheering on September 11 when captured by TV cameras. Rather than buying cooperation, money that we have provided has found its way to be producing suicide belts, according to some of the documents seized at the Ramallah compound. Rather than making the world more peaceful, the Palestinians have used the money to import arms from Iran.

I believe that we should vote yes on this bill. I believe we should vote yes on future foreign aid bills, but I also think it is time we had a debate on the floor of this House with an up or down vote on whether or not we should continue to provide aid for the West Bank and Gaza.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in support of the bill H.R. 4775, the Defense and Homeland Security Supplemental Appropriations Act Conference Report. I would like to thank the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, for including the restoration of highway funds that was agreed to by the Authorization Committee and 410 Members of this House. It was the right thing to do, and it will benefit all the States for transportation needs.

Although unfortunately, the Committee on Appropriations also rescinded $320 million in highway contract authority that was created in TEA–21 and has already been appropriated to every State, such a rescission is unprecedented, and it is absolutely unacceptable to the Committee on Transportation and Infrastructure. This $320 million will be taken from the balance of the contract authority that exceeded the obligation limitations that has been placed on the highway program. So it is sometimes called excess contract authority, but there will still be programmatic impacts resulting from this rescission.

State Departments of Transportation utilize their full amount of contract authority when they plan ahead for projects in every Members' district.

It has an immediate effect, too. States have been given the flexibility to move funds across programs. This flexibility will be lessened in 2003 by this rescission. Therefore, some of the transportation projects that were coming off the shelf in 2003 will be put back on the shelf.

The rescission of the contract's authority should not be used now or in the future to balance the spending of the Congress. I will submit for the RECORD a State-by-State table showing the cuts to each state.

STATE-BY-STATE IMPACT OF $310 M RESCISSION OF HIGHWAY CONTRACT AUTHORITY IN FY 2002 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 4775)

State	*Contract Authority Lost*
Alabama	−$6,055,699
Alaska	−1,531,493
Arizona	−5,103,144
Arkansas	−4,186,819
California	−31,502,078
Colorado	−4,605,662
Connecticut	−3,984,645
Delaware	−1,205,967
Dist. of Col.	−1,102,821
Florida	−12,154,625
Georgia	−9,771,545
Hawaii	−1,218,691
Idaho	−2,123,194
Illinois	−11,964,461
Indiana	−6,779,800
Iowa	−4,608,642
Kansas	−4,570,334
Kentucky	−5,375,294
Louisiana	−5,497,393
Maine	−1,831,982
Maryland	−5,589,406
Massachusetts	−6,436,734
Michigan	−9,894,776
Minnesota	−5,204,170
Mississippi	−4,349,567
Missouri	−8,309,367
Montana	−2,647,739
Nebraska	−3,123,825
Nevada	−2,183,077
New Hampshire	−1,496,695
New Jersey	−9,229,067
New Mexico	−3,117,390
New York	−16,823,836
North Carolina	−8,003,803
North Dakota	−2,344,956
Ohio	−11,486,595
Oklahoma	−5,892,937
Oregon	−4,346,259
Pennsylvania	−15,576,784
Rhode Island	−1,702,512
South Carolina	−4,979,995
South Dakota	−2,372,588
Tennessee	−6,974,601
Texas	−22,757,525
Utah	−2,889,990
Vermont	−1,420,695
Virginia	−7,934,231
Washington	−6,528,778
West Virginia	−2,886,042
Wisconsin	−5,736,023
Wyoming	−2,585,746
Total	−320,000,000

I again, though, thank the appropriators and realize they have to deal with the other side of the aisle, but I would also suggest respectfully in the future, be very careful about fooling around with the Committee on Transportation and Infrastructure's jurisdiction.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

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

Mr. Speaker, I rise in support of this bill, and I want to thank the chairman and the ranking member and the conferees for working so hard to develop a bill that I think a majority on both side of the aisle can support.

I would like, however, to speak about the provisions on Colombia that remain in the bill. I believe the Colombia provisions in the conference report are a slight improvement from those in the House-passed bill. At least now Congress is asking for written commitments from the newly elected Uribe administration on how he will pursue the war in Colombia.

Still, I have gave reservations regarding the wisdom and the consequences of expanding U.S. involvement in Colombia's grinding violence and deepening civil war, a civil war that has plagued Colombia for nearly four decades.

Mr. Speaker, I have little trust in conditions. They are easily waived or distorted when viewed as getting in the way of policy, and I believe that the House will return to debate this matter again in September.

The House of Representatives should think long and hard before it gives a green light to any policy that commits more of America's precious resources to a hideously complex civil war in Colombia.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me the time, and I congratulate the chairman for a job well done.

I want to thank the leadership, also, for sticking with their commitment to require printing and dyeing and finishing of textiles to remain in the United States. I am speaking today in support of the Supplemental Appropriations Act Conference Report, because it is a victory for the textile industry and at no cost to the Government.

In the 1970s and 1980s, 13 small towns in Western North Carolina attracted printing, dyeing and finishing jobs to their communities. These towns sold bonds to pay for the necessary water and sewer infrastructure, while textile companies built plants whose taxes would pay for those bonds. Since this manufacturing method had a low labor content and high value added content, these firms expected to remain competitive.

All was well until the textile industry started leaving because of lower labor costs around the world. The printing and dyeing and finishing jobs also started leaving, resulting in what we call stranded bonds investment without a manufacturing base to pay for the bonds. Local water-sewer rates have exploded to cover the costs.

With the new commitment requiring that printing, dyeing and finishing remain in the United States, these small towns will have available attractive facilities for economic development and taxable investment to pay for the bond expense while enhancing employment opportunities.

I urge my colleagues to join me in voting for the conference report on H.R. 4775. The small towns of North Carolina thank my colleagues.

□ 1445

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in support of this very important piece of legislation. A supplemental appropriation is absolutely necessary to take care of the very important needs of this country and this world. It is absolutely important that we fight this war on terrorism and that we have the resources to do so, and to establish homeland security.

Beyond that, Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) and others for the $200 million that they have appropriated for AIDS in Africa. This is extremely important. I know that it is very difficult to satisfy everybody with a bill like this, but I think we have done some good things with this bill: money for Israel, money for Afghanistan, money for the Palestinians, and money for Africa.

If there is one request that I could have had in addition to all of this, it would have been to appropriate more money for the famine in southern Africa. We have about 13 million people who are at risk of starvation. Unfortunately, there has been a drought. Unfortunately, the grain silos are empty; and there are people in villages who are going to die. Even with the food resources that we are trying to get there, it will not reach there and the rains are going to set in in September or October. These people, whole families, babies, children who are now eating dirt and bugs, are going to die.

So if there was anything else I would have done with this supplemental appropriation, it would have been to try and avert that famine that is taking place in six nations of southern Africa.

Having said that, I appreciate the work of this committee, and I appreciate the manner in which they tried to take care of all of these very difficult problems. I am hopeful that that which we were not able to do relative to southern Africa, perhaps we can do it in the agricultural appropriations bill. Perhaps there will be some room there that we can find a way to get more money to those who are going to die of starvation unless we attend to it.

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

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the ranking member for yielding me this time and also thank him for his hard work and the chairman's hard work in bringing this bipartisan bill to the floor.

However, I want to really express today my disappointment and frustration, quite frankly, with the level of AIDS funding that is in this bill. We have heard time and time again how AIDS is killing millions of people in poor countries throughout the world. We know that AIDS is a complex disease that requires a comprehensive strategy.

I want to thank the gentleman from Minnesota (Mr. OBEY), our minority leader, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Iowa (Mr. LEACH), the gentlewoman from California (Ms. PELOSI), the gentlewoman from New York (Mrs. LOWEY), the Congressional Black Caucus, and all of those who have worked very hard to raise the level of funding for global AIDS programs in this bill. Last month, however, our efforts to do even more to increase global AIDS funding was derailed by the President. This was a total outrage, given the administration's stated commitment to lead in fighting this scourge.

I attended the 14th International Conference on AIDS in Barcelona and heard from AIDS experts, activists, and people living with AIDS who demanded treatment now. There are 28 million people in Africa living with HIV and AIDS, but only 30,000, 30,000, who receive treatment, in comparison to nearly 100 percent of the people in the United States who need treatment and receive it.

At the conference, alarming statistics and forecasts indicated that HIV infections are not decreasing, nor are they leveling off. They are growing. This crisis will only continue to worsen. Today, there are over 40 million people living with AIDS. By 2010, we will see more than 100 million new AIDS cases unless we step up to the plate. China, Russia, and India are ticking time bombs. We must put at least $1 billion into the trust fund, Mr. Speaker.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Mr. Speaker, I rise to support this conference report. This conference report funds the war on terrorism, but it also helps to make as whole as possible my district in New York where the World Trade Center stood before the attack last year. This conference report fulfills the congressional part of the President's pledge to appropriate $20 billion to help New York recover from the attack.

We still have some problems with FEMA doling out the money; but I want to commend the chairman of the

committee, the gentleman from Florida (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBEY), and especially the New York members of the Committee on Appropriations who worked so hard to ensure that New York would not be forgotten and that we now have this $21.4 billion appropriated.

I want to also express my support for the $200 million in aid to Israel included in this legislation. Israel is our only true ally in the Middle East, and our only true friend in the fight against terrorism. It is only right that we support Israel in its fight against terrorism.

I also want to say that the $200 million appropriated for fighting AIDS in Africa is a good first step, but we must increase it because it does not meet the scale of the catastrophe in Africa, and the United States should step up to the plate more. But this is a very good first step.

So I want to congratulate the members of the Committee on Appropriations and the leadership of the Committee on Appropriations, and I support this bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I want to thank the gentleman from New York for the comment that he just made. The conferees have worked really hard with the delegation from New York, including the Senate and House Members; and we have all worked together very well.

This conference report continues to recognize the tremendous human losses suffered by those businesses located in the World Trade Center during the September 11 attacks, and we have included this emergency appropriation for the purpose of assisting these businesses. As stated in the joint explanatory statement of the Committee of the Conference, the conferees added $33 million to the amount provided over the initial request, and we did so expecting that that additional money would be made available specifically for helping to assist those firms located in New York City who, at the time of the terrorist attacks, suffered a disproportionate loss of their workforce and who intend to reestablish their operations in New York City.

I have discussed this issue on numerous occasions with Mr. Gargano, who serves as Governor Pataki's Chairman and CEO of New York's Empire State Development Corporation. It is our understanding that in cooperation with New York City and the Lower Manhattan Development Corporation, the State of New York will ensure that these funds will be available for the intended purposes.

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

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes to filibuster, in hopes that the gentlewoman who wishes to speak on this gets here.

Let me say that, given the fact that I am trying to stall until another Member gets here, there are several items that I think the membership ought to know about that we have provided in this bill above the administration request.

We have provided $225 million for modification of airports. Those modifications are needed in order to create an actual place to install the explosive detection systems which are supposed to be placed in those airports. It would be pretty difficult to meet the deadline without that additional funding, which the administration did not request.

We also now have the situation in which air marshals at this point cannot communicate with the ground except through the pilot. We think that is fairly unfortunate and risky, and so we provided $15 million to fix that problem.

We have also provided additional funding for port security grants, and I think that is probably among the most important money in the bill.

We have taken a number of other actions which I think will enhance overall security, even while we have not provided all of the funding that the Transportation Security Administration asked for for other activities, in large part because the Congress, on a bipartisan basis, has so little confidence in the way that agency has approached its job to date.

With that, Mr. Speaker, I will end my filibuster.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me this time. I was not going to get into this, but I want to thank the chairman of the committee.

As the chairman knows, I have great concern about LaPlata, Maryland, that was struck by a tornado some months ago, and literally two-thirds of the town was obliterated, knocked down, along with almost a thousand homes destroyed.

I was hopeful that there would be some additional funds in this bill. That was not possible. But I want to thank the chairman and the ranking member, with whom I talked during the course of the conference, for their assurances that during the course of the next weeks that we will address this problem. I want to be able to assure the folks of LaPlata that we have not forgotten them and we are going to assist them as soon as we possibly can; and I thank the chairman for his assurance on that and working with me to accomplish that objective, and I thank the gentleman from Minnesota (Mr. OBEY) as well.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to use this time as we consider the supplemental to raise an issue that I think has tremendous emergency potential, but it has great implications for us as a Nation as we respond internationally and as we are trying to bring stability in regions of the country that we want to have stable commerce with.

And that is to recognize that in southern parts of Africa there are countries where people are literally starving today and that we could intervene and make a difference. A little money could be provided for food, and those who are starving need not die from starvation and the starvation numbers need not increase.

Just yesterday, the World Food Program revised their numbers up that they expect will be affected if we did nothing, from 13 million to 14 million. It is so easy for us in our luxury, or in our secure areas not to see this as immediate, because it is over there. Well, their problems over there become our problems in terms of security.

As we are now trying to bring stability to all regions, in particular developing countries, I would hope we would see it in the Nation's interest, our security interests, even if we do not see it in the humanitarian interest, of doing the right thing. So I want to bring this to the attention of the appropriators. And I know it is not in this bill. I offered amendments when it came to the House before, and we were not given an opportunity; but I just want to use every moment and every breath I have to raise the consciousness and awareness that we can make a difference.

Now, let me say parenthetically, Americans are making some difference now. But because we are a very affluent country, we cannot afford not to do what is necessary. We need to have that opportunity to make a difference. Mr. Speaker, 13 million could possibly die if we fail to act. We need those resources, and if not through this bill, through some future bill.

□ 1500

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

Mr. Speaker, Article I of the Constitution indicates that it is Congress which is given the power to determine the expenditure of taxpayer's money. Nowhere in the Constitution, in Article I or any other article, do we have a mention of the Office of Management and Budget. And yet I think as has been often the case, or has often been made obvious, the present director of the Office of Management and Budget seems to believe that the only role of Congress in the appropriations process is to salute whatever whim seems to occupy OMB that day. It is not the first time in our Nation's history OMB has had that attitude; but it is the most recent and, therefore, the most annoying.

Let me simply say OMB and the White House itself has on numerous occasions chastised this Congress for the decisions we have made on the supplemental, and they have also chastised the Congress for being somewhat tardy in getting this bill to the White House.

Let me point out that the White House did not send this bill to Congress until late March. They could have sent it up in January. They did not. They could have sent it up when they sent up their budget in February, but they did not. They delayed until late March, and then on three separate occasions after the conferees reached agreement on the content of this bill, OMB saw fit to blow up that agreement and ask for a different cut of the cards.

Because of that history, it has taken the Congress more time than it otherwise would have taken. Nonetheless, we now have a product which does not suit everyone exactly, but it is a reasonable product; and I believe it deserves the support of the House. I do not support every item in it; no Member does. But it is a reasonable effort to reach a conclusion on this matter, and I personally intend to support it because of that fact.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. Speaker, I express my great admiration for the job that the gentleman from Wisconsin (Mr. OBEY) and the chairman of the Committee on Appropriations have done together, but the conference report has some extraneous provisions which the Committee on Transportation and Infrastructure has objected to on a bipartisan basis, including one provision that has nothing to do with fighting the war on terrorism: a rescission of $320 million of highway contract authority.

That means if this stands, and apparently it will, that every State's highway program will lose interstate maintenance, national highway system funding, surface transportation program, bridge, congestion mitigation, and air quality improvement funds. California loses $31 million; Pennsylvania, $15 million; Illinois, $11 million; and Minnesota, $5.2 million.

For the first time in the history of the highway programs, these States will have to return budget authority which has been apportioned to them. These cuts are over the express objections of both the House and the Senate authorizing committees. Some will argue this has no effect because the obligational authority is not reduced in fiscal year 2002, but I disagree. These rescissions will limit the States' flexibility to use their different categories of funds. When we passed TEA–21, we expected that contract authority would be greater than the annual obligation limitation. This excess contract authority has played a critical role in funding the States' need to set their own priorities for highway investments, and they have done exceedingly well with it.

States will have to go through the process now of returning these funds from each of the highway categories to the Federal Highway Administration, and put more pressure on each State's highway next year if reauthorization of TEA–21 is delayed.

Mr. Speaker, for those reasons I must oppose the conference report.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I thank the members of the conference committee and the staff who worked very diligently for a number of weeks to get us to the point where we are today to have this supplemental on the floor.

Our counterparts in the other body worked with us very diligently. I suggest that they raised a number of very challenging issues. This is one of the more difficult conferences that I have been involved with in a good many years; but with the leadership of Senator BYRD and Senator STEVENS, we came to a good conclusion on a good supplemental conference report.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Appropriations, since this is primarily a national defense emergency supplemental bill.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I rise to express my deep appreciation to the gentleman from Florida (Chairman YOUNG) and to the gentleman from Wisconsin (Mr. OBEY) for the very fine work they have done on this supplemental bill. This is, after all, the supplemental to provide additional funds for the war on terrorism.

It was not quite a year ago that we met downstairs in this building to mark up the fiscal year 2002 appropriations bill for national security. As we were meeting that very morning, all of us had the experience of seeing those planes fly into those buildings in New York, shortly thereafter learning about a plane flying into the Pentagon and the President brought us all together to discuss for the first time the war on terrorism.

One of the most significant moments of my time in public affairs was to share with Members in this House when the President came to the House, bringing us all together, both bodies of the Congress, the Supreme Court, all of the members of the cabinet, in order to talk about this new challenge that America was faced with. I will never quite forget that scene when the leader of the other body, who was in the well of the House, came across the well of the House and we saw the President of the United States and that leader in friendship and leadership and otherwise hug each other expressing the public's view that we ought to be together as we go about fighting this war.

Indeed, the gentleman from Wisconsin (Mr. OBEY) has indicated that this bill might have moved more quickly. There are any number of interests that have come forward since the fiscal year 2002 bills were marked up, and indeed the best effort has been made to reflect those additional interests in this fiscal year 2002 supplemental. But most of it, approximately half of it, is money to fight the war on terrorism; and we are coming together to further express our commitment on both sides of the aisle to make certain that we do whatever is necessary to see that we win this war.

America is not backing off from the challenge that is before us. Indeed, the people of the United States continue to insist that we work together intently to make sure that America remains the strongest Nation in the world carrying forward that battle to be successful in the war on terrorism.

Mr. BLUMENAUER. Mr. Speaker, I will support this legislation.

Its provision to provide funding fro Amtrak is especially critical to avoiding a shutdown of our national passenger railroad system later this year. Congress has a special obligation to fund Amtrak as part of the Amtrak Reform and Accountability Act of 1997. The fiscal problems facing Amtrak are not the responsibility of the railroad alone, but also reflect the unrealistic and unattainable goals that we impose on Amtrak under that legislation and our failure in Congress to provide necessary capital funding. The $205 million provided in this bill is a stop gap measure to keep the railroad functioning as we look at opportunities next year during the Amtrak reauthorization to address larger fiscal and structural issues.

This conference report contains funding for homeland security that is much needed in my district. It is essential that we provide our local governments and first responders with the resources to provide training and acquire the equipment necessary to be prepared for potential terrorist attacks.

Our military has responded with great professionalism to the unforeseen tragedies of September 11, but we need to utilize tools beyond those of the military in reducing global risks. I am disappointed that we had to add military spending to this bill. The FY02 military budget we adopted last fall was $351 billion, a figure already exceeding the military spending of the next 25 nations combined.

Finally, the conference report appropriates $134 million for reconstruction activities in Afghanistan. I am pleased that this total includes funding to repair houses damaged during military operations. The conference report appropriates some $3000 million for assistance to Afghanistan from various accounts.

Afghanistan is believed to have one of the worst landmine and unexploded ordnance problems in the world, with 5–7 million still littered about the country. In addition to Afghan citizens, U.S. service personnel have also been killed by these explosive remnants of war. $4 million is included in this conference report for humanitarian demining and cleanup of other unexploded ordnance.

Representative LEACH and I led a request to the Foreign Operations Appropriations Subcommittee for assistance to unintended victims of the Afghan war in its FY03 bill. A bipartisan group of 38 Members joined us. This is an important gesture for us to make to the Afghan people to show them that our military campaign is not against them; it is against Al-Qaeda. I hope we can build on the assistance

for housing repair that is in this conference report in the appropriation for FY03 funding when the House Foreign Operations Subcommittee marks up its bill following the August recess.

Mr. LANTOS. Mr. Speaker, today the House is voting on H.R. 4775, the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States. This legislation provides key support to our military to conduct the ongoing struggle against the barbaric forces of international terrorism, additional support for some key friends and allies in the war against terrorism, and supports other critical programs. I fully support the conference report and urge all my colleagues to support this critical legislation.

Mr. Speaker, I rise today to address a very important provision that is contained in this legislation, section 603 of the Supplemental Appropriations Act, relating to the dangerous security situation on Afghanistan, which is jeopardizing U.S. efforts to stabilize and democratize that war-torn nation. On May 21, 2002, I offered an amendment to H.R. 3969, the Afghanistan Freedom Support Act of 2002, which is substantially similar to section 603 and was adopted by vote of 407–4. My amendment and section 603 require the Administration to submit a strategy for addressing this critical problem. Under section 603, the Administration is required to submit a report on the strategy for meeting the immediate security needs, and a further report within 90 days on the long term strategy for meeting long term security needs in Afghanistan.

Mr. Speaker, the United States and its coalition partners have freed Afghanistan from the choke-hold of the al-Qaeda terrorists and the repressive regime of the Taliban. With the support of the international community, a new, interim authority is in place and the country is, uncertainly, on a path to peace and stability. But that very peace and stability is being threatened, and the new government of Afghanistan, led by Chairman Hamid Karzai, is being undermined by lawlessness and insecurity. Afghanistan is in grave danger of relapsing to the very conditions of violence and warlordism that created the Taliban and attracted al-Qaeda to operate in Afghanistan.

This is not the vision we had for Afghanistan as we sought to help liberate it from the grasp of the terrorists and the Taliban. President Bush has pledged to help restore security and rebuild Afghanistan, and Secretary Rumsfeld has himself noted on many occasions that security is fundamental to all other issues and objectives in Afghanistan. Mr. Speaker, if this was not clear on May 21, when I first raised this issue, it certainly is now. A key member of the Karzai Government, Vice President Haji Abdul Qadir, was assassinated on July 6, 2002. The assassination of this key Pashtun leader highlighted the instability in Afghanistan that threatens the U.S. mission there. And just this week, Secretary of Defense Rumsfeld announced that U.S. soldiers, including U.S. special forces, will protect President Karzai, perhaps for several months, in order to protect the nascent political process that is taking place. I could not agree with him more when he said that it is important that the political process in that country ''not be negated by violence.''

Mr. Speaker, the Bush Administration decision to protect President Karzai speaks volume about the threats facing Afghanistan today. Just as President Karzai is threatened by continuing insecurity, so is the entire Afghani population. The bill before us today, and the Afghanistan Freedom and Reconstruction Act passed earlier this year, provides funding to help transform Afghanistan from a land of repression and chaos into a safe and secure environment where freedom, human rights and democracy can grow, and terrorism and opium production will wither. However, none of this can be accomplished without security. The United States is providing critical assistance to create a new professional, multiethnic Afghan Army that can address Afghanistan's long-term security needs. But something must be done now, whether it is the expansion of a multinational force or through some other mechanism, to stabilize the countryside. Neither we nor our Afghan friend have the luxury to wait until a future Afghan security force is fully trained and deployed.

Section 603 requires the Administration to address this issue in a constructive way. It requires the Administration to formulate a strategy to increase security in the country during the transaction to a fully functioning national army and police force. I fear that a failure to do address the security situation may lead to a failed Afghanistan, reduced instead of increased international assistance, delays in the accomplishment of U.S. military objectives and a far longer engagement for our military in the region.

Mr. LEVIN. Mr. Speaker, I will support the conference report on the supplemental appropriations bill when it comes to a vote this afternoon because of the funds provided for the war on terrorism, homeland security, and assistance to the city and state of New York.

That said, there are provisions in this bill that have nothing to do with these important objectives. One provision will undo a past trade commitment that the U.S. made in good faith to the countries of the Caribbean Basin region. That commitment relates to the rules of origin for apparel products under the CBI program. This bill includes changes to those rules of origin that make the program much more restrictive.

We all know why these provisions are being included—it is to make good on a deal made by House Republican leadership with a few Republican Members from textile states in order to secure those Members' votes for a fundamentally flawed fast track bill.

The CBI bill was crafted carefully on a bipartisan basis and it was an opportunistic, serious mistake to undo the provisions in that bill. The irony is that it is most likely that the promises in this bill will prove to be a pyrrhic victory.

Provisions in the House bills on fast track and Andean Trade Preferences would significantly expand imports of textiles and apparel products from various countries—to a much larger degree than the trade at issue in this dyeing and finishing provision. The House Republican leadership therefore has been giving with one hand and taking away with the other.

In a way, this dyeing and finishing amendment encapsulates the trade policy of the current Administration. It is going back and forth, with no direction.

It is a reflection of the basic flaw of the House Republican leadership to approach trade policy as a purely political issue and thumb its nose at bipartisanship from the very outset.

A trade policy on such a narrow partisan basis is not viable as it is built on shifting sands of political expediency, instead of a strong, broad foundation.

Mr. JEFF MILLER of Florida. Mr. Speaker, today I rise with reserved support for the FY 02 supplemental Conference Report. This legislation, billed as a wartime supplemental, has egregious spending proposals I cannot wholly support. However, with more than $14 billion going to support our men and women in uniform, I am unable to oppose the measure.

In my opinion, Mr. Speaker, this bill is the embodiment of resentment our constituents express in regular helpings. This process, of using strong and vital proposals to shield what is essentially pork, afford the hard working taxpayers in this country a valid complaint against their government.

I have read and reread the bill, Mr. Speaker. I shook my head with disgust and held my breath when casting my aye vote. My vote supports our efforts to defend this great country and to protect our interests in other lands. However, I know that this supplemental could have been better and I know for a fact that our constituents deserve better.

Mr. PETRI. Mr. Speaker, first the good news. I am pleased that this conference report includes language that provides that adjustments in obligation authority for the federal highway program due to the Revenue Aligned Budget Authority (RABA) calculation will be zero for fiscal year 2003. This will ensure that the obligation levels behind the budget firewall for fiscal year 2003 will be at TEA 21 estimated levels for the year ($27.7 billion) and about $4.4 billion over what was included in the President's budget. The lower budget number in the President's budget was a result of adjustments made to correct previous overestimates for 2001 revenues and lower estimates for future revenues.

However, it is important to note that there is no reason why Congress cannot provide funding in addition to this ''minimum'' guaranteed level of funding and, indeed, the Highway Trust Fund can support additional funding. This provision is identical to what was approved by the House earlier this year when H.R. 3694, the Highway Funding Restoration Act, was passed by a vote of 410–5 and will provide for more stable highway funding for the states.

Now, the bad news. In an unprecedented move, the conferees have included a Senate provision that rescinds $320 million in contract authority from the Highway Trust Fund that has already been distributed to the states. In my more than 20 years here in the House, I cannot remember a time when states have had to give back federal highway apportionments.

Mr. Speaker, this move is objectionable on many levels.

Contract authority from the Highway Trust Fund is under the exclusive jurisdiction of the Transportation and Infrastructure Committee. It is not the place of the Appropriations Committee to rescind contract authority. Under the Rules of the House, this is a violation and would be considered legislating on an appropriations bill. It should be of grave concern to all those Members who are not on the Appropriations Committee—which is about 85 percent of us—to see the continued usurpation of authorizer's authority and the long arm of the appropriators reaching beyond their legitimate powers and authorities.

In addition, this is a terrible precedent. For decades, the Public Works and Transportation Committee, as our Committee was known back then, worked diligently in support of efforts to take the Aviation and Highway Trust Funds off-budget. And it was just because of budget games such as this that were played with Trust Funds that spurred that effort. We made real progress in TEA 21 where, for the first time, highway spending levels are linked to revenues coming into the Trust Fund. If the Appropriators are able to use the Trust Fund for budget gimmicks today, what is to stop them from doing so again in the future. Perhaps we should be thankful that the rescission in this bill is ''only'' $320 million, when, I understand, it could have been a lot more. But we must stop manipulating the Trust Fund and the highway program for illusory budget reasons.

But perhaps most important is the impact on state transportation plans and programs. States receive contact authority each year in accordance with TEA 21 in the various highway program categories. They are able to target obligation authority (which is typically less than contract authority) received each year among the various programs to meet specific transportation priorities and needs. This flexibility is needed by the states to properly manage and plan to ensure the most efficient and effective highway program. If suddenly a state must give back contract authority (and I understand DOT will require an across the board return of contract authority from among the various funding categories), states lose this vital flexibility. And some states may have large amounts of contract authority in only a few categories, so that impact would be felt more deeply in other programs.

I understand this rescission has been justified on the basis of budget authority ''savings'' that were necessary to meet target spending levels. It is distressing that the Transportation Committee offered up over $1 billion in savings from the loan guarantee program under the Air Transportation Safety and System Stabilization Act of reducing the outstanding loan authority down to the value of all pending loan applications. However, conferees did not avail themselves of this option and instead chose to focus on the highway program.

The proper course of action to take would be to restore this contract authority as we continue the appropriations process for fiscal year 2003. I trust the appropriators and leadership will work with us to ensure this correction is made.

Mr. Speaker, we simply cannot begin to play with the highway contract authority given to the states. We have never required them to ''give back'' contract authority already distributed. This is a very dangerous precedent and I trust we will go no further down this road in the future.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of this very important legislation.

I want to express my sincere thanks and happiness that the funding for New York's recovery has been included in this bill.

I would like to also note that this legislation includes $90 million for a longterm study that will be conducted by Mt. Sinai hospital to track the health impact of 9/11 on the dedicated and courageous response-and-recovery workers at the World Trade Center.

However, while I am pleased that this study was included and that we are taking care of the utilities, I must say that I am very troubled that this bill does not contain any funding to aid the New York City Board of Education with its costs because of the September 11th terrorist attack.

I, along with many members of the New York Congressional Delegation, and especially my friend and colleague Representative JOHN SWEENEY, who tried to include the aid in Committee, have been working on this important issue since the Board came to us with their concerns. Because of the attack, the Board has incurred costs such as making up for lost instructional time, clean up and repair of impacted buildings, transportation for relocated students, and the loss of perishable food and lunch revenues. Our goal simply has been to obtain for the New York City schoolchildren the same kind of aid that was made available to the Northridge schools following the 1994 earthquake. FEMA indicated that it wanted to help, but lacked the necessary authority.

After months of correspondence with FEMA, we believed that to provide the Board with this funding, language needed to be included in the Supplemental Appropriations bill directing FEMA to reimburse the Board. However, even after the inclusion of such language by our colleagues in the other body, FEMA and OMB have indicated that this language is not sufficient, and the FEMA still lacks the authority to reimburse the Board. I am very disappointed with FEMA's inability to come to the aid of New York City's schoolchildren, who have done nothing wrong and deserve to have the best possible educational experience.

Mr. Speaker, the events of September 11th are unprecedented in our nation's history. As a result, President Bush pledged that his administration would do whatever it takes to rebuild New York City. While we appreciate his support and much of the good work that has already occurred, the red tape that seems to be tying up the aid for the New York City schools must be cut as soon as possible. I am hopeful that we will be able to come to some resolution with FEMA so that the Board can continue its preparations for the upcoming school year.

Mr. STARK. Mr. Speaker, I rise today in opposition to the Supplemental Appropriations bill for Fiscal Year 2002.

The Republicans have created a bill that throws important priorities in with a laundry list of poor choices. I can't in good conscience vote for a bill that in one breath provides billions in new funding for defense while cutting a reasonable investment in America's infrastructure and public housing.

I can't support a bill that authorizes spending—to the tune of $29.8 billion—that the President already said he would veto. It is critical that we make funding for transportation safety available as quickly as possible. But we can't be effective if we don't provide the funding the Transportation Safety Administration says it needs. The Secretary of Transportation says passage of this bill will delay the installation of screening and detection systems needed to keep weapons and explosives off our airlines.

This bill opens the door for U.S. military involvement in Colombia, moving us one step closer to being mired in a civil war there. I cannot support this, just as I have always opposed the United States giving funding to other nations to purchase weapons that might be used to wage war or harm innocent civilians.

This bill also withholds funding for critical UN family planning efforts that are vital in combating poverty and hunger throughout the world.

I do support a great deal of what is funded in this bill. We must crack down on corporate fraud. We should make college more affordable for all Americans by boosting Pell Grant funding. We need to do more to help the victims of domestic violence and assist poor mothers and their children. We should assist local communities and first responders in their emergency preparedness efforts. We ought to boost the security of our transportation systems and at our ports.

America should also be a responsible force abroad as well by helping Afghanistan rebuild, giving needed humanitarian aid to refugees, and providing support to vital global health care initiatives like the fight against HIV/AIDS.

I support all of these important endeavors. But, unfortunately, this bill is far too flawed to gain my vote. I urge my Republican colleagues to think about what our priorities should be and consider the consequences this bill imposes on our nation's and the world's future.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5120, and that I may include tabular and extraneous material.

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

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2003

The SPEAKER pro tempore (Mr. LEWIS of California). Pursuant to House Resolution 488 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5120.

□ 1510

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5120) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of

the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes.

The Chair designates the gentleman from California (Mr. DREIER) as the chairman of the Committee of the Whole, and requests the gentleman from Washington (Mr. HASTINGS) to assume the Chair temporarily.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

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

Mr. Chairman, I am pleased to present to the House H.R. 5120. This is the fiscal year 2003 appropriations measure for Treasury, Postal Service and General Government. I believe we have a good bill, Mr. Chairman, one that puts the proper focus on homeland security and Federal law enforcement, on securing the borders and protecting our homeland.

I am pleased to say this bill has the support of the gentleman from Maryland (Mr. HOYER), the ranking member. I know that the gentleman from Maryland (Mr. HOYER), as many of us, continues to have concerns about different provisions in this bill. That is common, and I am committed to resolving the concerns of all Members as we wind our way through the legislative process.

Briefly, I would like to explain something about the overall numbers in this bill. We have received certainly a fair, a very good allocation from the chairman, the gentleman from Florida (Mr. YOUNG), on our subcommittee's portion of this year's appropriation. Our committee's allocation is a total $18.5 billion in discretionary resources for fiscal year 2003. In the charts that accompany the report, some indicate that the level appears to be below the President's request by some $207 million. Although that certainly appears attractive to fiscal conservatives such as myself, I would like to point out what appears to be a reduction is the consequence of scorekeeping adjustments related to the fact that the President's proposal had some accrual accounting in his budget proposal for fiscal year 2003, accrual accounting that was not included in the actual bill.

Therefore, there is something like a $745 million difference caused by those score-keeping adjustments. If we exclude that accrual accounting and we just compare apples to apples, programs for fiscal year 2003 to fiscal year 2002, we will find that when compared to last year's fiscal year 2002 enacted level, it is above the President's request, above fiscal year 2002 by $149 million and above the President's request by $538 million.

This is not the result of extra spending that we wanted to accomplish except for that which is necessary for homeland security. Instead, it is because we have a special provision in this bill for $200 million in support of reforming election administration through the country to enable the purchasing of up-to-date, modern election equipment so we do not have the difficulties in future Presidential elections that we saw happen in 2000.

Secondly, in the base operations for the U.S. Customs Service, which is charged with overseeing some $8 billion worth of goods that come into the U.S. each day and making sure those are not a conduit for bringing in a weapon of mass destruction or for bringing in someone else that might be a threat to our homeland, to fund those operations and continue the level of increases in border security that this subcommittee has been proposing in the past, we have $250 million that the President wanted to have offset by fee increases. We are not increasing the fees that are generated by the Customs Service, but we are handling this increase by direct appropriation.

□ 1515

Again, that is the other key reason why there are differences between our numbers and those in the President's proposed budget.

As reported by the committee, this bill provides a total of $4.2 billion for securing our homeland. This includes not only funding for the Office of Homeland Security, which is currently part of the Executive Office of the President, but it also includes funding for the U.S. Customs Service, for the Secret Service and for the Federal Law Enforcement Training Center, which is having to provide the training for the increasing number of Federal law enforcement officials that we have needed and been putting in place ever since 9/11 and, indeed, which this subcommittee was increasing even before 9/11.

This bill also includes a total of $246.4 million for the HIDTA program. HIDTA is high intensity drug trafficking areas. This is providing special funding for Federal, State and local coordination to combat the scourge of illegal drugs. The HIDTA money is an increase of $20 million above the current year's funding.

Although nominally the bill reduces funding for the national youth anti-drug media campaign by $10 million, it actually increases the amount that is going to be applied to the national campaign, the advertising campaign, to discourage the use of illegal drugs by our young people. What we have done is to take the difference out of the bureaucracy that had been growing within the Office of National Drug Control Policy and mandate that they increase the amount that is actually being expended on actual advertising.

The bill also provides some $646 million for the construction program of the General Services Administration which, of course, is the landlord for the Federal Government. That includes site acquisition, design and/or construction of some 11 courthouses, trying to take care of the overburden that currently is being placed upon our judicial system.

The bill has major funding regarding information technology. A lot of that is related to trade and to homeland security. The bill includes $439 million for the Customs automation program, including a total of not less than $317 million for modernizing the automated commercial system, the ACE program. Mr. Chairman, it is this modernization program within Customs that I believe will ultimately form the information backbone for the forthcoming Department of Homeland Security, because this database ties in not only Federal law enforcement but some 58 Federal agencies, giving them the interfacing and the access to sharing information that we have seen is so sorely lacking today among Federal agencies. Not only is this an initiative our subcommittee has been accelerating, but it is something that has laid the groundwork for the forthcoming Department of Homeland Security.

In regard to information technology, we also include $436 million for the business systems modernization of the Internal Revenue Service, so taxpayers will no longer have the waiting game and the wondering game that they sometimes have right now when trying to get their complex tax situations straightened out with the IRS.

And we fund $5 million for the President's e-government proposal as well.

In regard to legislative items, we have a number of historical provisions that are a part of this bill. One of them is maintaining the current law that prohibits using funds to pay for abortions through the Federal employees health benefits plan which is the insurance program for Federal workers. This is a provision that has been a part of this bill for a number of years, as is the continued requirement that FEHBP providers include coverage for prescription contraceptive services under certain circumstances and limitations.

We also have a number of other measures in this bill that, frankly, Mr. Chairman, will probably consume most of the debate time, even though they are not the focus of this bill. The focus of this bill is the Treasury Department, the White House, the Executive Office of the President, Federal law enforcement, almost half of which is funded through this bill, the Secret Service, the Bureau of Alcohol, Tobacco and Firearms, and the Customs Service with its significant role regarding border security and homeland security. However, probably most of the debate time will be consumed in debate, such as travel to Cuba, which I know is a subject of interest to a great many Members. It is not the thrust of this bill, but it is probably a debate that we will get into, nevertheless.

Because we have so many amendments that Members wish to offer to

this bill, mostly to the general government provisions, I hope we do not consume the entire hour that is allocated for official debate on the bill itself so that we might move into the opportunity for Members to be presenting their amendments. But, of course, we will try to take the necessary time to cover those issues.

Mr. Chairman, I include the following tabular material for the RECORD:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE TREASURY					
Departmental Offices	177,142	191,914	187,241	+10,099	-4,673
Department-wide systems and capital investments programs	68,828	68,828	68,828	---	---
Office of Inspector General	35,424	35,428	35,424	---	-4
Treasury Inspector General for Tax Administration	123,746	123,962	123,962	+216	---
9/11 Supplemental (P.L. 107-117)	2,032	---	---	-2,032	---
Subtotal	125,778	123,962	123,962	-1,816	---
Air Transportation Stabilization Program Account	---	6,041	6,041	+6,041	---
Treasury Building and Annex Repair and Restoration	28,932	32,932	32,932	+4,000	---
Expanded Access to Financial Services	2,000	2,000	4,000	+2,000	+2,000
Counterterrorism Fund	40,000	40,000	33,000	-7,000	-7,000
Treasury franchise fund	---	---	---	---	---
Financial Crimes Enforcement Network	45,837	50,517	51,444	+5,607	+927
9/11 Supplemental (P.L. 107-117)	1,700	---	---	-1,700	---
Subtotal	47,537	50,517	51,444	+3,907	+927
Federal Law Enforcement Training Center:					
Salaries and Expenses	105,680	122,393	152,951	+47,271	+30,558
9/11 Supplemental (P.L. 107-117)	23,000	---	---	-23,000	---
Subtotal	128,680	122,393	152,951	+24,271	+30,558
Acquisition, Construction, Improvements, & Related Expenses	33,434	23,329	31,800	-1,634	+8,471
9/11 Supplemental (P.L. 107-117)	8,500	---	---	-8,500	---
Subtotal	41,934	23,329	31,800	-10,134	+8,471
Total	170,614	145,722	184,751	+14,137	+39,029

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Interagency Law Enforcement:					
Interagency crime and drug enforcement	107,576	107,576	110,594	+3,018	+3,018
Financial Management Service	212,850	220,712	220,664	+7,814	-48
Bureau of Alcohol, Tobacco and Firearms	810,316	870,775	878,034	+67,718	+7,259
9/11 Supplemental (P.L. 107-117)	31,431	---	---	-31,431	---
Subtotal	841,747	870,775	878,034	+36,287	+7,259
GREAT grants	13,000	13,000	13,000	---	---
Total	854,747	883,775	891,034	+36,287	+7,259
United States Customs Service:					
Salaries and Expenses	2,079,357	2,391,952	2,496,165	+416,808	+104,213
9/11 Supplemental (P.L. 107-117)	392,603	---	---	-392,603	---
Subtotal	2,471,960	2,391,952	2,496,165	+24,205	+104,213
Users fees, conveyance/passenger/other	---	-167,000	---	---	+167,000
Harbor Maintenance Fee Collection	3,000	3,000	3,000	---	---
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	177,860	170,829	190,000	+12,140	+19,171
9/11 Supplemental (P.L. 107-117)	6,700	---	---	-6,700	---
Subtotal	184,560	170,829	190,000	+5,440	+19,171
Miscellaneous appropriations (P.L. 106-554)	---	---	---	---	---
Automation modernization:					
Automated Commercial System	122,432	122,432	122,432	---	---
International Trade Data System	5,400	---	---	-5,400	---
Automated Commercial Environment	300,000	312,900	316,900	+16,900	+4,000
Subtotal	427,832	435,332	439,332	+11,500	+4,000
Customs Services at Small Airports (to be derived from fees collected)	3,000	3,000	3,000	---	---
Offsetting receipts	-3,000	-3,000	-3,000	---	---
Total	3,087,352	2,834,113	3,128,497	+41,145	+294,384
Bureau of the Public Debt	186,953	191,119	168,673	-18,280	-22,446
Payment of government losses in shipment	1,000	1,000	1,000	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Internal Revenue Service:					
Processing, Assistance, and Management	3,797,890	3,958,337	3,955,777	+157,887	-2,560
9/11 Supplemental (P.L. 107-117)	12,990	---	---	-12,990	---
Subtotal	3,810,880	3,958,337	3,955,777	+144,897	-2,560
Tax Law Enforcement	3,538,347	3,729,072	3,729,072	+190,725	---
9/11 Supplemental (P.L. 107-117)	4,544	---	---	-4,544	---
Subtotal	3,542,891	3,729,072	3,729,072	+186,181	---
Earned Income Tax Credit Compliance Initiative	146,000	146,000	146,000	---	---
Information Systems	1,563,249	1,632,444	1,632,444	+69,195	---
9/11 Supplemental (P.L. 107-117)	15,991	---	---	-15,991	---
Subtotal	1,579,240	1,632,444	1,632,444	+53,204	---
Business systems modernization	391,593	450,000	436,000	+44,407	-14,000
Total (net)	9,470,604	9,915,853	9,899,293	+428,689	-16,560
United States Secret Service:					
Salaries and Expenses	920,615	1,010,435	1,017,892	+97,277	+7,457
9/11 Supplemental (P.L. 107-117)	104,769	---	---	-104,769	---
Subtotal	1,025,384	1,010,435	1,017,892	-7,492	+7,457
Acquisition, Construction, Improvements, & Related Expenses	3,457	3,519	3,519	+62	---
Total	1,028,841	1,013,954	1,021,411	-7,430	+7,457
Total, title I, Department of the Treasury	15,646,178	15,865,446	16,168,789	+522,611	+303,343
Appropriations	15,041,918	15,865,446	16,168,789	+1,126,871	+303,343
Emergency funding	604,260	---	---	-604,260	---
Rescissions	---	---	---	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - POSTAL SERVICE					
Payment to the Postal Service Fund	29,000	29,000	29,000	---	---
9/11 Supplemental (P.L. 107-117)	500,000	---	---	-500,000	---
Subtotal	529,000	29,000	29,000	-500,000	---
Advance appropriation, FY 2002/2003	67,093	47,619	47,619	-19,474	---
Advance appropriation, FY 2004	---	31,014	31,014	+31,014	---
Total, title II, Postal Service:					
Fiscal year 2002/2003	596,093	76,619	76,619	-519,474	---
Fiscal year 2004	---	31,014	31,014	+31,014	---
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
Compensation of the President and the White House Office:					
Compensation of the President	450	450	450	---	---
Salaries and Expenses	54,651	84,595	50,715	-3,936	-33,880
Office of Homeland Security	---	---	24,061	+24,061	+24,061
Executive Residence at the White House:					
Operating Expenses	11,695	12,228	12,228	+533	---
White House Repair and Restoration	8,625	1,200	1,200	-7,425	---
Special Assistance to the President and the Official Residence of the Vice President:					
Salaries and Expenses	3,925	4,066	3,160	-765	-906
Operating expenses	318	324	324	+6	---
Council of Economic Advisers	4,211	4,405	3,763	-448	-642
Office of Policy Development	4,142	4,221	3,251	-891	-970
National Security Council	7,494	9,525	7,803	+309	-1,722

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Administration	46,955	70,128	92,681	+45,726	+22,553
9/11 Supplemental (P.L. 107-117)	50,040	---	---	-50,040	---
Subtotal	96,995	70,128	92,681	-4,314	+22,553
Office of Management and Budget	70,752	70,752	61,492	-9,260	-9,260
Electronic Government (E-Gov) Fund	---	---	5,000	+5,000	+5,000
Election Administration Reform	---	---	200,000	+200,000	+200,000
Office of National Drug Control Policy:					
Salaries and expenses	25,263	25,458	24,458	-805	-1,000
Counterdrug Technology Assessment Center	42,300	40,000	55,800	+13,500	+15,800
Total	67,563	65,458	80,258	+12,695	+14,800
Federal Drug Control Programs:					
High Intensity Drug Trafficking Areas Program	226,350	206,350	246,350	+20,000	+40,000
Special Forfeiture Fund	239,400	251,300	240,800	+1,400	-10,500
Unanticipated Needs	1,000	1,000	1,000	---	---
Total, title III, Executive Office of the President and Funds Appropriated to the President	797,571	786,002	1,034,536	+236,965	+248,534
TITLE IV - INDEPENDENT AGENCIES					
Committee for Purchase From People Who Are Blind or Severely Disabled	4,629	4,629	4,629	---	---
Federal Election Commission	43,689	45,244	49,426	+5,737	+4,182
Federal Labor Relations Authority	26,524	28,684	28,677	+2,153	-7

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
General Services Administration:					
Federal Buildings Fund:					
Appropriations	284,400	276,400	325,711	+41,311	+49,311
9/11 Supplemental (P.L. 107-117)	126,512	---	---	-126,512	---
Subtotal	410,912	276,400	325,711	-85,201	+49,311
Limitations on availability of revenue:					
Construction and acquisition of facilities	(662,680)	(556,574)	(646,385)	(-16,295)	(+89,811)
Repairs and alterations	(826,676)	(986,029)	(978,529)	(+151,853)	(-7,500)
9/11 Supplemental (P.L. 107-117)	(42,700)	---	---	(-42,700)	---
Subtotal	(869,376)	(986,029)	(978,529)	(+109,153)	(-7,500)
Installment acquisition payments	(186,427)	(178,960)	(178,960)	(-7,467)	---
Rental of space	(2,952,050)	(3,153,211)	(3,153,211)	(+201,161)	---
Building Operations	(1,748,949)	(1,965,160)	(1,925,160)	(+176,211)	(-40,000)
9/11 Supplemental (P.L. 107-117)	(83,812)	---	---	(-83,812)	---
Subtotal	(1,832,761)	(1,965,160)	(1,925,160)	(+92,399)	(-40,000)
Subtotal, limitations	6,503,294	6,839,934	6,882,245	+378,951	+42,311
Repayment of Debt	(72,000)	(79,685)	(79,685)	(+7,685)	---
Rental income to fund	---	---	---	---	---
Total, Federal Buildings Fund	410,912	276,400	325,711	-85,201	+49,311
(Limitations)	(6,575,294)	(6,919,619)	(6,961,930)	(+386,636)	(+42,311)
Policy and Operations	143,139	---	---	-143,139	---
Policy and Citizen Services	---	65,995	65,995	+65,995	---
Operating Expenses	---	88,263	77,904	+77,904	-10,359
Office of Inspector General	36,346	37,617	37,617	+1,271	---
Electronic Government Fund	5,000	45,000	---	-5,000	-45,000
Allowances and Office Staff for Former Presidents	3,196	3,339	3,339	+143	---
Total, General Services Administration	598,593	516,614	510,566	-88,027	-6,048

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Merit Systems Protection Board:					
Salaries and Expenses	30,555	31,790	31,788	+1,233	-2
Limitation on administrative expenses	2,520	2,594	2,594	+74	---
Morris K. Udall Foundation:					
Morris K. Udall Trust Fund	1,996	1,996	1,996	---	---
Environmental Dispute Resolution Fund	1,309	1,309	1,309	---	---
National Archives and Records Administration:					
Operating expenses	244,247	256,731	249,731	+5,484	-7,000
9/11 Supplemental (P.L. 107-117)	1,600	---	---	-1,600	---
Subtotal	245,847	256,731	249,731	+3,884	-7,000
Reduction of debt	-6,612	-7,186	-7,186	-574	---
Repairs and Restoration	39,143	10,458	10,458	-28,685	---
9/11 Supplemental (P.L. 107-117)	1,000	---	---	-1,000	---
Subtotal	40,143	10,458	10,458	-29,685	---
National Historical Publications and Records Commission: Grants program	6,436	5,000	7,000	+564	+2,000
Total	285,814	265,003	260,003	-25,811	-5,000
Office of Government Ethics	10,117	10,488	10,486	+369	-2
Office of Personnel Management:					
Salaries and Expenses	99,636	128,804	128,986	+29,350	+182
Limitation on administrative expenses	115,928	120,791	120,791	+4,863	---
Office of Inspector General	1,498	1,498	1,498	---	---
Limitation on administrative expenses	10,016	10,766	10,766	+750	---
Government Payment for Annuitants, Employees Health Benefits	6,129,000	6,853,000	6,853,000	+724,000	---
Government Payment for Annuitants, Employee Life Insurance	34,000	34,000	34,000	---	---
Payment to Civil Service Retirement and Disability Fund	9,229,000	9,410,000	9,410,000	+181,000	---
Total, Office of Personnel Management	15,619,078	16,558,859	16,559,041	+939,963	+182

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Special Counsel	11,891	12,434	12,432	+541	-2
United States Tax Court	37,305	37,305	37,305	---	---
White House Commission on the National Moment of Rememberance	---	250	250	+250	---
Net FY2002 proceeds from WTC stamp	---	---	---	---	---
Total, title IV, Independent Agencies	16,674,020	17,517,199	17,510,502	+836,482	-6,697
Grand total (net)	33,713,862	34,276,280	34,821,460	+1,107,598	+545,180
Current year, FY 2003	33,646,769	34,197,647	34,742,827	+1,096,058	+545,180
Appropriations	(32,363,357)	(34,197,647)	(34,742,827)	(+2,379,470)	(+545,180)
Emergency funding	(1,283,412)	---	---	(-1,283,412)	---
Rescissions	---	---	---	---	---
Advance appropriations, FY 2003 / FY 2004	67,093	78,633	78,633	+11,540	---
(Limitations)	6,575,294	6,919,619	6,961,930	+386,636	+42,311

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Bureau of The Public Debt (Permanent)	148,000	151,000	151,000	+3,000	---
Federal Reserve Bank reimbursement fund	134,000	137,000	137,000	+3,000	---
US Mint revolving fund	17,000	---	---	-17,000	---
Sallie Mae	1,000	1,000	1,000	---	---
Federal buildings fund	14,000	15,000	7,000	-7,000	-8,000
Advance appropriations:					
Postal service, FY 2004	---	-31,014	-31,014	-31,014	---
GSA, FY 2003-2004	---	---	---	---	---
OMB retirement accruals	---	745,000	---	---	-745,000
Emergency supplemental	---	---	---	---	---
Total, scorekeeping adjustments	314,000	1,017,986	264,986	-49,014	-753,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total (including adjustments)	34,027,862	35,294,266	35,086,446	+1,058,584	-207,820
Amount in this bill	33,713,862	34,276,280	34,821,460	+1,107,598	+545,180
Scorekeeping adjustments	314,000	1,017,986	264,986	-49,014	-753,000
Prior year outlays					
Total mandatory and discretionary	34,027,862	35,294,266	35,086,446	+1,058,584	-207,820
Mandatory	15,675,450	16,586,450	16,586,450	+911,000	---
Discretionary	18,352,412	18,707,816	18,499,996	+147,584	-207,820
RECAP BY FUNCTION					
Mandatory	15,675,450	16,586,450	16,586,450	+911,000	---
Prior year (outlays only)					
Total, Mandatory	15,675,450	16,586,450	16,586,450	+911,000	---
Discretionary:					
General purpose discretionary	18,352,412	18,707,816	18,499,996	+147,584	-207,820
Prior year (outlays only)					
Total, Discretionary	18,352,412	18,707,816	18,499,996	+147,584	-207,820
Grand total, Mandatory and Discretionary	34,027,862	35,294,266	35,086,446	+1,058,584	-207,820

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

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

I want to thank the gentleman from Oklahoma (Mr. ISTOOK), the chair of our subcommittee, for the leadership he has shown on this bill. I want to thank our staff, particularly our staff director, Ms. Michelle Mrdeza, Jeff Ashford, Kurt Dodd, Walter Hearne, Tammy Hughes and Randy Cogga, who is a detailee working with us. I also want to thank my own staff, Mike Malone and Scott Nance, who have done an outstanding job. I also want to thank Chairman YOUNG for his assistance, and Ranking Member OBEY for providing an allocation that is workable. And I want to thank Chairman ISTOOK, as I said earlier, for working with us.

Although we disagree on some of the funding levels and provisions included in this bill, our views have generally been incorporated in the bill. The bill provides for $18.5 billion in discretionary budget authority, $148 million higher than fiscal year 2002, a relatively modest number. This bill provides $3.128 billion for the Customs Service, $127.3 million above the President's request. This will allow the Customs Service to meet their homeland security needs as well as address other issues such as modernization of their antiquated import data system known as ACE.

The bill provides $185 million to the Federal Law Enforcement Training Center, $30 million above the President's request, in order to handle the additional workload related to the training of Transportation Security Agency personnel.

The bill adds $32 million back to Treasury law enforcement agencies that was cut in the President's budget for unspecified nonpay inflation costs. I intend to work with the chairman to add back funding to all Treasury agencies that were forced to take this cut.

The bill provides close to the full funding amount for the IRS which will enable them, Mr. Chairman, to increase compliance efforts and continue to modernize their business systems.

The bill, in addition, provides $246 million, $40 million above the request, for high intensity drug trafficking areas, and $55.8 million, $15 million above the request, for the counterdrug research and technology transfer programs at the Office of National Drug Control Policy.

For the General Services Administration, the bill includes $606.4 million for the construction of Federal buildings. I would like to point out that $177 million is included to construct a new census building in Suitland, Maryland, and $45.5 million for the continued consolidation of FDA.

In addition to the $400 million included in the fiscal year 2002 supplemental bill, this bill provides an additional $200 million for election reform administration. I want to thank our leaders, including Speaker HASTERT and Chairman YOUNG, for their commitment to include this important funding. I would observe, however, Mr. Chairman, that this funding, should the authorization bill pass, will be very substantially inadequate, and I will be seeking supplemental funds in the event that the election reform authorization bill passes prior to us completing conference or completing the final passage of this bill.

The bill also includes several provisions that benefit Federal employees, including language that provides Federal employees with its comparability adjustment comparable to that of the military. This adjustment is 1.5 percent higher than the President's request.

Although most of this bill is supportable, there are some issues in the bill that I disagree with. For the first accounts program, which attempts to provide access to those who are ''unbanked'' in this country, the bill provides restrictive provisions that may ruin the program. I am hopeful that we will drop those in conference. Although the bill provides $4 million for the program, $2 million above the fiscal year 2002 level, these provisions may severely limit the ability of the Treasury Department to have a successful program. These limitations seem to have been developed without full information, in my opinion, about their impact.

I am also concerned about the committee's elimination of the savings bonds program's $22 million marketing budget. To have a program to sell savings bonds without the ability to market them, in my opinion, does not seem to make sense.

I also continue to be concerned with the lack of information received from the Office of Homeland Security. This bill includes $24.8 million for that office, despite our frustrations with the limited amount of information provided to this committee. Let me speak to that for 1 minute, Mr. Chairman. I asked the representative of the White House who testified on this budget whether or not he could tell me how this money was to be spent. He said he could not. I asked him had he put this money together and had he planned this budget. He said he had not. I asked him had he discussed this matter with Governor Ridge as to how these funds were to be spent. He said he had not. Notwithstanding that fact, Governor Ridge refused to testify before our committee. I want to say in fairness to Governor Ridge, I believe that was under the instructions of the White House and, furthermore, Governor Ridge did make himself available to the committee for discussions. But it was an item that we should have had hearings on, we should have had testimony on, and we did not. I continue to believe that the director of that office, Homeland Security, should testify within the regular committee hearing process so that we can exercise our constitutional right of oversight.

On balance, however, Mr. Chairman, this bill is an improvement from the President's request, and despite some disagreements with its contents, I ask my colleagues to support it in its current form.

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

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, first I would like to congratulate my friend and colleague from Oklahoma for an excellent job with this bill and I enjoyed working with him.

Mr. Chairman, I also would like to engage the gentleman in a brief colloquy with respect to the funding for the drug-free communities program. One of the items authorized and appropriated under that program is the National Community Antidrug Coalition Institute. This is a new program which was intended to be a grant to a private sector entity to help train local community antidrug coalitions. It is my understanding that the Federal grant manager has expressed its intent to exercise ''substantial Federal involvement'' in the institute's administration. This was not our intent in authorizing this program. Is it the chairman's intention that the appropriated funding here is to be used exclusively for a grant to a private sector entity and not for Federal administration or activities in connection with the institute other than grant administration?

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

Mr. SOUDER. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for yielding.

The committee intention is, as stated, to support the private sector and not to fund the conduct or administration of this program by government employees other than issuing the grant itself.

Mr. SOUDER. I thank the gentleman for the colloquy.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Chairman, I would first of all like to also congratulate Chairman ISTOOK on a fine bill that he and my friend, the gentleman from Maryland (Mr. HOYER), have brought forth today. I would like to speak with him about an issue that is of particular importance to me, Mr. Chairman.

Last year as a part of the Floyd Spence National Defense Authorization Act for Fiscal Year 2002, I reinstated the Monroney amendment for Federal DOD employees.

As the gentleman knows, the Monroney amendment provides that whenever there is a shortage of comparable occupations in private industry in a given wage area, the wage survey must use comparable pay data from the nearest wage area that is determined

to be similar in nature of its population, employment, manpower and industry. Previously this amendment was not available to Federal DOD employees.

I would also like to stress the importance of this because of the problems we are having in recruiting and retaining a skilled workforce in our public military depots.

I would particularly like to discuss the pay limit that is unfairly limited on blue collar Federal DOD employees during the transition to one wage scale. These blue collar employees are a key component to our national security and to our warfighting capability. Recruitment and retention of these highly skilled workers is imperative. However, during this transition to a fair and equitable pay adjustment, a pay cap in the Treasury-Postal bill hinders that progress.

I ask the chairman that we discuss ways to overcome and work out the hurdles that stand in the way of eliminating this pay disparity.

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

Mr. CHAMBLISS. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I thank the gentleman from Georgia for bringing these concerns to our attention, and certainly I am open to working with him. I am compelled to add, however, that the wage-grade issue is exceedingly complex, and I would want to be very careful about any proposals that may be advanced.

□ 1530

I should also add that the authorizing committees have jurisdiction over this issue and, therefore, it is necessary that they should be involved in any proposed reform that might involve this bill.

Mr. CHAMBLISS. Mr. Chairman, reclaiming my time, I thank the gentleman from Oklahoma for his cooperation and understanding of this matter, and I appreciate the beginning of a dialogue on this issue.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SERRANO), for the purpose of entering into a colloquy.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from New York.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from New York (Mr. SERRANO) is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I would like to engage the chairman and ranking Democrat of the subcommittee in a colloquy.

Since before I was elected to Congress, I have heard repeated requests from my constituents for assistance in dealing with Bronx post offices. Continuing problems include lost mail, misdelivered mail, late night deliveries. You name it, we have it.

I have witnessed service problems firsthand. Whenever I send out a newsletter to my constituents, boxes and boxes containing undelivered newsletters get sent back to my office for different reasons. Sometimes the Post Office says there is no such address, but, most frustratingly, some get returned for insufficient postage. Some employees at the Post Office do not seem to recognize the Congressional frank.

I have repeatedly tried to work with the local postmaster, as well as regional postal service officials. I have had a representative from the Postmaster come to my Washington office to try to work out the problem. We showed her the boxes and boxes that have been returned to my office. Unfortunately, while much was promised at these many meetings, little was delivered.

My good friend and colleague who shares part of the problems with me, the gentleman from New York (Mr. CROWLEY) requested language included in your report to require a general study of the postal situation at Morris Park and the Bronx with recommendations to be made to ameliorate the problems. I salute his efforts.

I would like to go further and work with the chairman and ranking Democrat to expand the study to the entire Bronx to send a strong message to the Postmaster General that the current situation in the Bronx is intolerable.

Mr. Chairman, I would ask, would the chairman and ranking member work with me in putting an end to this long-term problem?

Mr. HOYER. Mr. Chairman will the gentleman yield?

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

Mr. HOYER. Mr. Chairman, I certainly have every intention of working with the gentleman. It is a significant and real problem that he brings up, and we want to work with him on that.

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

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

Mr. CROWLEY. Mr. Chairman, I thank my colleague and good friend from the Bronx for yielding during this colloquy to reiterate the statements made by him regarding the mail delivery problems we are experiencing in the Bronx in New York.

Like the gentleman from New York (Mr. SERRANO), I have heard from far too many of my constituents about mail delays, misdelivered mail, lost mail, late deliveries, 9 o'clock at night, and even no mail delivery at all. One of the most affected areas in the Bronx is the Morris Park Post Office.

I would like to express my deep gratitude to the gentleman from Oklahoma (Chairman ISTOOK) and the ranking member, the gentleman from Maryland (Mr. HOYER), for including report language that was mentioned by the gentleman from New York (Mr. SERRANO) mandating that the New York Post Office headquarters conduct a study and implement recommendations to improve the mail delivery in Morris Park.

Stating that, this community's problems are just the tip of the iceberg. I have heard of mail complaints in Throggs Neck, Soundview and Co-Op City, just to name a few places, meaning more must be done.

Again, I thank the gentleman from New York (Mr. SERRANO) for yielding me this time, as well as the gentleman from Oklahoma (Chairman ISTOOK) and the ranking member, the gentleman from Maryland (Mr. HOYER) for their actions to improve mail delivery for my constituents.

I also want to recognize the great work of City Councilwoman Madeline Provenzano, as well as members of the Assembly, Kaufman, Klein and Rivera for bringing this issue to my attention.

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

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

Mr. ISTOOK. Mr. Chairman, to answer the questions posed by the gentleman from New York (Mr. SERRANO), yes, I think we can definitely work together to address his concerns about postal service in the Bronx. The gentleman is correct that we have included report language at the request of the gentleman from New York (Mr. CROWLEY) concerning the Post Office in Morris Park. We have recommended that the Postal Service investigate this situation and report recommendations for corrective action, reporting that to the committee.

When we go to conference with the Senate, we can and will work with the gentleman from New York (Mr. SERRANO) to come up with additional report language to take care of the issue regarding the Postal Service in the Bronx, presuming, of course, that the distinguished ranking member of the committee has no objections.

Mr. HOYER. Mr. Chairman will the gentleman yield?

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

Mr. HOYER. Mr. Chairman, I echo the gentleman's comments. Certainly I will indicate I have no objections, and look forward to working with the chairman, with the gentleman from New York (Mr. SERRANO) and with the gentleman from New York (Mr. CROWLEY) on these important issues that they have raised.

Mr. SERRANO. I thank you both, and I congratulate you on bringing a good bill to the floor.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SWEENEY), a member of our subcommittee who has done excellent work on this measure.

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

Mr. Chairman, I just simply wanted to take some time to come down at the introduction of this bill at the beginning of what will be a very long debate and long night on a number of issues important to the Nation and important to the Nation's security to congratulate my good chairman, the gentleman

from Oklahoma (Mr. ISTOOK), for the tremendous work done and my friend the ranking member, the gentleman from Maryland (Mr. HOYER), for really balancing some critical priorities in this process.

This is one of those bills that every year is critical to our homeland security, and I am very proud to be part of a committee that, not only in a period of time of great economic concern were we able to balance those economic needs and changing wants, but also, obviously, since September 11, it is a period of time in which our national security, our homeland security, are at greater risk and greater sensitivity to all of us.

This subcommittee had a perilous task in balancing those priorities, and did so in such a responsible manner, in protecting our borders from threats, new and old, many of those threats changing in unimaginable ways in the past year. The bill provides critical funding to protect our borders in a time of heightened security.

The Subcommittee on Treasury, Postal Service and General Government was able to respond to the changes we have faced. We have included increases of over $24 million for Customs Services' salaries and expenses, including over $21 million for its Northern Border Staffing. I am pleased with the response of the subcommittee in addressing the needs of the facilities protecting our borders, in particular, because close to my district in upstate New York the Port of Champlain Border Crossing has been in need for a great many of years, and this bill includes $5 million for desperately needed updates and facility repairs.

Not only does the bill provide the necessary funding to protect our borders from newly exposed threats, it also maintains support for local law enforcement in fighting the war on drugs. An additional $20 million is appropriated for high-intensity drug trafficking areas. Stopping drugs at our borders and helping local law enforcement agencies is a critical function of this committee. We were able to do that, maintain those basic commitments to programs that preceded September 11, and indeed, adjust some of those priorities to address the new changing challenges.

I want to, finally, thank and congratulate the committee staff who do a phenomenal job keeping Members informed. I remember the days immediately following the attacks of September 11 and the myriad of questions that were being asked by my constituents and the people of America, and this committee was on top of each of those. I want to spend this time to recognize them.

Mr. HOYER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Florida (Mrs. MEEK), a very distinguished member of our subcommittee. The gentlewoman from Florida (Mrs. MEEK) is the next ranking Democrat on our committee and does a great job, and I appreciate her help and assistance.

Mrs. MEEK of Florida. Mr. Chairman, I want to thank my colleague and leader, the gentleman from Maryland (Mr. HOYER), for yielding me time. I want to thank my chairman, the gentleman from Oklahoma (Mr. ISTOOK), and the staff, both majority and minority staff members.

Also I want to thank the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) for giving us the kind of 302(b) allocation that allowed our committee this time to fund the Customs Service program without having to resort to an additional fee increase on airline passengers. We did not really need that.

While we only got enough money for a down payment on correcting the problems that arose during the 2000 presidential election, we needed more, the gentleman from Maryland (Mr. HOYER) did an outstanding job of leading this effort. Of course, $650 million is in the bill for election reform. That is a very good start.

Mr. Chairman, this is a good bill that I intend to support. The bill before us today is a big improvement over the President's request. However, the bill has a number of problem areas that still need to be addressed before the process concludes, such as three ''poison pill'' restrictions on the First Accounts Program and the unfortunate decision to limit the future marketing of the savings bonds program.

This bill became worse when we adopted a rule permitting a point of order to be raised against the DeLauro language that restricts the award of new Federal contracts to companies that have moved out of the United States and incorporated in tax-haven countries in order to avoid U.S. taxes.

Let me mention just a few of the items in the bill and report that I particularly like, and then turn to problem areas. I commend my committee for restoring over $32 million of nonpay inflationary increases for Treasury law enforcement. That was needed, and I want to congratulate the committee for doing so.

The $316.9 million investment that is proposed for the ACE, the Customs modernization project, is urgently needed. This money will help the trade community and law enforcement tremendously. It certainly is needed in Miami. Despite the President's failure to request it, I commend the committee and the gentleman from Oklahoma (Mr. ISTOOK) for providing an additional $30 million to the Federal Law Enforcement Training Center for training Transportation Security Agency personnel in response to the attacks of September 11.

Finally, I am pleased that the bill continues several favorable and important provisions for Federal employees, such as contraceptive coverage under the Federal Health Benefits Program, child care assistance for lower income employees and pay parity through a 4.1 percent pay increase adjustment for all Federal employees.

The bill does have some problem areas. As I previously discussed, South Florida needs more Customs employees at Miami International Airport and the Miami Seaport. We are very vulnerable in those two areas.

I remain very concerned about the level of Customs staffing in South Florida and whether the overall level of staffing at Customs is sufficient to meet the many new challenges and threats that we are asking Customs to meet.

We do need a very strong Customs Service serving as our first line of homeland defense. It is more important now than ever. Customs projections through its resource allocation model have demonstrated a need for thousands more staff, mostly inspectors and special agents. I cannot underline this need too strongly, Mr. Chairman. None of the Customs locations show a decline in workload or staff coverages, so reallocation of staff does not appear to be a realistic option. We should not have reallocated staff in that regard. We need to ensure that Customs receives the resources it needs to do its job effectively.

Mr. Chairman, as I have noticed on many occasions, there is also a perception among many of my constituents that the IRS and the Congress care more about chasing tens and hundreds dollars from EITC claimants than collecting thousands and, in some cases, millions of dollars from high income taxpayers.

In conclusion, Mr. Chairman, the First Accounts Program is a very important program, not only to me but to many of the unbanked people in this country. I do hope as this bill moves forward and goes into conference that the committee and the conference committee will think of trying to return banking privileges to these unbanked people.

Mr. HOYER. Mr. Chairman will the gentleman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Maryland.

MR. HOYER. Mr. Chairman, we will certainly support the gentlewoman's efforts in that regard. I think she is absolutely right.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. SHAW) for the purpose of engaging in a colloquy.

Mr. SHAW. Mr. Chairman, I rise to engage the distinguished chairman of the subcommittee and the distinguished ranking member in a colloquy to discuss a matter of great concern to the gentleman from Florida (Mr. WEXLER) and to me and of great concern also to our constituents.

□ 1545

As the chairman knows, the first and most severe anthrax attack occurred in Boca Raton, Florida. One man died and many others were injured. The building itself, 67,000 square feet in the middle

of the city, is now under quarantine. The level of contamination is equal to that of the Daschle suite in the Hart Senate Office Building.

While we still do not know who is responsible for the contamination in Boca Raton, we know the owners of the buildings are the victims of a terrorist attack resulting in a public health hazard. The problems now facing the community because of this attack are so serious and unusual in nature that it is, in my opinion, necessary for the Federal Government to become engaged and provide a solution.

Local leaders, including the mayor of Boca Raton, Steve Abrams, and the city council, in addition to the owners of the building, have shown a willingness to work with the government in order to fix this problem. The solution that the gentleman from Florida (Mr. WEXLER) and I have proposed, along with other Members of the Florida delegation, most notably the gentleman from Florida (Mr. MICA), (Mr. DEUTSCH), and (Mr. HASTINGS), has the bipartisan support of the entire Palm Beach County, Boca Raton community.

I understand that the chairman has expressed some concern with our proposal. I appreciate and respect those concerns. Moreover, I greatly appreciate the time and effort that the gentleman and his staff have devoted to this issue. I am hopeful, I would say to the chairman, that we can continue our dialogue, as this matter is of great concern and urgency to the citizens of South Florida.

Again, I want to thank the chairman and I want to thank also the ranking Democrat member for their efforts on behalf of our constituents.

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

Mr. SHAW. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I want to thank the gentleman from Florida (Mr. SHAW) for his remarks. I do fully appreciate the magnitude of the problem facing the citizens of his district, and I realize both its magnitude and its complexity. I hope that he and others understand that, therefore, we are trying to move circumspectly to see if we might be able to resolve it.

The gentleman is correct in stating that I do have some concerns over the approach that he has proposed, although I recognize the need for a solution that is timely. I look forward to working together and continuing our dialogue in hopes that the problem can be resolved in an acceptable manner.

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

Mr. SHAW. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I also want to continue to lend my support to the gentlemen from Florida (Mr. SHAW) and (Mr. WEXLER) and the others that have been mentioned. I, like the chairman, will continue to work with the gentleman on this issue so that we can find a timely and meaningful solution that satisfies the concerns of the gentleman and the concerns of the local officials in Boca Raton.

I do believe this is a public health problem. I do believe the Federal Government has a responsibility, and I want to see us help solve this problem this year.

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

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

Mr. WEXLER. Mr. Chairman, I rise to thank the chairman of the subcommittee, the gentleman from Oklahoma (Mr. ISTOOK), and especially the gentleman from Maryland (Mr. HOYER), my friend and ranking member, for their work on this issue, as well as the gentleman from Florida (Mr. SHAW), for his leadership as we continue this debate.

Let me reiterate how important it is for the Federal Government to take an active role in finding a solution to the cleanup of the anthrax contamination at the American Media, Inc. building and what it means to the people of South Florida and the rest of the Nation. I want to make clear that this is not our first attempt at requesting Federal assistance for this cleanup. Shortly after the October 1, 2001 anthrax attack on the AMI building in Boca Raton, Florida's governor, Jeb Bush, wrote to the Federal Emergency Management Agency asking for disaster assistance to help the State deal with the biological attack and the cleanup effort. The members of the Florida congressional delegation followed with a letter to FEMA, but the request was turned down.

We must not forget that this incident in Florida was the first biological attack in the United States. Although the anthrax attack on the AMI building occurred before the anthrax attacks here in the U.S. Capitol, the AMI building is yet to be decontaminated. Now, 9 months later, a potentially treacherous health hazard continues to threaten the people of South Florida. We are now in the middle of hurricane season, and one can only imagine the potential for harm that exists each and every day that the AMI building remains contaminated.

Let us not forget that this attack killed Mr. Bob Stevens and severely sickened another person. Every American that is victimized by a terrorist attack should have confidence that the Federal Government will come to their aid. Right now, the people of South Florida do not have that assurance.

Again, I would like to thank the gentleman from Oklahoma (Mr. ISTOOK), the gentleman from Maryland (Mr. HOYER), and the gentleman from Florida (Mr. SHAW), and I hope that we will be able to reach a positive resolution to this public health problem.

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

Mr. Chairman, I want to congratulate both gentlemen from Florida, (Mr. SHAW) and (Mr. WEXLER), who have worked tirelessly on this issue. I know the chairman and I have spent literally hours with each gentleman because of their deep concern over the public health challenge that this causes the people of South Florida. I want to assure both of them that I know the chairman and I will spend a lot of time on this and try to bring this matter to a successful resolution, and I thank the gentlemen for their work.

Mr. SHAW. Mr. Chairman, if the gentleman would yield just briefly, I thank the gentleman and the chairman for giving so much of their time, and I think the people of Boca Raton are very grateful, and we look forward to continuing to work with both of the gentlemen.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. WYNN), my friend and colleague.

Mr. WYNN. Mr. Chairman, I rise in support of H.R. 5120, the Treasury-Postal appropriations bill.

This bill includes $45 million in funding to build a much-needed, state-of-the-art laboratory for the Food and Drug Administration's Center for Devices and Radiological Health. This project is a critical component of the overall consolidation of the Food and Drug Administration.

I would like to, of course, thank the chairman, the gentleman from Pennsylvania (Mr. ISTOOK), for his work and single out for thanks and appreciation to my Maryland colleague (Mr. HOYER) who has been very active on behalf of the consolidation of the Food and Drug Administration.

Currently, nearly 6,000 FDA Washington-area employees are housed in commercially leased space at approximately 39 different streetfront buildings, many of which are vulnerable to attack. This FDA consolidation would transfer all 6,000 FDA employees to state-of-the-art laboratory and administrative facilities at the White Oak campus in Silver Spring, Maryland, facilitating easier communications between the FDA employees and the various centers.

At a time when we are reorganizing the government for purposes of homeland security, the most important thing we can do is actually secure something. We have that opportunity to do that in this bill by providing a secure, fenced campus setting in White Oak, Maryland, formerly the Naval Surface Warfare Center.

By moving the FDA to a government-owned facility at White Oak, the consolidation is expected to yield savings of approximately $300 million in government lease costs over 10 years. The $45 million included in this bill will be used to construct laboratories for the Center for Devices and Radiological Health, which improves mammography scanners, x-ray machinery, and irradiation devices used to kill bacteria in food and in mail. Currently, several

such labs are housed in old, dilapidated, leased buildings scheduled for demolition in 2004.

Importantly, this funding in the fiscal year 2003 budget means the construction of these labs will likely be finished by 2004, several months prior to the expiration to the leases in three separate facilities. This means savings of millions of dollars for the taxpayer in lease space and multiple moves.

Mr. Chairman, I believe this is an excellent bill. I also note that it includes $177 million for the construction of a new Census facility in Suitland. I urge my colleagues to support the Treasury-Postal appropriations bill.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. OSE).

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

Mr. Chairman, I rise today in support of this important legislation. I want to thank the chairman of the subcommittee for allowing me to speak today, and I also thank him for his leadership in dedicating additional funding for the U.S. Customs Service.

I stand before my colleagues to highlight the importance of Customs funding for the Sacramento International Airport. In 2001 the airport was granted Port of Entry status, paving the way for international flights. On July 1 of this year, Mexicana Airlines commenced scheduled international service from Sacramento to Mexico. I take great pride in our ongoing efforts at the local, State, and Federal level to expand this first class airport, including putting up $3.2 million of local money to construct the processing facility. New international service has just begun and it, in fact, is just the beginning.

In order to gain this international service, the Sacramento International Airport signed an agreement to cover the cost of the Customs Service for this operation until the Customs Service could provide full-time personnel. The cost to the airport is approximately $475,000 per year.

Interestingly, according to an economic analysis conducted on behalf of the airport, Federal, State, and local governments will receive approximately $1.5 million in new tax revenues because of this new international service provided by Mexicana Airlines. These flights will generate approximately 360 direct and indirect jobs, with over 100 of these jobs in the visitor and tourism industry. In the Sacramento area, personal income is estimated to increase by over $9 million per year.

In the Treasury-Postal Appropriations Subcommittee report, which is House Report 107–575 accompanying H.R. 5120, the committee directed ''the U.S. Customs Service to work closely with international airport authorities to ensure that Customs will meet the optimal staffing requirements at international airports in the United States.''

The committee report goes on to recommend that the Customs Service ''evaluate the feasibility of providing additional resources and staffing to include increased inspection services at Sacramento International Airport.''

I appreciate the work the committee has done on behalf of Sacramento International Airport, and I look forward to working with the committee to secure funding for permanent Customs staff.

Mr. Chairman, this is a successful local, State, and Federal partnership that has laid the groundwork for opening a whole new area of economic activity in Sacramento. I urge my colleagues to support this important legislation.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. DELAHUNT).

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

There will be a series of amendments offered during the course of the debate on this bill by a bipartisan group of Members, Republicans and Democrats, liberals and conservatives, who, after 43 years, recognize that there can be no doubt that our current Cuba policy has failed. It has failed the Cuban people because it certainly has not brought them freedom and political space, but it has also failed the American people, not just because it has denied us commercial opportunities but, more importantly, has unreasonably restricted one of our fundamental constitutional rights, the right to travel.

Even Vice President CHENEY admitted during the campaign, and I am quoting him now, ''restrictions, frankly, have not worked very well in Cuba.''

Well, furthermore, this policy opens us to charges of hypocrisy. Americans can travel to North Korea and Iran; by my reckoning, that is two-thirds of the axis of evil, but not to Cuba. That makes no sense, I would suggest.

We also helped pass the United Nations resolution that calls for virtually unrestricted trade with Iraq, the crown jewel of the troika of the axis of evil, yet we continue an embargo on Cuba. Well, that makes no sense, either.

If we do not approve of one-party states where elections are a sham, where political and religious dissent is repressed, and the president names the editors in chief of the three largest daily newspapers, why do we not restrict travel and impose an economic embargo on Egypt, rather than sending them a $2 billion check every year? Why do we not impose Cuba-like sanctions on Saudi Arabia, one of the most oppressive regimes on earth, where women cannot thrive and our own soldiers are prohibited from leaving their bases, and an adult American woman born in Texas cannot leave to come home to America because her husband will not consent.

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How can we justify that inconsistency? The amendments that we will be offering will eliminate that hypocrisy and help create a democratic opening in Cuba. I urge my colleagues to support these amendments and particularly also when the amendment offered by the gentleman from Florida (Mr. GOSS) comes forward, to vote ''no.''

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

Mr. ISTOOK. Mr. Chairman, may I inquire how much time remains.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Oklahoma (Mr. ISTOOK) has 6½ minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 11 minutes remaining.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Chairman, I thank the gentleman for yielding me this time and again congratulate him and the gentleman from Maryland (Mr. HOYER) on a very fine bill coming forward today.

Mr. Chairman, the Federal Law Enforcement Training Center, or what is commonly known as FLETC, in Glynco, Georgia, provides critical training for a range of Federal law enforcement personnel as well as State, local, foreign, and private sector security personnel.

My Subcommittee on Terrorism and Homeland Security of the House Permanent Select Committee on Intelligence just completed a study of the intelligence deficiencies that left our Nation vulnerable to attack. We know that our intelligence agencies must do a better job of collecting and analyzing producing intelligence information, but that is only part of the solution. We need to ensure that we have a robust law enforcement and security force that can take that intelligence and use it to stop future attacks. The critical security training by FLETC is an integral part of protecting our Nation.

I strongly support allowing our pilots to be armed as an additional layer of aviation security. Since FLETC will train our air marshals, FLETC is an appropriate place to train our pilots with the same standards. I applaud the efforts of the gentleman from Georgia (Mr. KINGSTON), who has done an outstanding job of working with FLETC to address their needs. I am pleased that under the gentleman from Oklahoma's (Mr. ISTOOK) leadership this bill increases funding for this important facility. I thank the chairman for his support and for his commitment to ensuring that significant resources have been provided to fully train Federal law enforcement and security personnel at the Federal Law Enforcement Training Center.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise to thank him for his work and to thank the gentleman from Oklahoma (Mr. ISTOOK) as well and to support this appropriation.

I want to talk about an important matter and that is about an amendment that I intended to offer. It may or may not have been in order, but I want to discuss it on the floor now. It is the closing of E Street. It remains closed even though the Secret Service signed off on a report recommending that it be open, a report of the National Capitol Planning Commission. There is no safety or security issue. There is an 800-foot setback from the back of the White House. It is closed for one and only one reason, and that is when the Secret Service closes something, it wants to always keep it closed. The Secret Service wanted to keep National Airport closed. Only because the entire region fought back is National Airport open. The Secret Service wanted to close Pennsylvania Avenue ever since the Eisenhower administration. It succeeded after Oklahoma City. We are not asking that Pennsylvania be reopened, but we cannot afford to see E Street remain closed; and I will say why in a few minutes.

First of all, E Street is one of the few streets in the District that was prepared for September 11 because after Oklahoma City, E Street had been widened in order to make sure that the White House which has an 800-foot setback was, in fact, safe. In fact, it opened for a year after Oklahoma City and after 9–11 closed. Another study done, that study shows that it can be opened. The Chair of the Subcommittee on the District of Columbia and I have sent letters. It is because we can get no response that I come to the floor to say if we do not get response within the next few months, I will take action that I think will result in the opening of E Street.

There is new urgency which above all sends me to the floor today because the entire region is implicated. There has been a recent Court of Appeals ruling that this entire region is in ''severe violation'' of the Clean Air Act. What that means for the region, and the ranking member is deeply implicated here because he represents part of this region, is that this region very soon, unless we get at things that are causing congestion like the closure of E Street which has to take all of the traffic in Maryland, Virginia, and crosstown traffic in D.C., if we are not able to get ahold of matters like this, then this region will be able to build nothing with transportation funds, no metro, no roads; and here we are just caught up in this dilemma.

E Street handles a lion's share of the traffic from the region, and of course it is a way that we get across town. It makes a very large contribution to traffic congestion and air pollution that must be cleared up if we are to continue to build in this town. It is time E Street was allowed to make the contribution the founders intended it to make to facilitate traffic across town. We closed E Street in front of Pennsylvania in front of the White House. We must not close off E Street in back of the White House.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from northern New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise today in support of the bill and in opposition to any amendments that prohibit funds from being used to administer or enforce the ban on travel to Cuba or to enforce the U.S. embargo against Cuba.

Mr. Chairman, I have said in the past doing business with Cuba means doing business with Castro. So long as Castro maintains his stranglehold on every aspect of Cuban life, lifting any aspect of the embargo or allowing Americans to travel to Cuba would mean subsidizing Castro.

Contrary to popular belief, increased tourist travel to the island would not increase purposeful contact with the Cuban people and instead contributes to unacceptable practices of slave labor and racism.

Canadians and Europeans have been traveling to Cuba for years, and yet there has been no measurable impact on or change in Castro's control over the people.

Furthermore, 98 percent of Cuban citizens are forbidden even entry into the tourist areas, which is Fidel Castro's way of denying foreigners the ability to gain a glimpse into the reality of Cuban life. Those Cubans who do work at the resorts are forbidden to engage in certain types of conversations with foreigners, including any mention of Cuba's political situation, the U.S. embargo, and other such issues.

Citizens who work at the resorts are employed by a state employment agency run by the Castro regime. The foreign resorts pay the workers' wages to the state agency in dollars, but the workers receive only pesos. Therefore between 95 and 97 percent of a workers' wages are kept by Castro.

Mr. Chairman, most Cuban tourist operations are run by the Cuban military and internal security services. These so-called companies funnel money directly into the regime, earning them the hard currency necessary to perpetuate their repressive policies. Expanding tourism was the key to Castro's survival after the collapse of the Soviet Union. Tourism has helped to feed the personal fortunes of the Castro family and provide the necessary government revenues that Cuba's deteriorating sugar industry and failing state enterprises simply cannot.

Mr. Chairman, by lifting these sanctions, with nothing in exchange from the Cuban Government, we would be betraying the very people that these policies were designed to help. Mr. Chairman, I urge my colleagues to join with me and oppose any amendments that lift travel restrictions or lift the embargo and to remain committed to their support and the U.S. Government's support for the Cuban people.

INTRODUCTION

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 5120, a bill providing appropriations for the Department of Treasury and related agencies and to express my continuing concern with the path the House is currently taking on appropriations.

OVERALL LEVELS

As reported, H.R. 5120 provides $18.5 billion in budget authority and $18.2 billion in outlays for fiscal year 2003. It also exceeds the President's request by $537 million. To put this increase in perspective, appropriations for the agencies covered by this bill have climbed by an average of 10.5 percent a year over the last three years.

The bill provides another $31 million for fiscal year 2004 for free and reduced mail for the blind as well as mail for overseas voting. This is included in the list of permissible advance appropriations pursuant to the House-passed budget resolution for fiscal year 2003 (H. Con. Res. 353).

COMPLIANCE WITH BUDGET RESOLUTION

It is only fair to point out that this bill, like that of the Interior bill we considered last week, is within the reporting Subcommittee' 302(b) allocation. Hence, no budget-related point of order lies against consideration of the bill.

To the Appropriations Committee's credit, it was able to meet its 302(b) allocation without designating phony emergencies, which are effectively exempt from any budgetary constraints. Nor did it attempt to create the illusion of fiscal restraint by offsetting spending increases with rescissions in funds that would never have been spent.

THE BIGGER PICTURE

My concern is less with the bill than in the direction in which we are heading. Unless we exercise more restraint in the less controversial measures like this bill, we will be forced to find savings in the remaining appropriations bills or breach the limits that both the House and the President agreed to earlier this year.

The real test will come when we consider appropriations for VA–HUD and Labor-HHS, which the Leadership has agreed to bring to the floor before any other appropriations measures are considered. For every dollar we increase spending in this bill above the President's request, we must find an equal amount of savings from such agencies as Veterans' Affairs, Health and Human Services and Housing and Urban Development.

I sincerely hope that both the Appropriations Committee and the Congress as a whole is up to this task.

OTHER ISSUES

On a lighter note, for the second year in a row the bill includes a limitation that prohibits appropriations from being used to pay the salaries of any OMB staff who dare to compare the President's budget request with that of the 13 appropriations bills.

It still seems curious to me that while the individual appropriations bills must be submitted to the President to become law, the President shouldn't be allowed to suggest how much should be spent on each bill.

CONCLUSION

In conclusion, I reluctantly support this bill because it is within the limits that were established for it by the House-passed budget resolution.

At the same time, it continues the pattern of allowing appropriations for select agencies to grow significantly beyond the levels requested by the President.

This will force us to exercise greater restraint than would have otherwise been required for such agencies as Veteran's Affairs, Housing and Urban Development and Health and Human Services.

If we prove unable to meet that challenge, I will be forced to examine other remedies to bring overall appropriations in line with the budget resolution.

Mr. MORAN of Kansas. Mr. Chairman, I rise in opposition to a Congressional pay raise. I do not support this procedural motion, and I do not support the way this issue is being handled. Failure to allow an up or down vote on this issue only serves to increase cynicism towards the political process and confirms the feelings of many voters that their representatives are out of touch. This process needs to be reformed. Members of Congress should be on record with the citizens of their districts as to whether they believe an increase to their salary is justified. Given the opportunity, I would vote ''no.''

Fiscal discipline must start with elected officials. At a time when farmers and ranchers and small businesses across Kansas are struggling and rural hospitals and other health care providers are curtailing services, there is no place for a Congressional cost of living increase, especially one born in a cloud of secrecy.

Mr. DAVIS of Illinois. Mr. Chairman, I had planned to offer an amendment today that would have linked any increase in postage rates by the United States Postal Service (USPS) to Postal Reform. However, I have decided against that. But I would like to share with my colleagues and the American people the crisis in our mail system and its likely impact on our economy.

The USPS is hemorrhaging—universal service is in real jeopardy. The Postal Service continues to operate under laws passed in 1970. They cannot raise rates to cover spikes in gas prices. The 1970 laws did not take into consideration e-mail, e-commerce or the impact that other advances in technology would have on first class mail. The USPS is an organization that comprises over 800,000 full and part-time workers and plays a significant role in our economy.

The anthrax attacks on the Postal Service have tragically taken the lives of two postal workers and threatened thousands more. The pipe-bomb attacks on rural mailboxes have stirred fear on many of our rural routes and put at risk rural letter carriers and residents. The attacks coupled with a lack of Postal Reform have the Postal Service spiraling dangerously close to bankruptcy. The Postal Service reports that in fiscal year 2002, mail volume is down by six billion pieces—an unprecedented decline.

Last year, the Postal Service lost $1.68 billion dollars, and this fiscal year they are predicting losses of $1.5 billion. No business in America can continue to function with these type of losses.

The Postal Service is unlike any other business—unique in its mission and goal. It is the anchor for the $900 billion dollar mailing industry—which employs approximately 9 million people. The mailing industry represents 8 percent of the gross domestic product. When the Postal Service gets a cold—the mailing industry gets pneumonia. We are almost at pneumonia crisis in the mailing industry. The uncertainty of the economy coupled with constant rate increased by the Postal Service to cover its budget shortfall could lead to lay offs and cuts at big mailing operations like RR Donnelley & Sons, AOL Time Warner, Lands End and others.

The business industry needs and deserves stability in terms of projected increases in rates.

A number of companies could be in real jeopardy if the Postal Service is not provided the tools they need in order to be competitive. A viable and competitive Postal Service provides the stability that printers, mailers, employees and consumers can count on. The impact of a weak Postal Service on our quality of life and economy are enormous. It is my hope that we will continue to press the issue for Postal Reform.

Ms. SCHAKOWSKY. Mr. Chairman. I rise in support of the Rangel, Moran,and Flake amendments to the Treasury-Postal Appropriations bill. It is clear to me that the trade and travel embargo on Cuba must be lifted. I commend the following Chicago Tribune article on this subject to the attention of my colleagues, and I urge all members to vote to repeal the current policy, which is outdated and unwise. Allowing trade and travel between the U.S. and Cuba will help the Cuban people and will help the America public. I urge all members to join me in supporting the efforts of the Gentleman from New York, The Gentleman from Kansas, and the Gentleman from Arizona. As the Tribune puts it, this is ''a chance to think fresh on Cuba''.

A CHANCE TO THINK FRESH ON CUBA

With each passing day, the once-invincible Washington lobby in favor of maintaining the U.S. economic embargo against Cuba looks as absurd and irrelevant as the Flat Earth Society. Unfortunately, and not as a matter or principle but craven politics, President Bush vows to stick with his support of the embargo to the point of vetoing any congressional move to weaken it.

He must give this new thought. The next few weeks will be as propitious a time as any to shift course, be it from the perspective of politics, economics or the national interest.

Four amendments tot he Treasury and Postal Service bill in the House seek to undo various parts of the embargo. Rep. Charles Rangel (D–NY) wants to dismantle the embargo altogether. Rep Jerry Moran (R–Kansas) proposes to lift restrictions on private financing of trade deals with Cuba. Finally, Rep. Jeff Flake (R–Ariz.) has introduced two amendments, one to effectively lift restrictions on private travel to Cuba and another to lift limits on remittances Cuban-Americans to their relatives still in the island.

The last three amendments have an excellent chance of passage. A similar amendment by Flake last year received 240 votes, but was sidetracked in the Senate by the events of Sept. 11. An even wider margin is expected when it comes for a vote within the next few days. On Tuesday, the Senate Appropriation Committee unanimously passed an amendment identical to Flake's; full Senate approval is expected by a wide margin.

Except for incurring the wrath of some Cuban hardliners in southern Florida—and possibly harming his brother's chances for re-election as governor—there would not be much political risk to President Bush if he were to get behind a softening of the embargo.

Economically, it would be good for the country. According to the U.S.-Cuba Trade and Economic Council, a non-partisan information organization, trade with Cuba last year amounted to about $103 million and is expected to rise to $165 million this year—all cash. That puts Cuba 57th among the 180 top buyers of U.S. agricultural products. These shipments originated in 30 states.

A U.S. food and agribusiness fair, scheduled for Havana in September, already has attracted 120 American exhibitors, who are coming armed for business. Confirmed attendees so far include two Illinois dairy cows plus two buffalo and a 200-pound pig from North Dakota. Approximately 20,000 attendees are expected from both counties, including the Bearded One, who has promised to stop by every day.

Unless President Bush changes course, he will find himself in the untenable position of having to recite the tired old lines in support of the embargo even as Congress moves overwhelmingly to vote in favor of easing it, and American business people—many of them no doubt Republican—head for Havana to sell their products.

Certainly, the administration has more important foreign-policy issues on its agenda than maintaining an embargo fueled by Cold War rancor rather than economic or political reality.

Mr. HOYER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I remind Members that we appreciate their support of this important measure.

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

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The Chair shall accord priority in recognition to the gentleman from Florida (Mr. GOSS), or his designee, to offer the amendment printed in House Report 107–585, which may be offered only at the appropriate point in the reading of the bill, shall be considered read, and shall not be subject to amendment.

Except as otherwise specified, during the consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in a designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,500,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $187,241,000: *Provided*, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: *Provided further*, That of these amounts, $5,893,000 shall be for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $68,828,000, to remain available until expended: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $35,424,000.

INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $123,962,000.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $6,041,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $32,932,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $4,000,000, such funds to become available upon authorization of this program as provided by law and to remain available until expended: *Provided*, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds shall be used to provide real property, automated teller machines or any other equipment for use by any financial institution: *Provided further*, That none of the funds shall be used to support any program or activity that incurs costs in excess of $100 for each participant who is expected to establish an account: *Provided further*, That none of the funds shall be used for any program or activity that does not provide at least $0.50 in non-Federal matching funds for each $1.00 received from the Expanded Access to Financial Services account.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $33,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: *Provided*, That any Federal agency may be reimbursed for costs of responding to the United States Secret Service's request to provide security at National Special Security Events: *Provided further*, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted to the Committees on Appropriations in accordance with guidelines for reprogramming and transfer of funds and such amount has been apportioned pursuant to 31 U.S.C. 1513.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $51,444,000, of which not to exceed $3,400,000 shall remain available until September 30, 2005; and of which $8,338,000 shall remain available until September 30, 2004: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $152,951,000, of which $650,000 shall be available for an interagency effort to establish written standards on accreditation of Federal law enforcement training; and of which up to $24,266,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005, and of which up to 20 percent of the $24,266,000 also shall be available for travel, room and board costs for participating agency basic training during the first quarter of a fiscal year, subject to full reimbursement by the benefitting agency: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: *Provided further*, That notwithstanding any other provision of law, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further*, That the Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $31,800,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $110,594,000.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $220,664,000, of which not to exceed $9,220,000 shall remain available until September 30, 2005, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $891,034,000; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms; of which $13,000,000, to remain available until expended, shall be available for disbursements through grants, cooperative agreements or contracts to local governments for Gang Resistance Education and Training; and of which $3,200,000 for new headquarters shall remain available until September 30, 2004: *Provided*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2003: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,535 motor vehicles, of which 550 are for replacement only and of which 1,500 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $2,496,165,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; not less than $100,000 shall be available to promote public awareness of the child pornography tipline; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

AMENDMENT NO. 13 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. ROGERS of Michigan:

In the item relating to ''UNITED STATES CUSTOMS SERVICE–SALARIES AND EXPENSES'', after the second dollar amount, insert ''(increased by $700,000)''.

In the item relating to ''INTERNAL REVENUE SERVICE–PROCESSING, ASSISTANCE, AND MANAGEMENT'', after the first dollar amount, insert ''(reduced by $700,000)''.

Mr. ROGERS of Michigan. Mr. Chairman, I want to thank my colleagues, and I will ask for their help because Michigan today needs their help.

In the Civil War we mustered 90,000 troops to defend the Union. We had the second most diverse crop of agriculture in the United States. We offer all the flavors of this great country to our fellow States around.

Michigan is responsible for creating the permanent middle class in America when Henry Ford decided to pay the workers on the line $5 a day. We became, in World War II, we converted all of our automobile making capacity to be the arsenal of democracy for the world. We did that for the United States of America. We have 20 percent of the world's fresh water right there in Michigan, all of it worth defending. And I am here to tell you today that Michigan right now is under attack. And I need every colleague in this House from Maine to California to Florida and everybody in between to step up to the plate and say, We will stand beside you, those who have stood by America before.

In the year 2000, Canadians sent 4.2 million cubic yards of waste to Michigan, nearly double from the year before. Canada is the second largest land mass country in the world, and yet they think they are unable to handle their own trash. This gets worse.

Toronto is scheduled to close its last landfill at the end of the year. Recently, city workers in Toronto went on strike. I want to point this out to you. This is the scene in Toronto just a few weeks ago: trash blocking roadways. This is a park area they had to fill in with trash from Toronto. As you can see, the residents were just throwing bags over the fence, piling up everywhere all across their city.

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Here is the bad news about that. All of that trash that my colleagues see right here, absolutely unregulated as to what is in its contents, is coming to the great State of Michigan. Let me just quote for my colleagues from someone from Toronto, when they settled the strike and said it is all over, she was quoted as saying ''I'm relieved that it's on its way. It was polluted, smelly and germy.''

One hundred sixty trucks a day of polluted, smelly and germy Toronto trash coming to pollute the great State of Michigan, and at the end of this year, when their landfill closes, that is going to go to nearly 250 trucks every day of this trash in our landfills. Michigan has had a long-term vision of this. Just with Canadian trash alone, it cuts our landfill capacity from 20 years to 10 years, and getting smaller every day.

In the one landfill that we found that accepted Canadian trash, PCBs, soil

coffin waste, I do not know what that is, scares me to find out, the needle program in Toronto coming to a landfill near the great citizens of Michigan.

This amendment is important today. There is a lot of work we need to do on this issue to stop it, but before we do that, we ought to be able to have the courage today to stand with our fellow Michiganders and say we are going to give them at least the hope to protect their environment in the great State of Michigan.

The purpose is to hire six Customs agents to be stationed 24 hours a day on the Ambassador Bridge and the Detroit Windsor Tunnel, whose sole responsibility is to inspect Canadian trash coming into Michigan. The money includes equipment, training and benefits.

Now, the only way that we are going to stop this trash, whatever is in that bag that that Torontan is sending to us, is to get our hands dirty and crawl around in it and inspect it and find out where the PCBs are coming from, where the soil coffin waste is coming from, where their bottles, which they refuse to have a deposit program like Michigan does, is coming from.

This is the right and decent thing to do to let us in Michigan defend our borders as we have stood with the rest of this country to defend their borders.

I am going to ask my colleagues again today, please strongly support this amendment. We want to make sure that every trash container coming into Michigan meets existing environmental and health regulations. Today, we have no idea if that is happening. Today, we have no idea if there is leeching from this material, ruining our lakes, our streams, ruining the great land of Michigan.

Instead of spending a little more money going after grandma who owes the IRS 12 bucks, we are going to say please spend just a little bit less of that $4 billion that we are reducing to protect the health and environment of my home State, the great State of Michigan, and I challenge all of my colleagues to please support this issue. Stand loudly with us as we tell the Canadians to please handle their own trash and leave the littering to those who get a ticket.

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

Mr. Chairman, I will not consume the 5 minutes. I certainly appreciate the passion of the gentleman from Michigan (Mr. ROGERS). It certainly is a significant problem. I am not quite sure what it will take to resolve it totally, but at this point anyway, we certainly would be willing to accept the amendment.

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

Mr. Chairman, I agree with the gentleman from Oklahoma (Mr. ISTOOK). I know that the gentleman from Michigan has worked very hard on this, other Members in Michigan, and we will have no objection to this amendment.

Mr. BARCIA. Mr. Chairman, I rise in support of the amendment offered by my friend and colleague from Michigan, Mr. Rogers, who has been a leader on this issue of waste importation since coming to Congress.

In 2000, Canadians sent 4.2 million cubic yards of waste to Michigan—nearly double from the year before, and that staggering figure is only going to increase as Toronto is scheduled to close its last landfill at the end of this year.

Every day, more than 150 trucks carrying solid waste from Canada come across just two bridges into my home state of Michigan, headed for nearby landfills, another number sure to increase as landfills in Ontario shut down.

What the importation of trash from Canada has done is to cut Michigan's landfill capacity in half, but what's worse, the trash often contains PCB's and other harmful waste which does not meet existing environmental and health regulations in this country.

That leaves Michiganders suffering a variety of medical ailments and American taxpayers footing much of the bill for their treatment. And for what? So that we can dispense of Canadian trash.

The amendment currently before the House takes less than 2 percent of the $3.8 billion in funding allocated by the bill for IRS Processing, Assistance and Management and uses it to hire six new customs agents to be stationed at two U.S. entry points in Michigan whose sole job it is to inspect the trash coming across our borders every day.

These customs agents will protect American citizens—and not only those in Michigan—by preventing harmful waste from entering our country and our communities at the border.

The importation of solid waste from Canada will still be a problem to communities across Michigan even if this amendment passes and this legislation is signed into law. But at least the people living in these communities will be able to sleep easy knowing that their health is no longer at risk from this trash.

This amendment is very simple, very straightforward, and very cost effective, and I urge it's adoption.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs ''Salaries and Expenses'' account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $190,000,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2003 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $439,332,000, to remain available until expended, of which not less than $316,900,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2003 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $34,900,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $173,073,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2003 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at $168,673,000. In addition, $40,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau

for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,955,777,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, of which $9,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,729,072,000 of which not to exceed $1,000,000 shall remain available until September 30, 2005, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives, $146,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,632,444,000, which shall remain available until September 30, 2004.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $436,000,000, to remain available until September 30, 2005, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 610 vehicles for police-type use for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem andor subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $1,017,892,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children, and of which $4,000,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2004; *Provided further*, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers, training Federal law enforcement officers, training State and local government law enforcement officers on a space-available basis with or without reimbursement of actual costs to this appropriation, training private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation, and training foreign law enforcement officers on a space-available basis with reimbursement of actual costs to this appropriation: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,519,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2003, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2003 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Crime and Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 44, line 12, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 26, line 13, to page 44, line 12, is, as follows:

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Office—Salaries and Expenses, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from ''Salaries and Expenses'', Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 119. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''4 years'' and inserting ''5 years''.

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 121. None of the funds appropriated or made available by this Act may be used for the production of Customs Declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 122. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

This title may be cited as the ''Treasury Department Appropriations Act, 2003''.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $60,014,000, of which $31,014,000 shall not be available for obligation until October 1, 2003: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2003.

This title may be cited as the ''Postal Service Appropriations Act, 2003''.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $50,715,000: *Provided*, That $8,650,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

OFFICE OF HOMELAND SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of Homeland Security, pursuant to Executive Order 13288, $24,061,000: *Provided*, That the Office of Homeland Security shall submit a report identifying estimated obligations for each function assigned to this Office pursuant to Executive Order 13288 to the House Committee on Appropriations no later than November 1, 2002.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,228,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,200,000, to remain available until expended, for projects for required maintenance, safety and health issues, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence

expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,160,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $324,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,763,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $3,251,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,803,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $92,681,000, of which $17,495,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: *Provided*, That the Executive Office of the President shall submit a report to the House Committee on Appropriations that includes a current description of: (1) the Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance; (2) the Information Technology (IT) Human Capital Plan; (3) the capital investment plan for implementing the Enterprise Architecture; and (4) the IT capital planning and investment control process: *Provided further*, That this report shall be reviewed and approved by the Office of Management and Budget, and reviewed by the General Accounting Office.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $61,492,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: *Provided further*, That none of the funds appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who, after February 15, 2003, calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods $5,000,000 to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ELECTION ADMINISTRATION REFORM AND RELATED EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the implementation of election administration reform, and related expenses, $200,000,000, to remain available until expended: *Provided*, That such amount shall not be available for obligation until the enactment of legislation that establishes programs for improving the administration of elections: *Provided further*, That, upon the enactment of such legislation, the Director of the Office of Management and Budget shall transfer the specific amounts authorized, for the purposes designated, to the Federal entities specified by such legislation, and according to the provisions established in H.R. 3295, as passed by the House of Representatives on December 12, 2001: *Provided further*, That, within 15 days of such transfers, the Director of the Office of Management and Budget shall notify the Congress of the amounts transferred to each authorized Federal entity: *Provided further*, That the entities to which the amounts are transferred shall use the amounts to carry out the applicable provisions of such legislation: *Provided further*, That the transfer authority provided in this paragraph shall be in addition to any other transfer authority provided in this or any other Act: *Provided further*, That the Federal entities referred to in the second proviso shall establish a program under which the entity shall make a one-time payment to the chief election authority of each State which, on a Statewide basis, obtained optical scan or electronic voting equipment for the administration of elections for Federal office in the State prior to the regularly scheduled general election for Federal office held in November 2000: *Provided further*, That the amount of the payment made with respect to a State under the program under the previous proviso shall be equal to the costs incurred by the State in obtaining the optical scan or electronic voting equipment used to administer the most recent regularly scheduled general election for Federal office in the State, except that in no case may the amount of the payment exceed $6,000 per voting precinct in the State at the time of the election: *Provided further*, That total payments made under the program under the sixth proviso shall not exceed $23,000,000.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $24,458,000; of which $2,350,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office: *Provided further*, That $5,000,000 of these funds shall not be obligated until the Director submits performance measures of effectiveness for the High Intensity Drug Trafficking Areas program to the House Committee on Appropriations: *Provided further*, That none of the funds appropriated shall be used to submit a fiscal year 2004 budget request that is not supported by performance measures of effectiveness data, including supporting justifications for each High Intensity Drug Trafficking Area and an optimal spending allocation based on the same measures.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $55,800,000, which shall remain available until expended, consisting of $26,064,000 for counternarcotics research and development projects, and $29,736,000 for the continued operation of the technology transfer program: *Provided*, That the $26,064,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $246,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2004, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing

services and associated activities, and at least $500,000 of the $2,100,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2002, shall be funded at no less than fiscal year 2002 levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $240,800,000, to remain available until expended, of which the following amounts are available as follows: $170,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998, including no less than $150,000,000 for media buys; $60,000,000 for a program of assistance and matching grants to local coalitions and other activities, as authorized in chapter 2 of the National Narcotic Leadership Act of 1988; $6,000,000 for the Counterdrug Intelligence Executive Secretariat; $2,000,000 for evaluations and research related to National Drug Control Program performance measures; $1,000,000 for the National Drug Court Institute; $1,000,000 for the United States Anti-Doping Agency for anti-doping activities; and $800,000 for the United States membership dues to the World Anti-Doping Agency: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the ''Executive Office Appropriations Act, 2003''.

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

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,629,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $49,426,000, of which no less than $5,866,700 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $28,677,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), $325,711,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,961,930,000, of which: (1) $646,385,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Arkansas:

Little Rock, United States Courthouse Annex, $77,154,000

California:

San Diego, United States Courthouse Annex, $23,901,000

District of Columbia:

Washington, Southeast Federal Center Site Remediation, $6,472,000

Florida:

Fort Pierce, United States Courthouse, $2,744,000

Iowa:

Cedar Rapids, United States Courthouse, $5,167,000

Maine:

Jackman, Border Station, $9,194,000

Maryland:

Montgomery County, FDA consolidation, $45,500,000

Suitland, National Oceanic and Atmospheric Administration II, $9,461,000

Suitland, United States Census Bureau, $176,919,000

Mississippi:

Jackson, United States Courthouse, $7,276,000

Missouri:

Cape Girardeau, United States Courthouse, $49,311,000

Montana:

Raymond, Border Station, $7,753,000

New York:

Brooklyn, United States Courthouse Annex—GPO, $39,500,000

Champlain, Border Station, $5,000,000

Massena, Border Station, $1,646,000

New York, U.S. Mission to the United Nations, $57,053,000

North Dakota:

Portal, Border Station, $2,201,000

Oregon:

Eugene, United States Courthouse, $77,374,000

Tennessee:

Nashville, United States Courthouse, $7,095,000

Texas:

Austin, United States Courthouse, $13,809,000

Utah:

Salt Lake City, United States Courthouse, $6,018,000

Washington:

Oroville, Border Station, $6,572,000

Nationwide:

Judgment Fund Repayment, $3,012,000

Nonprospectus Construction, $6,253,000:

Provided, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2004, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $978,529,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and Alterations:

California:

Los Angeles, Federal Building, 300 North Los Angeles Street, $93,166,000

San Francisco, Appraisers Building, $20,283,000

Tecate, Tecate U.S. Border Station, $5,709,000

Connecticut:

New Haven, Robert N. Gaimo Federal Building, $18,507,000

District of Columbia:

Federal Office Building 10A Garage, $5,454,000

Harry S Truman Building (State), $29,443,000

Illinois:

Chicago, U.S. Custom House, $9,000,000

Iowa:

Davenport, Federal Building and U.S. Courthouse, $12,586,000

Maryland:

Baltimore, Metro West, $6,162,000
Woodlawn, Operations Building, $96,905,000
Massachusetts:
Boston, John F. Kennedy Federal Building Plaza, $3,271,000
Missouri:
Kansas City, Bannister Federal Complex, Building 1, $16,130,000
Kansas City, Bannister Federal Complex, Building 2, $3,148,000
New Hampshire:
Manchester, Norris Cotton Federal Building, $17,668,000
Portsmouth, Thomas J. McIntyre Federal Building, $11,149,000
New York:
New York, Jacob K. Javits Federal Building, $7,568,000
Ohio:
Cleveland, Howard M. Metzenbaum U.S. Courthouse, $15,212,000
Pennsylvania:
Pittsburgh, William S. Moorhead Federal Building, $68,793,000
Texas:
Dallas, Earle Cabell Federal Building—Courthouse and Santa Fe Federal Building, $16,394,000
Fort Worth, Fritz Garland Lanham Federal Building, $15,249,000
Washington:
Seattle, Henry M. Jackson Federal Building, $26,832,000
Nationwide:
Chlorofluorocarbons Program, $8,000,000
Design Program, $45,027,000
Elevator Program, $21,533,000
Energy Program, $8,000,000
Glass Fragmentation Program, $20,000,000
Terrorism, $10,000,000

Basic Repairs and Alterations, $367,340,000: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2004, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $178,960,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,153,211,000 for rental of space which shall remain available until expended; and (5) $1,925,160,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2003, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $6,961,930,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

POLICY AND CITIZEN SERVICES

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; providing Internet access to Federal information and services; and services as authorized by 5 U.S.C. 3109, $65,995,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; telecommunications, information technology management, and related technology activities; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $77,904,000, of which $17,463,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $37,617,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $3,339,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2003 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2004 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2004 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $31,788,000 together with not to exceed $2,594,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in

amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,996,000 to remain available until expended: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $249,731,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: *Provided further*, That of the funds made available, $11,837,000 is for the electronic records archive, $10,137,000 of which shall be available until September 30, 2005.

AMENDMENT NO. 19 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Ms. MILLENDER-MCDONALD:

Page 61, line 12, insert before the period the following:

: Provided further, That, of the funds provided in this paragraph, $600,000 shall be for the preservation of the records of the Freedmen's Bureau, as required by section 2910 of title 44, United States Code, and as authorized by section 3 of the Freedmen's Bureau Records Preservation Act of 2000 (Pub. L. 106–444)

Ms. MILLENDER-McDONALD. Mr. Chairman, I would like to thank the chairman and the ranking member for their support and leadership on this issue.

As we began to deliberate and consider fiscal year 2003 Treasury Postal appropriations, I am pleased to offer an amendment to include continued funding for the Freedmen's Bureau Preservation Act of 2000. This legislation that became public law authorized $3 million over a 5-year period for the National Archive and Records Administration to microfilm the records, create a surname and locality index and to put this index on-line for access by the public.

These efforts are intended to preserve an important piece of American history for future generations. There are many historians, genealogists and family researchers interested in exploring the vast context and content of these records. As ship manifests are the vital link between European Americans and their European ancestors, the Freedmen's Bureau Records are the link for African Americans to their slave history.

For historians and genealogists, these records provide the critical link between the Civil War and the 1870 census, the first to list African Americans by name. Former slaves, recognized earlier in government census records only by sex, age and color, were named in the Bureau records as individuals in marriages, government rations lists, lists of colored people, labor contracts, indentured contracts for minors, medical and school records and as victims of violence.

So far in fiscal year 2002, the National Archives has completed filming the records of the Freedmen's Bureau field offices in Florida, approximately 15,000 images, and Alabama, approximately 35 images. Copies of the resulting film are being shipped to all 15 of the microfilm reading rooms managed by the National Archives throughout the country, with two locations in California.

Filming of approximately 23,000 images of Arkansas field office records is currently underway. Also, the National Archives has microfilmed approximately 5,000 images of marriage records included among Freedmen's Bureau's records at the headquarters level.

The agency has provided copies of the Florida field office film and the marriage records film to Howard University for use in testing indexing techniques.

Fiscal year 2003 funding will help to continue the National Archives work to complete the next phase of microfilming and begin the process of placing the index on-line in partnership with historically black colleges and universities.

This investment in preserving the records of our past is also an important investment in our future as these records provide a unique insight into American history.

Mr. Chairman, I urge the House to pass this measure to preserve and protect this unique chronicle of our country's past.

□ 1630

Mr. HOYER. Mr. Chairman, I move to strike the last word, and I rise in very strong support of this amendment sponsored by the gentlewoman from California, who chairs the Congressional Black Caucus and has been an outstanding leader on behalf of the recognition of the contributions of African Americans to the history of this country.

This amendment will provide $600,000 to be spent on records administration for the Freedmen's Bureau. She has well outlined the contributions of the Freedmen's Bureau and the historical importance of maintaining the records of the Freedmen's Bureau. This was arguably one of the most significant times in the history of African Americans; and as a result, the retaining of those records, the ensuring that those records are not only preserved but are available for researchers, for academics, and for the general public, is very, very important. So I commend her on her leadership on this.

The records of the Freedmen's Bureau are quite extensive, Mr. Chairman, according to the NARA. The inventory of the records of the bureau headquarters includes about 240 record ''series'' and much more voluminous records, more than 4,400 ''series'' of the field offices of the State assistant commissioners and their subordinate officers. Many of the latter series contain unique data about the freedmen. And I might add that freedmen, of course, also means freed women.

In fiscal year 2002, the committee provided $600,000 for preservation and access activities associated with the records of the Freedmen's Bureau. This was an increase, I might add, of $450,000 over the President's request. The amendment of the gentlewoman from California (Ms. MILLENDER-MCDONALD) will ensure that that same $600,000 will be spent this year to ensure that this effort is continued and enhanced. These funds will be used to help microfilm the records, assist researchers in using related documents, provide better access to record inventories, and create partnerships for developing indexes.

Mr. Chairman, I think this amendment is a very, very important amendment and will, as I say, help NARA in pursuing this project. I might add, on behalf of the leadership of NARA, they are very enthusiastic about pursuing this, and this will help them do that; and it will certainly justify the fact that they spend the resources necessary to effect the ends that the gentlewoman from California seeks and that we all seek in making sure that we know this history, which was so critically important as this country moved from a country that articulated a premise that all men and women were created equal and endowed by their creator with certain inalienable rights.

Unfortunately, as Martin Luther King so dramatically and powerfully intoned, we were not living up to that promise, and the Emancipation Proclamation started us on that road. We are still not at the end of that road, and perhaps we will never get to the end of that road; but we can learn from this period of our history, and we can expand upon the promise that it made.

Mr. ISTOOK. Mr. Chairman, I move to strike the requisite number of words, and I rise in response to the motion of the gentlewoman from California (Ms. MILLENDER-MCDONALD).

I want to say that certainly I propose accepting the amendment. We had a line item in the bill last year regarding the Freedmen's Bureau, and I realize the preservation of the records and the history is very important to preserve the heritage of this country and particularly of the group of people that were involved in the former institutions of slavery and being freed from it.

So I believe that this is something that would have been funded by the National Archives and Records Administration with or without the amendment. We have had enough conversations with them, but I appreciate the gentlewoman's desiring to be certain on this, and I support her desire for that certainty; and I certainly support and accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The amendment was agreed to.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill, through page 67, line 21, 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 Oklahoma?

There was no objection.

The text of the bill from page 61, line 13, through page 67, line 21, is as follows:

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $10,458,000, to remain available until expended, of which $1,250,000 is for the Military Personnel Records Center preliminary design studies, and $3,250,000 is for repairs to the Lyndon Baines Johnson Presidental Library Plaza.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $7,000,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,486,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $128,986,000, of which $24,000,000 shall remain available until expended for the cost of the government-wide human resources data network project, and $2,500,000 shall remain available until expended for the cost of leading the government-wide initiative to modernize Federal payroll systems and service delivery; and in addition $120,791,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $27,640,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2003, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,498,000; and in addition, not to exceed $10,766,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $12,432,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,305,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, as authorized by Public Law 106–579, $250,000.

This title may be cited as the ''Independent Agencies Appropriations Act, 2003''.

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. 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. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

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

If not, the Clerk will read.

The Clerk read as follows:

SEC. 504. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

Mr. SMITH of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Oklahoma, the chairman of the subcommittee, about a provision in the underlying bill.

First of all, I wish to express my concern about a provision in the underlying bill that prevents the transfer of the Federal Law Enforcement Training Center from the Treasury Department to another Department of the executive branch. I know, for example, that the Department of Justice and the Select Committee on Homeland Security would at least like to have the option of perhaps transferring that Federal Law Enforcement Training Center out of the Treasury Department.

Mr. Chairman, could the gentleman give me some reassurance that that proposed transfer, if in fact it occurs and is a part of the recommendation of the select committee, will not be blocked by the underlying language in the bill?

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

Mr. SMITH of Texas. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, the provision the gentleman refers to, section 504 of the bill, is one that was crafted, I believe, prior to the recommendation for the Department of Homeland Security being formed.

It is certainly my intent, and I will endeavor to make sure our bill is consistent with this, that whatever is ultimately adopted by this body and by the other body, what is ultimately adopted by Congress regarding where the Federal Law Enforcement Training Center should be situated, whether it be in the Department of Justice, the Department of the Treasury, the Department of Homeland Security or elsewhere, whatever ultimately is the enactment as far as the Department of Homeland Security, is something that I will make sure that we have language consistent with that in the ultimate House-Senate version of the Treasury, Postal appropriation.

Mr. SMITH of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman from Oklahoma for his reassurance.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word, and I wanted to say to the chairman and the gentleman from Texas that in terms of moving the Federal Law Enforcement Training Center out of the Department of the Treasury and into the Department of Justice, as somebody who represents a significant portion of the Federal Law Enforcement Training Center, the first I learned about that was actually this morning. And while there have been rumors about the Department of Justice's interest in FLETC, I have not seen any case made to make that transfer possible.

So I would certainly oppose moving the Federal Law Enforcement Training Center out of the Department of the Treasury and strongly be opposed to it moving into the Department of Justice, based on the lack of information to make such a move; and I wanted to express that to the chairman.

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

Mr. KINGSTON. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, let me say that I believe that the interest of the gentleman from Georgia and mine in this situation are very akin to each other. What I wanted to do in the colloquy I just had with the gentleman from Texas (Mr. SMITH) was, frankly, avoid trying to unnecessarily get into a debate today, since we have so many other things that are going to be consuming debate time on the floor.

Although I believe that the Federal Law Enforcement Training Center should not, under current proposals, be transferred to the Department of Justice, nevertheless, I do not think it serves any purpose to try to engage in a debate on that today. Of the 21,000 students and 223 student-weeks of training that are currently conducted at FLETC, the Federal Law Enforcement Training Center, only about 5 percent of that training involves agencies that, under the proposal that will be on the House this week, would be under the Department of Justice. I do not think it would make sense to have FLETC be under the Department of Justice when only 5 percent of the work of FLETC is under the Department of Justice.

Now, I do not know if, under what we do later, things might remain in the Department of the Treasury or if they might go to the Department of Homeland Security; and those probably would give us some idea of what is the best solution. But I do not think that we need to have that debate today. We are going to be having debate on that, and similar things, later this week. And I think what we want to do is to make sure that ultimately we take a consistent position; that what comes out of our appropriations bill will ultimately be consistent with whatever the entire Congress and the President adopt regarding the Office of Homeland Security.

So, therefore, we had the colloquy rather than engaging in a debate on the amendment over this issue today.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of Texas. Mr. Chairman, I thank my friend from Georgia for yielding, and I also want to suggest to him that his concerns may be unjustified or unfounded, simply because, even if the training center were moved to another agency or another Department, that does not mean it is going to leave the State of Georgia.

So I do not think the gentleman needs to necessarily be concerned about losing that training center, even if it were to be transferred to another agency.

Mr. KINGSTON. Mr. Chairman, reclaiming my time, I thank my friend, the gentleman from Texas, for pointing that out. We do, of course, want to keep the physical plant, the jobs, and all the related benefits in Brunswick, Georgia, as part of it; but also I want to say it is not just that. It is that inside of FLETC there is a lot of angst and concern about moving it from the Department of Treasury to the Department of Justice, and we have not seen any justification for doing that right now. So it is not purely provincial that I am pushing this.

Mr. SMITH of Texas. Mr. Chairman, if the gentleman will continue to yield, we can continue the debate later, as the gentleman from Oklahoma suggested. But when we have the Department of Justice and the Select Committee on Homeland Security wanting to transfer it, let us have that debate another time; but let us not dismiss the equities of that argument.

Mr. KINGSTON. Once again, reclaiming my time, Mr. Chairman, I agree with my friend and thank him for his openness and look forward to the discussion with him and the chairman.

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

Mr. Chairman, I was in a defense conference with the Senate and missed my opportunity to offer this amendment on page 57. We have barely passed it. I do not think the committee is going to accept it, but I would at least like the opportunity to offer it. If they would grant me unanimous consent to do so, I would appreciate that.

The CHAIRMAN. The gentleman asks unanimous consent that we go to page 56 in the bill. Is there objection to the request of the gentleman from Colorado?

Mr. ISTOOK. Mr. Chairman, reserving the right to object, as I understand it, this has to do with funding of the Office of Former Presidents, which, frankly, could open a time-consuming debate on this. Is the gentleman aware that it may be possible for him to offer his amendment at a later stage in the bill?

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

Mr. ISTOOK. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I am aware we could do a reach-back amendment and do it later. However, I would rather do it now, when it is closer to the actual subject matter, than trying to amend it into the total of the overall bill. This would relate directly to what I am trying to get at rather than the total figures at the end of the bill. And I do not plan to take much time with it, if the gentleman does not.

□ 1645

Mr. ISTOOK. Mr. Chairman, although I wish to accommodate the gentleman, lest we set a precedent that would keep us from considering other amendments that come before us and having to constantly reach back in the bill, I object, although I would certainly cooperate with the gentleman in the mechanics where he can do it later in the bill.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Buy American Act (41 U.S.C. 10a–10c).

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. 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, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to 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. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2002 from appropriations made available for salaries and expenses for fiscal year 2002 in this Act, shall remain available through September 30, 2003, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

AMENDMENT NO. 17 OFFERED BY MR. KUCINICH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. KUCINICH:

Page 71, beginning on line 1, strike section 513 (relating to applicability of cost accounting standards to Federal Employees Health Benefits Program).

Mr. KUCINICH. Mr. Chairman, this Congress has spoken at long length on the floor of the House about corporate accountability. If there is one thing that we have learned, it is that we must have standards and the companies must abide by them. Why then in this bill are health insurance companies in the Federal Employees Health Benefits Program exempted from cost accounting standards? Has Congress not learned from Enron, not learned from WorldCom?

My amendment would strike section 513 in this bill, which is the section which grants a waiver from complying with governmentwide cost accounting standards. This is a special exemption from Federal accounting standards. By granting this waiver, it exposes the government to increased risks from fraud and abuse. Federal employees, unions, the administration, and even some of the insurance carriers themselves have opposed this special exemption.

Given the public's lack of confidence in corporate accounting standards, it makes no sense for Congress to give an exemption for accounting standards to contractors participating in its own health care program, especially when these same accounting standards apply to every other Federal contractor. Cost accounting standards are designed to prevent fraud, overcharging and abuse. They serve as an important safeguard to save taxpayer money. They allow the government to track the cost of goods and services provided under specialized contracts when there is no market price available.

These accounting standards apply when Federal contractors charge the government based on negotiated cost-based pricing arrangements, and ensure that costs are properly calculated. If an exemption is truly needed and warranted, there is a process that Congress established in case such a situation arose. The Cost Accounting Standards Board, CASB, includes accounting experts for this very purpose.

Last year the statement of administration policy on this bill stated, ''The administration opposes section 513 which would continue the 1-year moratorium on the application of cost accounting standards under the FEHBP. A statutory moratorium is not required as existing law provides for an administration process which allows the CASB to exempt contracts from any or all CAS requirements.''

There is no reason that FEHBP contractors should get a special pass around the board. Congress created the Cost Accounting Standards Board specifically to deal with such issues. By allowing this waiver, it places insurance carriers of the FEHBP above the law. These carriers report charges annually to the FEHBP of billions of dollars, and when they do so, they report them in the manner of their own choosing and design. When they report their costs go up 10 or 15 or 20 percent, or even more, Congress has no way of effectively verifying those claims, or whether they may be losing millions of dollars to fraudulent claims.

In the current climate when health care costs continue to increase, it makes the exemption for FEHBP health plans even more egregious. The second largest participant in the plan, First Health, opposes this exemption. First Health, which has been in FEHBP for over 20 years and includes 1 million participants, recently wrote to the gentleman from Wisconsin (Mr. OBEY), ''I urge the Committee on Appropriations to not include language prohibiting the imposition of cost accounting standards to the FEHBP in the fiscal year 2003 Treasury-Postal appropriations bill.''

Clearly even the companies who benefit from the exemption understand the importance of abiding by government cost accounting standards. Now is not the time to be exempting companies from accounting standards. Enron and WorldCom have done enough. Other industries do not need Congress to give them a hand. Support the Kucinich amendment to strike section 513.

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. KUCINICH). I recognize that cost accounting standards and accounting propriety is something that we all support and seek and we want to make sure that it is done. The difficulty, of course, is that this particular provision has been carried in this bill since 1998 at the request of the authorizing committee, namely the Committee on Government Reform. Why? Because, as the Office of Personnel Management has told us, the accounting standards that through the CAS are sought to be applied to insurance carriers through the Federal Employees Health Benefits Plan, as OPM told us, are in ''incompatible conflict'' with the accounting standards that are used within the insurance industry.

I think that the Chairman, as well as many Members, are aware that there are accounting differences depending

on the type of business, whether it is a publicly held corporation, whether it is a partnership or small business, whether it is a public utility, or in this case whether we are talking about an insurance company.

The concern is this: If we adopt this amendment, we may force out of the market insurance carriers that provide coverage to hundreds of thousands of Federal workers by arbitrarily and immediately cutting them off. I do not want to see hundreds of thousands of people lose their insurance benefits or be told now they have to shop around and find a different carrier under the FEHBP just because we made a quick and not fully informed decision on the floor of the House that we wanted to take some regulation that was meant to apply to other types of companies and apply them to insurance carriers under the FEHBP. That is my concern with the gentleman's amendment.

His desire to make sure that we have accounting propriety is well taken; but let us make sure that we do that in a reasoned way. Let us make sure that we go back to the authorizers, the Committee on Government Reform that originally asked for this provision to be carried in this bill several years ago, ask them to look at it, look at it in proper depth and with correct understanding of the accounting differences for different types of businesses.

I have been informed that more than half of all Federal employees could have their insurance coverage put at risk if we adopt the amendment of the gentleman from Ohio (Mr. KUCINICH). Members may agree or disagree that that is the case, but I for one do not want to take the chance without having a much more informed understanding of this situation.

It is a very technical amendment. It is a technical circumstance. The gentleman has excellent motives, but I think it is also an excellent motive to protect the insurance coverage of half or more of the Federal workers that we have in the United States.

So I oppose this amendment, but I look forward to working with the gentleman from Ohio (Mr. KUCINICH) to make sure that whether it be through FEHBP or through any other person or entity that does business with the Federal Government or with the taxpayers, we have proper, reliable accounting standards applied.

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

Mr. Chairman, I rise to speak in opposition to the gentleman's amendment. The gentleman from Ohio (Mr. KUCINICH) is a Member whom I enjoy working with on a host of issues, and I fully understand the gentleman's passion for establishing good cost accounting standards.

The cost accounting standard that we are trying to apply to the FEHBP program is a cost accounting standard that was essentially developed for defense contractors, and the issue that was brought up to us in the subcommittee, and the gentleman from Oklahoma (Mr. ISTOOK) mentioned that the authorizing committee opposes this amendment and supports the exemption, I am the chairman of that committee and this exemption was initially put in place by the gentleman from Florida (Mr. MICA) and continued by the gentleman from Florida (Mr. SCARBOROUGH), and it has been continued by myself.

The central issue here is we are trying to take cost accounting standards that were developed for defense contractors, and we are trying to apply them to the health care insurance industry.

Now the real issue here is Blue Cross/Blue Shield, and that is really what we are talking about. Blue Cross/Blue Shield insures 80 million Americans, and 4 million of those Americans are Federal employees. A lot of those Federal employees live in many of the affiliated States within the Blue Cross/Blue Shield system. Nationwide it is 5 percent, 4 percent of the entire Blue Cross/Blue Shield workforce, but in some States it is even less than that, and they are not going to want to participate.

The way I understand this works under the law within FEHBP, it is an all-or-none situation. It cannot be like Blue Cross/Blue Shield will stay in the system here in Washington, D.C. where they might have several hundred thousand employees, and let all of the affiliates in Oklahoma and Iowa withdraw. They have to participate nationally.

Now some of the other insurance carriers, I think maybe virtually all of them, have complied with the standards. But as I understand it, for all of them, they only do business with FEHBP. Blue Cross/Blue Shield is in a very unique position. What I have been told is essentially that they will withdraw, that it will be too much of a burden on them to convert their entire system over to comply, to meet the requirements for this relatively small percentage of their business, and that they will withdraw.

□ 1700

I guess we are going to try to call their bluff and see if they really will withdraw. But if they do withdraw, 4 million people are currently within the Blue Cross/Blue Shield FEHBP plan. Many of them are current Federal employees. Many of them are retirees. Some of them have been in Blue Cross/Blue Shield. And the important point I want to stress in all this is that OPM has testified to us that they have copious amounts of data, that they do not need more data. They did not say they had adequate levels of information. They said they have all the information they needed to verify that Blue Cross/Blue Shield within FEHBP is not skimming money away, that they are not engaging in any fraudulent behavior, that they have all of the insight that they need, and OPM has testified to us that they do not need this and that it is going to provide no additional information.

We are all for good, solid, especially in this climate, good, solid accounting standards; but the agency in the Federal Government, the Office of Personnel Management, is telling us they have all the insight they need; they have more than enough insight. So the net effect of all this may be, even if you did apply it to Blue Cross/Blue Shield, no new information, and the net effect may be that millions of Federal employees and retirees may actually ultimately withdraw.

I would encourage a ''no'' vote on the gentleman's amendment. I know his heart is in the right place, but having studied this through the subcommittee, I believe this exception should be kept in the current law. I strongly urge a ''no'' vote on the gentleman's amendment.

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

Mr. Chairman, I think the previous speaker has raised many legitimate points, but out of courtesy I yield to the gentleman from Ohio.

Mr. KUCINICH. I thank the gentleman for yielding. With all due respect to my good friend, the gentleman from Florida (Mr. WELDON), I do not think we need to worry about Blue Cross/Blue Shield withdrawing because of the imposition of government cost accounting standards, because, in effect, Members should know that Blue Cross/Blue Shield is already complying with government accounting standards in Medicare and also the Tricare program which serves our veterans.

Furthermore, for my friends who indicate that a statutory moratorium would be required, the statement of administration policy has indicated that a statutory moratorium is not required, as existing law provides for an administrative process to exempt or waive classes or categories of contracts from any or all CAS requirements. So you do not need to go to the authorizing committee.

My friends who indicate that government cost accounting standards are not appropriate for FEHBP health plans should know that cost accounting standards are certainly appropriate for such plans if not more so than any other Federal contractors. The cost of health care is increasing, which makes it even more important for health care plans to account for the cost increases. Hewitt Health Care Resources reported last June that HMO premiums may increase 22 percent in 2003 and Congress should not be allowing health care plans a waiver from accounting for these types of dramatic increases.

Finally, where my friends indicate that government cost accounting standards are incompatible with the already existing accounting system used by the health care industry, they should know that any other government contractor faces the same issue

whether it has government as well as commercial clients, that this argument is not unique to health plans. Moreover, health plans have had more than 3 years to make the necessary changes in order to abide by the government cost accounting standards which, I might add, Mr. Chairman, is plenty of time. So if cost accounting standards are truly a legitimate problem, Congress has already established a cost accounting standards board to determine if a waiver is appropriate. This board is staffed by experts who have knowledge and expertise to make that determination. Allowing a blanket exemption by statute puts the FEHBP health plans above the law.

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

The ranking member of our committee indicated, and I agree with him, that the gentleman from Florida (Mr. WELDON) raised some very legitimate and good points. The good news is that we have time to, I think, develop this issue further between now and the time of conference. I am pretty confident that the Senate will include similar language in their bill, so this will be a conferenceable item if it is not in the bill.

Clearly what the gentleman from Ohio seeks to do is to raise the issue of whether or not there ought to be a consistency in reporting costs so that OPM on behalf of Federal employees and Federal employees, generally, can make an assessment as to the costs that are being incurred by the insurers and, determining the cost, then what ought to be the appropriate level of premiums for the insurance that is gotten.

I think this is particularly cogent in a time when health care costs and premiums in particular for Federal employees and for all employees are starting to rise very, very substantially. So I understand what the gentleman from Ohio is saying. I think the gentleman from Florida (Mr. WELDON), who chairs the relevant subcommittee, makes some very good points; but I think either way what the gentleman from Oklahoma (Mr. ISTOOK) is saying, we need to look at this very carefully, and I am convinced that the gentleman from Oklahoma and I and the subcommittee, whatever happens on this amendment, are going to look very carefully at this between now and the markup.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. WELDON of Florida. Mr. Chairman, I just want to raise a couple of points in response to some of the statements my friend from Ohio made but really just one in particular and, that is, as it relates to the Blue Cross/Blue Shield systems complying with the cost accounting standards within the Medicare plan, those are very distinct plans. In many cases the Medicare operation is actually housed in a wholly owned subsidiary and for some of these FEHBP plans, they have provider networks and they overlap with the products that they are offering employers in the region and it is not really an entirely separate system.

This is the problem that you get into specifically with the Blues as it relates to FEHBP. They are taking on a Federal employee, and they are taking on somebody who works in industry; they are offering the same product, and really what you are essentially asking the Blues to do with your amendment is adopt this new standard nationwide for all of their 80 million customers in order to keep this 4 million people within their system. It would be very costly for them to develop a separate standard for the 4 million people in FEHBP.

Frankly, I think what you are doing is essentially saying to them, are you going to do it? Are you going to withdraw?

Mr. HOYER. Reclaiming my time, I want to say, as I said before, and I think the gentleman raises obviously the problem that Blue Cross raises. On the other hand, it is interesting that OPM, I guess, through the administration, the administration opposes this provision. So the gentleman from Ohio (Mr. KUCINICH) essentially is offering the position of the administration on this amendment if you read the statement of administration policy.

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

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. KUCINICH. I want to say what a pleasure it is to be able to do that on behalf of the administration.

Mr. HOYER. Reclaiming my time, I know the gentleman's happiness at the present position he finds himself in.

But the point I want to make is, this is clearly not a partisan issue. This is an issue of judgment as to clearly we want to keep the Blues in the program. Some years ago we lost Aetna. We do not want to lose competitors in the program that will adversely affect Federal employees and adversely affect taxpayers who participate, as you know, in 70 percent of the average cost of the FEHBP. So clearly I think we all want to get to the same place, but I think there is some question here, and I tried to contact OPM today to follow up on this without success after I found out that the administration was for essentially the Kucinich amendment.

They did not mention that amendment. They simply mentioned that they were in favor of this provision being dropped. But clearly I want to assure the gentleman from Florida, and I know that having talked to the gentleman from Oklahoma (Mr. ISTOOK), the chairman of our committee, about this, whatever happens on this amendment, we are going to look very carefully at it; and we are not going to allow anything to happen which will adversely affect the Federal employees and which will unfairly affect Blue Cross/Blue Shield.

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

Mr. Chairman, I rise in strong support of the Kucinich amendment which would strike section 513 of the bill. That provision contains a waiver from cost accounting standards for the insurance companies participating in the Federal Employees Health Benefit Program. In today's environment, the Federal Government should be setting an example by holding its own contractors to accounting standards in a consistent manner, not granting legislative waivers at the behest of insurance companies.

The accounting standards involved here are important. They ensure that the government is not overcharged for labor and materials, and not charged at all for certain unallowable costs like travel and entertainment. They also ensure that the government pays only its fair share of things like depreciation of equipment and pension costs.

Some insurers, like Blue Cross/Blue Shield, argue that these cost accounting standards are burdensome and will cost them too much money to adopt. That is really a very strange contention, given that Blue Cross/Blue Shield already complies with cost accounting standards for their contracts with the military's Tricare health program. And even if they did not already comply, the expenses related to implementing the accounting standards is an allowable cost which could be billed to the FEHBP. So I am afraid that this argument just does not hold water.

There is widespread opposition to this waiver. The administration opposes this waiver because the standards ensure consistent reporting of costs on Federal contracts. Federal employees oppose the waiver because they are rightly concerned that overcharges will result in unjustifiably high premiums for their members. And even some of the insurance carriers, such as First Health, oppose the waiver because they do not want to be associated with waivers from accounting standards in the current climate.

The taxpayers' money is at stake here. Granting a waiver from these standards exposes the government to waste and fraud. According to the Congressional Budget Office, the failure to apply these standards has already cost the taxpayers millions. There is an old adage: ''A good example is the best sermon.'' There has been a lot of sermonizing lately in Washington on the topic of corporate and governmental accountability. Today we have a chance to set a good example by adopting the Kucinich amendment.

I urge a ''yes'' vote on this important amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of Congressman KUCINICH's amendment to strike the section of the Treasury-Postal FY 2003 Appropriations bill that exempts companies in the Federal Employees Health Benefits Program (FEHBP) from following Cost Accounting Standards (CAS).

These accounting standards are written by an independent board within the Office of Management and Budget. The standards were created due to concerns about the pricing and accounting practices of defense contractors. Before the creation of the CAS, there was no consistency within and between contractors' cost accounting practices. Auditors could not conduct reviews, and the public had no assurance that the government was purchasing the best value for their tax dollars.

These standards are not an onerous set of accounts rules and regulations. The committee that creates the standards generally gives companies numerous cost accounting options for each regulation.

The CAS are needed to make sure greedy corporations do not defraud the government. They help ensure the accuracy of the charges submitted to the federal government. Yet, due to the hard work of a small group of health care providers, the CAS have never been applied to the FEHBP. Congress has waived these accounting standards in every Treasury-Postal Appropriations bill since FY 1999.

The exemption simply does not make any sense. The FEHBP covers nearly nine million active and retired federal employees, and it is the nation's largest employer-sponsored health insurance plan. Every year the government pays more than $20 billion to the health care providers in the plan. What corporation in America would pay this much money without having any way to rationally examine their expenses?

With daily stories of new scandals in the corporate world, now is not the time to exempt companies from basic accounting standards. Congress must remove this special exemption for the health insurance companies in the FEHBP.

I urge my colleagues to improve the accountability of FEHBP health insurance providers by supporting the Kucinich amendment.

The CHAIRMAN pro tempore (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 514. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 515. 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).

SEC. 516. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2003 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

□ 1715

POINT OF ORDER

Mr. SMITH of Texas. Mr. Speaker, I make a point of order against the language beginning with ''Provided'' on page 74, line 15, through the word ''law'' on line 25. These provisos, which affect federal criminal rules of evidence and criminal laws, constitute legislation on an appropriations bill in violation of clause 2(b) of rule XXI of the House of Representatives.

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

Mr. ISTOOK. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 103, line 10, 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 Oklahoma?

There was no objection.

The text of the remainder of the bill through page 103, line 10, is as follows:

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in

the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2003, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2002, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2003, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2003, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2003 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2003 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2002 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2002, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2002, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2002.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which the United States Customs Service has in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress

in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 625. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 626. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 627. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 628. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 629. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse the ''Policy and Citizen Services'' account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $17,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 630. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 631. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 632. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 633. Section 403(f) of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking ''October 1, 2002'' and inserting ''October 1, 2003''.

SEC. 634. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 635. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 636. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 637. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 638. Section 7131 of title 5, United States Code, is amended by adding at the end the following:

''(e)(1) Each agency shall submit to each House of the Congress, the Office of Personnel Management, and the Office of Management and Budget, at the time the budget is submitted by the President to the Congress in each calendar year, a report on the use of official time within such agency during the fiscal year last ending before the date of the report's submission.

''(2) Each such report shall include, with respect to the fiscal year to which it pertains—

''(A) the number of hours of official time that employees spent on labor organization activities;

''(B) the number of employees who used official time for labor organization activities;

''(C) the number of employees who spent 100 percent of their time on labor organization activities;

''(D) the dollar value of the official time spent on labor organization activities;

''(E) the dollar value of the office space, equipment, telephone use, and supplies provided to employees using official time for labor organization activities; and

''(F) the benefits and disadvantages of using official time for labor organization activities.''.

SEC. 639. (a) ANNUAL IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES SUSCEPTIBLE TO IMPROPER PAYMENTS.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, annually review all programs and activities that it administers and identify all such programs and activities that may be susceptible to significant improper payments.

(b) ESTIMATION OF IMPROPER PAYMENTS.—With respect to each program and activity identified under subsection (a), the head of the agency concerned shall—

(1) estimate the annual amount of improper payments; and

(2) include that estimate in its annual budget submission.

(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b) that exceed 1 percent of the total program or activity budget or $1,000,000 annually (whichever is less), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce the improper payments, including—

(1) a statement of whether the agency has the information systems and other infrastructure it needs in order to reduce improper payments to minimal cost-effective levels;

(2) if the agency does not have such systems and infrastructure, a description of the resources the agency has requested in its budget submission to obtain the necessary information systems and infrastructure; and

(3) a description of the steps the agency has taken to ensure that agency managers (including the agency head) are held accountable for reducing improper payments.

(d) DEFINITIONS.—For the purposes of this section:

(1) AGENCY.—The term ''agency'' means an executive agency, as that term is defined in section 102 of title 31, United States Code.

(2) IMPROPER PAYMENT.—The term ''improper payment''—

(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

(B) includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment, payments for services not received, and any payment that does not account for credit for applicable discounts.

(3) PAYMENT.—The term ''payment'' means any payment (including a commitment for future payment, such as a loan guarantee) that is—

(A) made by a Federal agency, a Federal contractor, or a governmental or other organization administering a Federal program or activity; and

(B) derived from Federal funds or other Federal resources or that will be reimbursed from Federal funds or other Federal resources.

(e) APPLICATION.—This section—

(1) applies with respect to the administration of programs, and improper payments under programs, in fiscal years after fiscal year 2002; and

(2) requires the inclusion of estimates under subsection (b)(2) only in annual budget submissions for fiscal years after fiscal year 2003.

(f) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall prescribe guidance to implement the requirements of this section.

SEC. 640. (a) Notwithstanding paragraph (17) of subsection (a) of the Policemen and Firemen's Retirement and Disability Act (sec. 5–701(17), D.C. Official Code) or any other provision of such Act to the contrary, for purposes of determining the amount of any annuity required to be paid under such Act with respect to an officer or member of the United States Secret Service who retired during fiscal year 1995, the officer's or member's average pay shall be the officer's or member's basic salary at the time of retirement.

(b) Subsection (a) shall apply with respect to any annuity paid—

(1) during fiscal year 1995 or any succeeding fiscal year, in the case of a survivor's annuity paid with respect to an officer or member of the United States Secret Service described in such subsection; or

(2) during fiscal year 2003 or any succeeding fiscal year, in the case of any other annuity paid with respect to an officer or member of the United States Secret Service described in such subsection.

SEC. 641. Section 902(b) of the Law Enforcement Pay Equity Act of 2000 (as enacted into law by Public Law 106–554), shall cease to be effective on January 1, 2003.

SEC. 642. No funds appropriated under this Act or any other Act with respect to any fiscal year shall be available to take any action based upon any provision of 5 U.S.C. 552 with respect to records collected or maintained by the Secretary of the Treasury or his delegate pursuant to 18 U.S.C. 846(b), 923(g)(3) or 923(g)(7), or obtained by the Secretary or delegate from Federal, State, local, or foreign law enforcement agencies in connection with arson or explosives incidents or the tracing of a firearm, except that the Secretary or delegate may continue to disclose such records to the extent and in the manner that records so collected, maintained, or obtained have been disclosed by the Secretary or delegate under 5 U.S.C. 552 prior to the date of the enactment of this Act.

SEC. 643. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2003 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.1 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2003.

SEC. 644. (a) Section 9505(d) of title 5, United States Code, is amended by striking the second sentence and inserting the following: ''Such amount may not exceed the maximum amount which would be allowable under paragraph (3) of section 5384(b) if such paragraph were applied by substituting 'the Internal Revenue Service' for 'an agency'.''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 2002.

SEC. 645. None of the funds made available in this Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 646. CORPORATE EXPATRIATES. (a) LIMITATION.—None of the funds made available in

this Act may be obligated for payment on any new contract to a subsidiary of a publicly traded corporation if the corporation is incorporated in a tax haven country but the United States is the principal market for the public trading of the corporation's stock.

(b) DEFINITION.—For purposes of subsection (a), the term ''tax haven country'' means each of the following: Barbados, Bermuda, British Virgin Islands, Cayman Islands, Commonwealth of the Bahamas, Cyprus, Gibraltar, Isle of Man, the Principality of Liechtenstein, the Principality of Monaco, and the Republic of the Seychelles.

(c) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to the Appropriations Committees that the waiver is required in the interest of national security.

The CHAIRMAN. Are there any other points of order?

POINT OF ORDER

Mr. DAVIS of Virginia. Mr. Chairman, I make a point of order under clause 2(b), rule XXI, legislating on an appropriations bill, against section 646, beginning at page 102, line 19, through page 103, line 10.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

If not, the Chair finds that this provision includes language requiring a new determination by a certification. The provision, therefore, constitutes legislation, in violation of clause 2, rule XXI.

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

Are there any other points of order?

If not, are there any amendments?

AMENDMENT OFFERED BY MR. GOSS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOSS: Amendment printed in House Report 107–585:

Page 103, insert after line 10 the following new section:

SEC. 647. Any limitation in this Act on the use of funds to administer or enforce regulations restricting travel to Cuba or transactions related to travel to Cuba shall apply only after the President has certified to the Congress that the Cuban Government—

(1) does not possess and is not developing a biological weapons program that threatens the homeland security of the United States;

(2) is not providing to terrorist states or terrorist organizations technology that could be used to produce, develop, or deliver biological weapons; and

(3) is not providing support or sanctuary to international terrorists.

Mr. GOSS. Mr. Chairman, there exists a nation that for over 40 years has repeatedly declared its hostile intentions towards the United States of America and American citizens. It has consistently allied itself with our enemies, it has sought nuclear weapons on its soil, and abused its own citizens. It has violated human rights in an egregious way. This nation today is on the State Department list for sponsoring terrorism, and in the past it has provided funds and shelter for terrorist groups, groups such as the ETA, the Basque Nationalists, Colombian guerrillas, committing some of the great atrocities going on in our hemisphere now, IRA leaders, possibly even Iranian agents and others.

This nation's dictator has failed to share any useful intelligence information with us since 9/11, and calls our military response in Afghanistan not ''a war on terrorism,'' but ''a war for terrorism.'' The state, of course, I am referring to is Cuba, a nation only 90 miles from the southern boundaries of the United States of America.

Coming from a south Florida district, Mr. Chairman, I have long heard the arguments from both sides about the Cuban embargo and travel ban. Usually this debate evokes emotional issues on topics like human rights and free trade. I have not come to the floor today to rehash the old fights on those scores, because while these concerns are certainly still valid and will certainly be debated, I think the center of gravity in this discussion has shifted very dramatically since 9/11.

There is no doubt that Cuba has sponsored terrorist activity in the past. That is not arguable or debatable. It is fact. Whether it is a terrorist sponsor today remains a difficult, open question and one which of our executive agencies are working on, and one we do not want to have answered the wrong way or the hard way.

I do not see how, in good conscience, we can do business with Cuba's current regime when its activities are veiled by a closed society. How can we tell the world we will not tolerate terrorism, but, at the same time, open our economic door and all the benefits that that implies to a clearinghouse for those who harm innocent civilians?

Castro's coffers should not be enriched by the bounty of American travel dollars if he is aiding and abetting brutal criminals. Our tireless enemies are disciplined, they are persistent, and they are adaptable, as we have found out to our regret. They leave us few physical targets to attack and they are difficult to track.

However, they are vulnerable. Terrorists, like any other organization, need residence, they need logistic support, they need travel aid, they need money, they need safe harbor. Without these, they are little more than bitter outlaws.

Back in September, President Bush drew a clear line for all nations of the world when he declared, ''You are either with us, or you are with the terrorists.'' It is essential that groups like al Qaeda never again find a safe haven from which to rebuild, especially a place so near our nation.

For this reason, I bring this amendment to ask that the President certify a clean bill of health for Cuba before travel is allowed. The amendment specifically asks the President to certify that Cuba is not developing biological weapons and that it is not providing technology, shelter or assistance to terrorists.

I strongly support President Bush's efforts to bring real democracy to the people of Cuba. We all want a better life for our innocent neighbors that have long suffered off our shores. However, in our rush to help the oppressed people of Cuba, let us ensure we are not strengthening a regime that is now running a terrorist comfort station.

Our job is to look out for the national security of the United States of America and Americans at home and abroad. This is a simple amendment to give us an extra measure of assurance in that area. Should the administration determine that the Cuban-Castro regime passes the test, then there is no problem with those who object to this amendment. If he does not pass the test, then there is every reason why this amendment should pass.

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

The CHAIRMAN. Without objection, the gentlman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. MCGOVERN. Mr. Chairman, I rise in very strong opposition to the amendment offered by the gentleman from Florida.

I have the utmost respect for the chairman of the Permanent Select Committee on Intelligence and my colleague on the Committee on Rules, but I am disappointed that he would offer this amendment, which further restricts the ability of U.S. citizens to travel to Cuba. And let us be clear, that is the only thing the Goss amendments would do, keep Americans from traveling to Cuba.

If Members are seriously alarmed about bioweapons being developed or exported by Cuba, then serious action is required, not this. The United States should present to our allies and the international community information backing up these claims. But we have not done so.

The United States should call upon the United Nations and the OAS to form a reputable inspection team, send it to Cuba, investigate these allegations and determine whether or not they have merit. We are not doing that either.

Officials from the Bush Administration should be informing all relevant committees, Members of Congress and the press of the documentation they have to back up their claims. But that is not happening either.

Instead, high officials of the Bush Administration have deliberately distanced themselves from the one individual, Under Secretary of State John Bolton, who made such claims in a May 6 speech at the Heritage Foundation.

Following Mr. Bolton's remarks, Secretary of Defense Donald Rumsfeld was asked about the matter. He replied that he had not seen the intelligence to back up such charges. Secretary of State Powell, the U.S. has always stated that Cuba has the capacity to develop such bioweapons, but there was no information that Cuba had developed offer was exporting bioweapons technology.

In hearings in the other body, not only did the State Department refuse to allow the Under Secretary of State Bolton to testify on this matter, but the person they did send, Assistant Secretary of State for Intelligence and Research Carl Ford, Jr., stated that he had no evidence to back up the suggestion that Cuba was working on the development of biological weapons or passing that technology on to rogue states. He concluded that the State Department ''never tried to suggest that we had a smoking gun.''

The possession, development or export of such bioweapons by Cuba or any other weapon of mass destruction has not been cited in any CIA, Pentagon or State Department report issued over the past decade, including those wholly researched, written and issued by the Bush Administration.

The State Department's own May 2002 report on global terrorism issued 3 weeks after Bolton's charges made no mention, not even a hint, of bioweapons in Cuba. The July 11 letter sent by Secretaries Powell and O'Neill to the Committee on Appropriations chairman, the gentleman from Florida (Mr. YOUNG), does not mention Cuba developing bioweapons. And the July 18th statement of the administration policy issued by the White House, also no mention of bioweapons development in Cuba.

Certainly, Mr. Speaker, Cuba has the capability to develop and manufacture such weapons. But, then again, so does every single country in the world that produces aspirin.

The President has stated clearly that he wants no changes in the restrictions on Cuba; he supports the status quo. He has absolutely no incentive to certify, no incentive to prove or disprove the charges made against Cuba.

The gentleman from Florida has crafted an amendment that he knows the administration has no intention of ever pursuing, let alone certifying. The amendment, if approved, overrides every other measure passed by Congress to lift the restrictions on travel to Cuba. Even if the Flake amendment once again passes overwhelmingly, it would not be able to go into effect.

I wish the gentleman would have simply opposed the Flake amendment and let the chips fall where they may, because if you are serious about fighting terrorism, you do not go about it by adding more restrictions on the right of American to travel freely to Cuba.

This amendment trivializes the war on terrorism. It accomplishes nothing. It is just the latest effort in a series of efforts to thwart the overwhelming will of the majority in both bodies to lift the restrictions that prohibit U.S. citizens from traveling to Cuba.

This is not a debate, Mr. Chairman, about trusting Castro, it is about trusting the American people. I urge my colleagues in the strongest possible terms to oppose the Goss amendment.

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

The CHAIRMAN. Without objection, the gentlewoman from Missouri is recognized for 5 minutes.

There was no objection.

Mrs. EMERSON. Mr. Chairman, I rise in opposition to the Goss amendment for one primary reason, and that is because its purpose is to undo what our colleague, the gentleman from Arizona (Mr. FLAKE) will offer following this, and that is an amendment to end the travel ban to Cuba. First of all, I just want to go through a few points about this.

Number one, a main premise, if we all remember, of American policy toward the former Soviet bloc that was enshrined in the 1975 Helsinki Accords was that travel restrictions should be ended. From the American perspective, the purpose was to expose closed societies to western influence.

If, in fact, that was the premise then, it should be the premise today, and anything that would stop us, as the Goss amendment would do, would, in fact, not allow us to spread our values, our democratic society, to those people who desperately need it, those people in Cuba.

Like many people, and any people who have lived under communism, Cubans want contact with the rest of the world and not isolation from it, and they do benefit materially from foreign visitors. Contact with foreigners brings information, news and foreign influence. It erodes the information monopoly that the government and the communist party attempt to maintain.

In spite of what anyone will say, and having been on two occasions to Cuba, tourist dollars do reach the people directly. Think of Cuba's artisan markets, the bicycle taxies, the private taxies, the private restaurateurs, the thousands of Cubans who rent their rooms to tourists, this is the 4 percent of the Cuban workforce that is employed as private licensed entrepreneurs.

No, it is not nearly enough, but it is a beginning. They live largely on the money tourists spend when visiting Cuba.

Then there are the hotel and restaurant employees, who do earn tips, some directly, some because all employees in a hotel pool the tips and divide them. They get dollar wages, they get dollar bonus, but, most of all, they do get the money that Germans, Spaniards and French and all the other tourists to Cuba give them, perhaps under the table, but they do have this to supplement their income.

Finally, tourist spending has a secondary impact. Cuba's farmer's markets and the private farmers who supply them, and all the small entrepreneurs prosper when tourism is up and artists, restaurateurs, taxi drivers, bellhops and chambermaids have disposable income. American tourism would make this entire Cuban private sector boom.

I, quite frankly, do not understand what anybody is afraid of, why people are afraid for Americans to travel to Cuba. In my opinion, it would only help the Cuban people in the long run.

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

The CHAIRMAN. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. BALLENGER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. GOSS). The chairman of the Permanent Select Committee on Intelligence is raising a reasonable point. In his amendment he is asking that before we lift the Treasury Department restrictions on travelers spending money in Cuba without a license, we should get some answers to some critical home security questions: Does Cuba have an offensive biological weapons capability? Is Cuba sharing dual use biotechnology with rogue states? Does Cuba harbor and support terrorists?

Our administration has released statements approved by our intelligence community that say that our government believes the answer to the first two questions is yes. As for the third question, Cuba is on the State Department's list of state-sponsored terrorism.

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We need to take a closer look at these potential threats to our citizens. That is what the Goss amendment does. It says to the President, look into this and certify to Congress whether these things are true. There are also some commonsense questions about Cuba's possible motives for developing biological weapons that we ought to be asking. Why is it that the government of this poor nation has poured many, many millions of dollars into developing a biotech industry? Can we really accept at face value Cuban claims that they are only pursuing medical research? Cuba has on numerous occasions over the years falsely accused the United States of deploying biological agents against Cuba. Could such paranoia motivate the regime in Havana to develop biological weapons? Since the Cuban regime says it fears a U.S. invasion, is it possible that such a perceived threat would motivate the Cubans to develop offensive biological weapons?

I urge my colleagues to support the Goss amendment so Congress could get the answer to these questions.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to lend my strong and unequivocal support to the amendment offered by the distinguished gentleman from Florida (Mr. GOSS), chairman of the House Permanent Select Committee on Intelligence.

This is an amendment which seeks to protect our citizens from the imminent

threats emanating from a state sponsor of terrorism, a declared enemy of the United States in our own backyard. On Tuesday of just this week, President Bush presented his national strategy for homeland security, and in it he outlined what is the beginning of a long and difficult struggle to protect our Nation from the threat of terrorism. It establishes a foundation upon which to organize our efforts and it provides initial guidance to prioritize the work ahead, and two of the most important objectives include preventing terrorist attacks within the United States and reducing America's vulnerability to terrorism. The Goss amendment before us, Mr. Chairman, accomplishes just that.

The Castro dictatorship, a totalitarian regime long known to be a safe haven for terrorists and a nerve center for international espionage, is a continuing and growing threat to our national security that we cannot afford to underestimate. We must be acutely aware of the reality that the closest foreign staging ground friendly to terrorist elements is a mere 90 miles from our borders.

The Goss amendment recognizes the inherent danger posed by this dictatorship whose maniacal leader has pledged to ''bring America to its knees,'' a regime which along with other pariah states plays a critical role in abetting and facilitating terrorist operations, a regime with an expansive network of spies, equipment, and facilities that are targeting military, political, and economic information from and about the United States only so that they can share it with other terrorist nations. Without the provisions by rogue states such as Cuba of training facilities, sanctuary, financial support, safe havens and other passive forms of support, many terrorist groups would find it far more difficult to continue to operate.

To reiterate, the Goss amendment acknowledges this reality and it implements steps to help us counter the threats stemming from a nation so close to our own. Further, it establishes a mechanism to address and protect our great Nation from a new wave of terrorism, one potentially involving the world's most destructive weapons. Our enemies are working to obtain chemical, biological, radiological, and nuclear weapons for the purposes of wreaking unprecedented damage on America. The Castro regime is no different, Mr. Chairman. Dr. Ken Alibek, the former head of the Soviet Biological Weapons program, has referenced in congressional testimony the existence of a center close to Havana involved in military biological technology. He asserts that the Castro regime has the capacity and the desire to develop such biological weapons. And the former director of research and development at Cuba's Center for Genetic Engineering and Biotechnology, Dr. Jose de la Fuente, has detailed the Castro regime's sales of technology to Iran which could be used to produce lethal agents like anthrax.

The concerns are not new nor are they limited to the statements by Under Secretary John Bolton earlier this year. In 1997 a Defense Intelligence Agency report raised concerns about Cuba's potential for a biological weapons program. This is a very real possibility and one which the Goss amendment seeks to address. The Goss amendment is crucial to reducing our vulnerability to the threats posed by Cuba's terrorist regime, by requiring a presidential certification that the regime is not facilitating nor engaging in any of the following three fronts critical to our homeland security efforts. It requires proof that the Castro regime first does not possess and is not developing biological weapons.

Do we not want that assertion that it does not provide terrorist states technology that could be used to produce, develop, or deliver biological weapons, do we not want such proof?

And, lastly, the regime must state and the President must certify that it does not provide support or sanctuary to international terrorists.

Mr. Chairman, following the deplorable acts of September 11, President Bush divided the world into two camps with a basic guiding principle, ''Either you are with us or you are with the terrorists.'' Ironically enough, today the United States is facing the same question and that is what the Goss amendment seeks to address today, and I urge my colleagues to adopt the Goss amendment.

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

The CHAIRMAN. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ROTHMAN. Mr. Chairman, first let me thank the distinguished and honorable gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Maryland (Mr. HOYER), the ranking member, for all their work in crafting a bill that deserves all of our support. I am proud to serve with them on the Subcommittee on Treasury, Postal Service and General Government, and I thank them for their leadership.

I come here this evening, however, to wholeheartedly support and endorse, and I ask my colleagues to support, the Goss amendment. In my opinion, the United States should not lift the travel ban to Cuba until several important conditions are met. Foremost on this list of conditions is the requirement that Cuba return convicted American fugitives now living in Cuba who have been given sanctuary in Cuba by the Castro government.

My passion for this particular condition is rooted in the 74 cases of American fugitives from justice now living under Castro's protection in Cuba.

Let me tell my colleagues about one of these fugitives from American justice. Joanne Chesimard, a convicted cop killer. On May 2, 1973, New Jersey State Troopers Werner Foerster and James Harper pulled over Joanne Chesimard and two of her companions in a routine traffic stop. A shoot-out began and Trooper Foerster, who had served on the force for less than 3 years, was shot and killed. Trooper Harper was wounded.

A jury here in the United States of America, a jury found that Trooper Foerster had been shot in the back of his head, execution style, at point-blank range. The jury convicted Joanne Chesimard of murder and sentenced her to life in prison. But she escaped in 1979 with the help of four accomplices when they took a prison guard hostage, a prison van was driven, and she was permitted to escape. She lived underground in America for 4 years until she found sanctuary in Castro's Cuba where she lives today, free, enjoying the protection of the Castro government.

In addition to Joanne Chesimard, a convicted U.S. cop killer living in Castro's Cuba under his protection today, there are 73 other fugitives living under Castro's protection in Cuba, including Victor Manuel Gerena, an armed robber and a member of a terrorist group who has carried out bombings of U.S. military and civilian targets and is a member of the FBI's 10 Most Wanted List, as well as Michael Robert Finney and Charles Hill, who are wanted for the murder of New Mexico State Police Officer Robert Rosenblum.

Mr. Chairman, the United States of America should not allow Fidel Castro, Cuba's dictator for the last 43 years, to enjoy the financial benefits of America's tourism until he returns Joanne Chesimard, the convicted cop killer, and until he returns the other 73 fugitives from American justice.

It is only fair, it is only right. What do we say to the widow of Werner Foerster and his child? What do we say to all of the other victims of terror, American victims of terror and their children and their relatives if we do not seek justice for the fugitives given sanctuary by Castro today in Cuba?

If we simply remove the travel ban without any regard to these fugitives now under Castro's control, we say to any terrorist who would kill a United States trooper, State trooper or any other first responder, we would say to those terrorists, those murderers, it is okay, you can escape American justice, even if you are caught and convicted by a U.S. jury, if you can escape to Cuba. That is wrong, I say to my colleagues. We should not allow travel to Cuba until Castro returns the 74 fugitives from American justice.

Mr. Chairman, I support the Goss amendment, and I ask all of my colleagues to do so.

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

Mr. ROTHMAN. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I would simply say to the gentleman

that I agree with him that we need to bring fugitives who have committed crimes in this country to justice, not only in Cuba, but in other countries, including some of our allies who we do not have extradition treaties with. Perhaps the gentleman would urge the United States to try to negotiate an extradition treaty with Cuba in order to get those fugitives back to the United States where they can stand trial, rather than deny U.S. citizens freedom.

Mr. ROTHMAN. Mr. Chairman, reclaiming my time, I would do what the gentleman suggests, but I am not going to before that allow Castro to have the benefits of tourism from the United States until he returns these cop-killers and 74 fugitives back to the United States.

Mr. COX. Mr. Chairman, I move to strike the last word, and I rise in strong support of the Goss amendment.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. COX. Mr. Chairman, very shortly, we will see the anniversary of September 11. At this point, reflecting back on the events of last year, we can take comfort that the entire civilized world has joined us in condemning the acts of terrorism committed here in Washington, in New York, and in Pennsylvania. Nowhere has this support for our war on terrorism been stronger than in our own hemisphere where the leaders of every nation have joined in our fight; all, that is, except one, because the Castro regime does not support the war on terrorism.

President Bush asked the leaders of the civilized world to declare themselves with us or against us, but the Castro regime has made it very clear that they oppose the war on terrorism.

According to Secretary of State Colin Powell and Secretary of the Treasury Paul O'Neill, in an extraordinary joint letter to Congress: ''The Cuban government has refused to cooperate with the global coalition's efforts to combat terrorism, refusing to provide information about al Qaeda.''

''On June 8, 2002,'' and I am still quoting from this letter from the Secretary of State and the Secretary of the Treasury, in an extraordinary joint letter to Congress, ''On June 8, 2002, Castro compared the U.S. campaign against terrorism with Hitler's Third Reich. Castro said, 'What is the difference between America's antiterrorism philosophy and those of the Nazis?'''

It does not end there. Cuba is working with the government of Iran and Ayatollah Ali Khamenei to undermine America. In a meeting with Khamenei last year, Castro said that in cooperation with each other, Iran and Cuba can destroy America. He added that, ''The United States regime is very weak and we are witnessing this weakness from close up.''

Senior State Department officials have discussed publicly the threat of Cuba's bioterrorism program.

□ 1745

As we rush to protect our citizens from small pox and anthrax, Castro is diverting the resources of his desperately poor economy to offensive biological warfare research and development. And he is selling bio-technology to other rogue states. Even more than with al Qaeda terrorists based in Afghanistan, Pakistan, or Somalia, Cuba's geographic proximity to the United States offers Castro's agents opportunities to gain access to U.S. territory and to our critical infrastructure.

In this connection, the current regulations on U.S.-Cuba travel are a crucial tool for law enforcement to prevent the use of bio-weapons against the American people.

Today we will vote on legislation to lift aspects of the embargo on Cuba. The Goss amendment will only take effect if this Chamber votes to do so. It requires a Presidential precertification to Congress before such a new law would take effect of three things: first, that Cuba does not possess and is not developing biological weapons that threaten the homeland security of the United States; second, that Cuba is not providing to terrorist states or terrorist organizations technology that could be used to produce, develop or deliver biological weapons; and, third, that Cuba is not providing support or sanctuary to international terrorists.

These are exceedingly reasonable and vitally important questions to have answered. And if President Bush cannot give Cuba a clean bill of health on these three questions, then, lifting any aspect of the embargo must be dependent upon Castro's beginning to change these practices.

The embargo and the promise of lifting it provides the necessary leverage for the President to achieve our antiterror objectives. If Congress were to give the Castro regime the trade and tourism dollars they now seek without any reform in exchange, we would simultaneously undermine U.S. policy and subsidize our hemisphere's most notorious state sponsor of terrorism. Castro, for his part, would use any easing of the embargo to redouble his efforts to undermine America and to tighten his grip over the Cuban people, but we must not give him that chance.

As we continue to wage the war on terrorism, now is the time to fully support President Bush by giving him the tools he needs to win. I urge my colleagues to vote ''aye'' on the Goss amendment.

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. FARR of California. Mr. Chairman, I appreciate being recognized.

Let me ask Members to consider what this amendment is about. It is not about terrorism. It is about trying to destroy the amendment that the gentleman from Arizona (Mr. FLAKE) will offer that will allow Americans to travel to Cuba. Yes, this amendment coats itself in words about terrorism, but if it were serious you would not allow Canada to send all of their people to Cuba because of terrorism; you would not allow the European allies that are helping us send all of their folks to Cuba. In fact, what this amendments says is that travel to Cuba shall apply only after the President has certified to Congress that the Cuban Government does not possess and is not developing a biological weapons programs that threatens the homeland security of the United States.

The President cannot certify that about our own country. Where did the anthrax come from?

We allow our tourists to go to China. We could not certify these things about China. We allow our tourists to go to North Korea, and we could not certify these things about North Korea. We allow our own tourists to go to Iran, and we certainly could not certify these things about Iran. This is an issue to kill the Flake amendment.

The only wise thing to do if you really want the ability of Americans to sell the American message, to sell what it is about America that we love and possess is to allow Americans travel to a tiny little island with 11 million people.

We are asking the question in the Middle East, Why do they hate us? What do you think the Cuban people are asking? Why do the Americans hate us so much that they will not allow their own people to come here to our country?

If we want to prohibit Americans from traveling to Cuba, then we ought to support the Goss amendment. But if you really think after 40 years of failed policy we ought to try something different, then you ought to join me in defeating the Goss amendment.

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

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of the Goss amendment. The sanctions on Cuba remind me of the people that want to lift those sanctions as the turtle and the snake story. A snake came up to the river and could not swim across it. So he asked the turtle, Please let me climb on your back and take me cross the river. And the turtle said, I cannot do that because when I get on the other side, you will sink your fangs into me put venom into me and kill me. The snake said, Trust me. I will not do that. So the turtle says, Hop on my back. And the turtle takes the snake across and just as they get to the other side, the snake sink his fangs into the turtle and envenomates him. The turtle said, But you gave me your word

that you would not bite me, you would not kill me. And the snake turned to the turtle and said, I do not know what you are complaining about, you knew it was in my nature.

This is in Castro's nature. Have we forgot about Che Guevara? Have we forgot about Angola? Have we forgot about the MIAs and the prisoners of war that died under his henchmen, his interrogators in Vietnam? I remember that. And until those people are brought to justice, the 74 people that Castro is harboring that are cop killers, and we are even conceiving of lifting the embargo on Castro. It is amazing.

There is documented evidence that Castro works with terrorist organizations and groups. Iran, with a recent visit, biological warfare; and we are considering raising these sanctions? Remember the Bay of Pigs? You do not think he would not put missiles there and use them on us?

Think who Castro is. Look at the history of this man and you want to allow the snake to climb on the United States' back and trust him? I cannot do that. It is wrong.

I look at Elian Gonzalez. Maybe if you are Janet Reno this would be okay; but to me and those who have fought for this country, to allow someone that in every case in every place, when I was in the United States Navy when we would go when Cuba was getting money from Russia, we would have Cuban advisors there, Cubans in Vietnam, Cubans in Angola, Cubans in every place that the United States were going to go, ready to kill Americans, and you want to lift the embargo? It is beyond comprehension.

I guess the best thing is the President will veto it. Maybe you are trying to make a political issue, but the President is going to veto this if it goes in. But Cuba is the only nation in the hemisphere where political activity of all kinds is a crime. Take a look at what this man is. And you are trying to raise those sanctions? Do not let him on our backs. I support the Goss amendment.

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

The CHAIRMAN. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. NETHERCUTT. Mr. Chairman, I have listened to part of this debate today and find it interesting. This subject is fascinating to me, and I have great respect for people on both sides of the issue.

What strikes me in this amendment is that we are debating not the future of the United States' relationship with Cuba, but we are trying, it seems to me by this amendment, to restrict that future and the potential for it. It is couched in terms of bio-terrorism and chemical warfare, but it is an inconsistent argument because if you look at the history of the United States and its relations with other countries of the world who have had terrorist tendencies, terrorist records, we only need look to the places like the Soviet Union and China with which we normalized relations, an opening of a relationship, an opening years and years ago that led to a relationship of civility and some respect mutually, some relationship, in fact, rather than isolation.

That is why I urge my colleagues today to think carefully about this issue of this Goss amendment. The gentleman from Florida (Mr. GOSS) is a strong figure in this House of Representatives. I have great respect for him. I also feel the same way about the gentleman from Arizona (Mr. FLAKE), whose approach to change this policy in his amendment really, it seems to me, is being thwarted by a secondary amendment that has a purpose that should not be the one we focus on today. The focus ought to be, in my judgment, the relationship between the United States and Cuba post-Castro.

I will stand with everyone here in condemning the regime of Fidel Castro, but I will stand with a lot of people in this Chamber who support the 11 million people and the potential relationship we could have with them if we have a change in policy.

This policy has not worked. Castro has not yielded to the embargo that has existed for all these years. And so my sense is that as we open the door to trade, the door to a relationship through food and medicine which occurred here a couple of years ago with broad bipartisan support, that has opened the door to a future relationship which I think has merit, not as it relates to Castro certainly, but as it relates to the Cuban people.

When we engaged with the Soviet Union years and years ago, it led to a relationship that has been one of mutual discussion and consideration, not isolation. We never in all the years of Soviet Union ownership of weaponry, of terrorist activity, of spying, of all of those things that we object to in a free society, we never restricted the travel there.

In China, people travel there regularly now. There are 13 categories of travel that exist today for people of the United States to go to Cuba. And most of the proponents of the restrictive amendment, I would argue, have never been to Cuba, have never had a chance to talk with any of the people there on that soil and get a sense of what the future potential is for a relationship.

I want to let my colleagues know that the American Farm Bureau Federation strongly supports the Flake amendment, strongly opposes the Goss amendment for reasons that our American agriculture sector has a huge potential, I believe, to do business with Cuba, that is, take Castro's money, take the government of Cuba's money and provide food and medicine for the people of Cuba, to assist them.

So I urge us to think beyond just the issue of terrorism that I happen to feel is something of a pretext here to frustrate the Flake amendment and think carefully about the future relationship. Think carefully about whether we are harming the potential future relationship for helping it, as we look at the 11 million people who are in Cuba who yearn to be free, I would argue. And I think only by opening your relationship, having communication, letting them understand that America should not be the scape goat of Fidel Castro. It is a convenient scape goat for him, this embargo. He must love it because it allows him to rail against the United States when, in fact, probably his worst nightmare would be if we lifted the opportunity to travel and flooded the people of Cuba with exposure to democracy and freedom. That would be his worst nightmare.

So I would just say to my friends, this is a highly emotional debate for a lot of people. People feel very strongly about this issue, but I would urge we reject the Goss amendment and support the Flake amendment.

□ 1800

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

The CHAIRMAN. Without objection, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 5 minutes.

There was no objection.

Mr. DELAHUNT. Mr. Chairman, I know some of my friends on the other side are concerned about or they have expressed their fears about bioweapons and bioterrorism, but I think I should point out that General Gary Spear who is the commander of the U.S. Southern Command said just recently in a New York Times article that he knows of no evidence that Cuba is producing biological weapons from biomedical research programs.

Then, of course, we have the individual who should know, the Assistant Secretary of State for Intelligence and Research who testified recently before a Senate committee, Mr. Ford, Secretary Ford. In a response to a question from a Senator, he said, ''Do I go home every night and worry about it? No.'' He also said that Cuba is far from the number one concern of the people in our government who monitor chemical and biological weapon threats.

So I would hope that their fears would be somewhat alleviated, but we have an amendment before us that would, in effect, continue to subvert the constitutional right of Americans to travel by requiring a brand new presidential certification that applies to no other country but Cuba.

For example, it would not apply to China, where just recently nine Chinese companies, presumably owned by the People's Army, sold goods and technology to Iran, where they were used for conventional and chemical weapons programs, but no need for certification when it comes to China. In fact, recent reports indicate that the United States is contemplating an expansion of our military ties with that

Communist government, but certification of Cuba, of course.

Some might suggest that not only is this inconsistent but hypocritical. While on the subject of Iran, I think it was the gentleman from California (Mr. COX) that talked about Iran, and remember, that is one of the originals in the axis of evil, but no need for certification there either.

This amendment does not mention Iran, and in case my colleagues did not know, Americans can travel to Iran today without a license. Supposedly we are worried about Iran and its support for terrorist organizations like Hamas and Hezbollah. In fact, our own State Department recently announced that Iran remained the most active State sponsor of terrorism in 2001, but there is no certification for Iran in this amendment.

Again, some might suggest that this is hypocrisy, and then what about North Korea, the other in the troika of the axis of evil. Surely one would believe that this amendment would include North Korea in its certification requirements, especially since there is no U.S. policy prohibiting travel to North Korea if an American citizen wants to exercise his or her constitutional right. Furthermore, we have an agreement with North Korea where we give them hundreds of millions of dollars of aid annually for not pursuing a nuclear weapons effort. I bet the Cubans would love that deal. The North Koreans are not included in this amendment. Inconsistent, hypocritical, I do not know.

Then, of course, one might expect that there would be a certification requirement in this amendment for Saudi Arabia, since 15 of the 19 hijackers who were responsible for the death of more than 3,000 Americans on September 11 were Saudi citizens. Of course, there appears to be compelling evidence that Saudi money went to support the extremist religious schools, the so-called madrassas that are a breeding nest for terrorists, but no, they are not included either, despite being one of the most oppressive regimes on the planet. Maybe, just maybe, if Cuba had a few massive oil reserves, this amendment would not be before us.

Again, I think it opens us to charges of inconsistency at best and hypocrisy at worst. We could discuss other nations, Syria, Sudan, both of which Secretary Bolton said may be pursuing biological weapons, but I think my colleagues get the picture.

This amendment makes no sense. It does not pass the smell test. It is not about terrorism or foreign policy. It is about domestic politics, and it deserves to be defeated.

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

The CHAIRMAN. Without objection, the gentleman from Illinois (Mr. HYDE) is recognized for 5 minutes.

There was no objection.

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

Mr. HYDE. Mr. Chairman, I listened to the speeches, impassioned on both sides, and they are very instructive. Someone mentioned 11 million Cubans yearning to be free. The only advice I would give them is do not get in a boat and try to get out into the ocean because they will get shot alive.

I have heard comparisons of our attitude toward China and my colleagues are perfectly right. It is very inconsistent. China is so big, it is like when banks go bankrupt. It is too big to fail. Our attitude towards China is one that I have difficulty supporting because of their human rights, but that does not, in any way, diminish the offensiveness of the Castro regime.

A friend of mine, he is deceased now, Vernon Walters, had a great description of Cuba. He said it is the biggest country in the world. Its administration is in Havana, but its government is in Moscow; its army is in Africa; and its population is in Miami. That is not true anymore, but it is a good line, and I would like to revisit it.

On this bill, a country that cannot recognize its enemy is in great difficulty, and Cuba, under the Castro regime, is certainly our enemy. What does this simple amendment do? It says the President has to certify that Cuba is not developing biological weapons. Does anyone think it is a healthy state to have an avowed Marxist enemy of the United States developing biological weapons; is not providing state sponsors of terrorism or terrorist organizations with technology to create biological weapons, and is not providing sanctuary of international terrorists?

Listen, he is the last Communist dictator in our hemisphere, one of the few left in the world, including China, and he is an outlaw. He ought to be treated as an outlaw.

Earlier this year, the State Department publicly released unclassified information cleared by our intelligence community, and let me quote it. ''The United States believes that Cuba has at least a limited, developmental, offensive biological warfare research and development effort. Cuba has provided dual use biotechnology to rogue states. We are concerned that such technology could support biological warfare programs in those States.''

The State Department has repeatedly designated Cuba as a State sponsor of terrorism. Cuba harbors fugitives from the Basque terrorist group ETA. Cuba also harbors fugitives from U.S. justice, including people who have murdered American police officers. Cuba harbors members of the FALN-Macheteros terrorist organization.

They are not a friendly country. They hate America and there is no reason for us to embrace them and to have them point and say, well, we outlasted you, you are out of breath and so you are surrendering.

I think Mr. Castro deserves to be treated as an outcast. We are treating him as such, and if we just persist, sooner or later he will leave. It is Cuba that must change its policy. He could do that if he wanted to. He is an enemy and he should be isolated as one. The gentleman from Florida (Mr. GOSS) knows what he is talking about. He is chairman of the Permanent Select Committee on Intelligence, and I put my trust in him.

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

The CHAIRMAN. Without objection, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

There was no objection.

Mr. BLUMENAUER. Mr. Chairman, this afternoon's debate is not about American security or about support for Castro's regime. It is not even about business opportunities that may avail should we change our failed policy. This afternoon's debate is about an attempt to continue to extend this failed policy from the last 42 years.

We have heard people come forward already this afternoon, making the point that it is really hard to argue that Cuba is a serious threat to United States security. It has not been named as a state that possesses biological or chemical weapons. It was not mentioned in the State Department's 2000 report of the worrisome states pursuing or possessing biological or chemical weapons.

Despite all the recent hoopla regarding Under Secretary of State John Bolton's notion of Cuba being a bioterrorist threat, the State Department's been sort of backing away from that ever since. No, even if that were, in fact, the case, Mr. Chairman, what we have before us here this evening is that there is really no cause and effect between what is purported in terms of terrorism and what is before us to vote upon.

As has been mentioned, we allow Americans to travel to China, to Vietnam, to the axis of evil in Iran and North Korea, which I think many people feel do pose real threats, but we are not coming forward with that. In fact, we would be coming forward with a certification process that cannot be done as has been referenced by my colleague from California for this country, as well as many other countries where we permit travel. It is very likely to be an intensely political decision given the nature of domestic politics.

Mr. Chairman, it is time to free America from the shackles of this failed policy, but most important, it is not about trying to have Americans there to change practices in Cuba. Although, I truly believe that by having the free flow of people in and out of Cuba, that it will hasten the day that there is a change in the Cuban regime.

People here on this floor ought to be outraged with the interference with the American's constitutional right to travel. Former Supreme Court Justice Douglas said the ''freedom of movement is the very essence of our free society, setting us apart. It often makes all other rights meaningful.''

Americans have the right to travel the world, to make their own judgments, whether it is in Burma, in China, Iran or North Korea. It is high time that we stop the tyranny of domestic policy that is interfering with the rights of Americans to be able to travel to Cuba as they see fit, to make their own judgments and, incidentally, hasten the demise of that regime.

I strongly urge the rejection of this amendment, and as we have the proposals that come forward later in the evening from the gentleman from Arizona (Mr. FLAKE), that would move us incrementally towards a sense of rationality, I strongly urge support for them as well.

□ 1815

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

The CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. DELAY. Mr. Chairman, while Members may disagree about the impact that increased trade and unrestricted tourism could potentially play in reforming Castro's ruling regime, there is overwhelming opposition to any action that would compromise the war against terror.

We have ample reason to suspect that Castro is developing weapons of mass destruction. America cannot allow a hostile regime just 90 miles from our shores to develop the world's most dangerous weapons. That is the difference between Cuba and China. That is the difference between Cuba and North Korea. Ninety miles. For that reason, we must completely be confident that Castro's regime is not either producing biological weapons or supporting terrorist organizations before any steps to relax the embargo are contemplated.

Castro's Cuba has a long track record of hostility towards the United States, and freedom in general. Castro has long given refuge to terrorists and violent fugitives, and the Goss amendment raises a firewall between American tourism and Cuban biological weapons development and support for terrorist organizations.

Castro's regime is a threat to our national security and a source of daily oppression to the Cuban people. Cuba has sponsored, trained, and directed terrorist groups operating in our hemisphere. History proves it. Cuban officials regularly collaborate with other state sponsors of terrorism. Just last year, Castro visited Libya, Syria and Iran, saying in Tehran, ''Iran and Cuba, in cooperation with each other, can bring America to its knees.''

Cuban intelligence seeks to penetrate our Defense Department. A Cuban spy in the Defense Intelligence Agency, just discovered after September 11, could have passed valuable information on American tactics and methods to hostile regimes through Castro's government and endangered our soldiers.

A Cuban spy cell, the so-called ''Wasp Network,'' targeted our southern command and passed on information leading to the downing of a Brothers to the Rescue plane with Cuban migs.

Despite U.S. appeals, Cuba has done nothing to cooperate in the war against terrorism. The State Department reports that Cuba has not turned over a single piece of useful information on al Qaeda and the terrorism networks. Castro and Cuban officials frequently attack the war on terror as American aggression. On June 8, just last month, Castro asked, ''What is the difference between the American war on terror's philosophy and methods, and those of the Nazis?''

We know that Cuba has been working to develop weapons of mass destruction for years. Under Secretary of State John Bolton recently testified that the United States believes that Cuba has at least a limited developmental biological warfare research and development effort.

The Goss amendment protects our national security by shielding funding for travel ban enforcement unless the President first certifies that the Cuban Government does not threaten our homeland security. Specifically, the President must make three very critical determinations that make good common sense:

First, Cuba does not possess and is not developing a biological weapons program; second, Cuba is not providing terrorist states or terrorist organizations with the technology to build or use bioweapons; and, third, Cuba is not providing support for our or sanctuary to international terrorists. Very simple, straightforward commonsense approaches.

Two generations ago, President Kennedy called Castro's Cuba ''the unhappy island.'' Four decades later, life for the Cuban people has only gotten worse under Fidel Castro's brutality. They are stripped of basic human rights, they are denied political rights, and they are deprived of the hope to improve their lives because Cuba still has not joined the 21st century.

We should never stop working to bring freedom to Cuba. But until we can be certain that Cuba poses no threat to our national security, Congress should take no step that inadvertently strengthens the Castro regime and compromises our campaign against terror. Members should support the Goss amendment because it will ensure that the price of Cuban tourism will not eventually be measured in American lives.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALDEN of Oregon) having assumed the chair, Mr. DREIER, 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. 5120) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

PIPELINE INFRASTRUCTURE PROTECTION TO ENHANCE SECURITY AND SAFETY ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3609) to amend title 49, United States Code, to enhance the security and safety of pipelines, as amended.

The Clerk read as follows:

H.R. 3609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pipeline Infrastructure Protection to Enhance Security and Safety Act''.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
Sec. 2. One-call notification programs.
Sec. 3. One-call notification of pipeline operators.
Sec. 4. Protection of employees providing pipeline safety information.
Sec. 5. Safety orders.
Sec. 6. Penalties.
Sec. 7. Pipeline safety information grants to communities.
Sec. 8. Population encroachment.
Sec. 9. Pipeline integrity research, development, and demonstration.
Sec. 10. Pipeline qualification programs.
Sec. 11. Additional gas pipeline protections.
Sec. 12. Security of pipeline facilities.
Sec. 13. National pipeline mapping system.
Sec. 14. Coordination of environmental reviews.
Sec. 15. Nationwide toll-free number system.
Sec. 16. Recommendations and responses.
Sec. 17. Miscellaneous amendments.
Sec. 18. Technical amendments.
Sec. 19. Authorization of appropriations.
Sec. 20. Inspections by direct assessment.
Sec. 21. Pipeline bridge risk study.
Sec. 22. State oversight role.

SEC. 2. ONE-CALL NOTIFICATION PROGRAMS.

(a) MINIMUM STANDARDS.—Section 6103 is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting '', including all government operators'' before the semicolon at the end; and

(B) in paragraph (2) by inserting '', including all government and contract excavators'' before the semicolon at the end; and

(2) in subsection (c) by striking ''provide for'' and inserting ''provide for and document''.

(b) COMPLIANCE WITH MINIMUM STANDARDS.—Section 6104(d) is amended by striking ''Within 3 years after the date of the enactment of this chapter, the Secretary shall begin to'' and inserting ''The Secretary shall''.

(c) IMPLEMENTATION OF BEST PRACTICES GUIDELINES.—

(1) IN GENERAL.—Section 6105 is amended to read as follows:

''§ 6105. Implementation of best practices guidelines

''(a) ADOPTION OF BEST PRACTICES.—The Secretary of Transportation shall encourage States, operators of one-call notification programs, excavators (including all government and contract excavators), and underground facility operators to adopt and implement practices identified in the best practices report entitled 'Common Ground', as periodically updated.

''(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to and participate in programs sponsored by a non-profit organization specifically established for the purpose of reducing construction-related damage to underground facilities.

''(c) GRANTS.—

''(1) IN GENERAL.—The Secretary may make grants to a non-profit organization described in subsection (b).

''(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized under section 6107, there is authorized to be appropriated for making grants under this subsection $500,000 for each of fiscal years 2002 through 2005. Such sums shall remain available until expended.

''(3) GENERAL REVENUE FUNDING.—Any sums appropriated under this subsection shall be derived from general revenues and may not be derived from amounts collected under section 60301.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 61 is amended by striking the item relating to section 6105 and inserting the following:

''6105. Implementation of best practices guidelines.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) FOR GRANTS FOR STATES.—Section 6107(a) is amended by striking ''$1,000,000 for fiscal year 2000'' and all that follows before the period at the end of the first sentence and inserting ''$1,000,000 for each of fiscal years 2003 through 2006''.

(2) FOR ADMINISTRATION.—Section 6107(b) is amended by striking ''for fiscal years 1999, 2000, and 2001'' and inserting ''for fiscal years 2003 through 2006''.

SEC. 3. ONE-CALL NOTIFICATION OF PIPELINE OPERATORS.

(a) LIMITATION ON PREEMPTION.—Section 60104(c) is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a State authority may enforce a requirement of a one-call notification program of the State if the program meets the requirements for one-call notification programs under this chapter or chapter 61.''.

(b) MINIMUM REQUIREMENTS.—Section 60114(a)(2) is amended by inserting '', including a government employee or contractor,'' after ''person''.

(c) CRIMINAL PENALTIES.—Section 60123(d) is amended—

(1) in the matter preceding paragraph (1) by striking ''knowingly and willfully'';

(2) in paragraph (1) by inserting ''knowingly and willfully'' before ''engages'';

(3) by striking paragraph (2)(B) and inserting the following:

''(B) a pipeline facility, and knows or has reason to know of the damage, but does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or''; and

(4) by adding after paragraph (2) the following:

''Penalties under this subsection may be reduced in the case of a violation that is promptly reported by the violator.''.

SEC. 4. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

''§ 60129. Protection of employees providing pipeline safety information

''(a) DISCRIMINATION AGAINST EMPLOYEE.—(1) No employer may discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(A) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard under this chapter or any other Federal law relating to pipeline safety;

''(B) refused to engage in any practice made unlawful by this chapter or any other Federal law relating to pipeline safety, if the employee has identified the alleged illegality to the employer;

''(C) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding any provision (or proposed provision) of this chapter or any other Federal law relating to pipeline safety;

''(D) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this chapter or any other Federal law relating to pipeline safety, or a proceeding for the administration or enforcement of any requirement imposed under this chapter or any other Federal law relating to pipeline safety;

''(E) provided, caused to be provided, or is about to provide or cause to be provided, testimony in any proceeding described in subparagraph (D); or

''(F) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other manner in such a proceeding or in any other action to carry out the purposes of this chapter or any other Federal law relating to pipeline safety.

''(2) For purposes of this section, the term 'employer' means—

''(A) a person owning or operating a pipeline facility; or

''(B) a contractor or subcontractor of such a person.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person or persons named in the complaint and the Secretary of Transportation of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person or persons under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person or persons named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary of Labor to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person or persons alleged to have committed a violation of subsection (a) of the Secretary of Labor's findings. If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary of Labor shall include with the Secretary of Labor's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 60 days after the date of notification of findings under this subparagraph, any person alleged to have committed a violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 60-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary of Labor that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary of Labor may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 90 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the

person or persons alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person or persons who committed such violation to—

''(i) take affirmative action to abate the violation;

''(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person or persons against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

''(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

''(4) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

''(6) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person or persons to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award costs is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an action of an employee of an employer who, acting without direction from the employer (or such employer's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.''.

(b) CIVIL PENALTY.—Section 60122(a) is amended by adding at the end the following:

''(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than $1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by adding at the end the following:

''60129. Protection of employees providing pipeline safety information.''.

SEC. 5. SAFETY ORDERS.

Section 60117 is amended by adding at the end the following:

''(l) SAFETY ORDERS.—If the Secretary decides that a pipeline facility has a potentially unsafe condition, the Secretary may order the operator of the facility to take necessary corrective action, including physical inspection, testing, repair, replacement, or other appropriate action to remedy the unsafe condition.''.

SEC. 6. PENALTIES.

(a) PIPELINE FACILITIES HAZARDOUS TO LIFE AND PROPERTY.—

(1) GENERAL AUTHORITY.—Section 60112(a) is amended to read as follows:

''(a) GENERAL AUTHORITY.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide that a pipeline facility is hazardous if the Secretary decides that—

''(1) operation of the facility is or would be hazardous to life, property, or the environment; or

''(2) the facility is or would be constructed or operated, or a component of the facility is or would be constructed or operated, with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment.''.

(2) CORRECTIVE ACTION ORDERS.—Section 60112(d) is amended by striking ''is hazardous'' and inserting ''is or would be hazardous''.

(b) ENFORCEMENT.—(1) Section 60122(a)(1) is amended—

(A) by striking ''$25,000'' and inserting ''$100,000''; and

(B) by striking ''$500,000'' and inserting ''$1,000,000''.

(2) Section 60122(b) is amended by striking ''under this section'' and all that follows through paragraph (4) and inserting ''under this section—

''(1) the Secretary shall consider—

''(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

''(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on ability to continue doing business; and

''(C) good faith in attempting to comply; and

''(2) the Secretary may consider—

''(A) the economic benefit gained from the violation without any reduction because of subsequent damages; and

''(B) other matters that justice requires.''.

(3) Section 60120(a) is amended—

(A) by striking ''(a) CIVIL ACTIONS.—(1)'' and all that follows through ''(2) At the request'' and inserting the following:

''(a) CIVIL ACTIONS.—

''(1) CIVIL ACTIONS TO ENFORCE THIS CHAPTER.—At the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties, considering the same factors as prescribed for the Secretary in an administrative case under section 60122.

''(2) CIVIL ACTIONS TO REQUIRE COMPLIANCE WITH SUBPOENAS OR ALLOW FOR INSPECTIONS.—At the request''; and

(B) by aligning the remainder of the text of paragraph (2) with the text of paragraph (1).

SEC. 7. PIPELINE SAFETY INFORMATION GRANTS TO COMMUNITIES.

(a) GRANT AUTHORITY.—(1) The Secretary of Transportation may make grants for technical assistance to local communities and groups of individuals (not including for-profit entities) relating to the safety of pipelines in local communities. The Secretary shall establish competitive procedures for awarding grants under this section, and criteria for selection of grant recipients. The amount of any grant under this section may not exceed $50,000 for a single grant recipient. The Secretary shall establish appropriate procedures to ensure the proper use of funds provided under this section.

(2) For purposes of this subsection, the term ''technical assistance'' means engineering and other scientific analysis of pipeline safety issues, including the promotion of public participation in Department of Transportation and other official processes, commenting on Department of Transportation proposals, and participating in official Federal standard setting processes.

(b) PROHIBITED USES.—Funds provided under this section may not be used for lobbying or in direct support of litigation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for carrying out this section $1,000,000 for each of the fiscal years 2003 through 2006. Such amounts shall not be derived from user fees collected under section 60301.

SEC. 8. POPULATION ENCROACHMENT.

Section 60127 is amended to read as follows:

''§ 60127. Population encroachment

''(a) STUDY.—The Secretary of Transportation, in conjunction with the Federal Energy Regulatory Commission and in consultation with appropriate Federal agencies and State and local governments, shall undertake a study of land use practices and zoning ordinances with regard to pipeline rights-of-way.

''(b) PURPOSE OF STUDY.—The purpose of the study shall be to gather information on land use practices and zoning ordinances—

''(1) to determine effective practices to limit encroachment on existing pipeline rights-of-way;

''(2) to address and prevent the hazards and risks to the public, pipeline workers, and the environment associated with encroachment on pipeline rights-of-way; and

''(3) to raise the awareness of the risks and hazards of encroachment on pipeline rights-of-way.

''(c) CONSIDERATIONS.—In conducting the study, the Secretary shall consider, at a minimum, the following:

''(1) The legal authority of Federal agencies and State and local governments in controlling land use and the limitations on such authority.

''(2) The current practices of Federal agencies and State and local governments in addressing land use issues involving a pipeline easement.

''(3) The most effective way to encourage Federal agencies and State and local governments to monitor and reduce encroachment upon pipeline rights-of-way.

''(d) REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish a report identifying practices, laws, and ordinances that are most successful in addressing issues of encroachment on pipeline rights-of-way so as to more effectively protect public safety, pipeline workers, and the environment.

''(2) DISTRIBUTION OF REPORT.—The Secretary shall provide a copy of the report to—

''(A) Congress and appropriate Federal agencies; and

''(B) States for further distribution to appropriate local authorities.

''(3) ADOPTION OF PRACTICES, LAWS, AND ORDINANCES.—The Secretary shall encourage Federal agencies and State and local governments to adopt and implement appropriate practices, laws, and ordinances, as identified in the report, to address the risks and hazards associated with encroachment upon pipeline rights-of-way.''.

SEC. 9. PIPELINE INTEGRITY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) ESTABLISHMENT OF COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The heads of the participating agencies shall develop and implement a program of research, development, demonstration, and standardization to ensure the integrity of energy pipelines and next-generation pipelines.

(2) ELEMENTS.—The program shall include research, development, demonstration, and standardization activities related to—

(A) materials inspection;

(B) stress and fracture analysis, detection of cracks, corrosion, abrasion, and other abnormalities inside pipelines that lead to pipeline failure, and development of new equipment or technologies that are inserted into pipelines to detect anomalies;

(C) internal inspection and leak detection technologies, including detection of leaks at very low volumes;

(D) methods of analyzing content of pipeline throughput;

(E) pipeline security, including improving the real-time surveillance of pipeline rights-of-way, developing tools for evaluating and enhancing pipeline security and infrastructure, reducing natural, technological, and terrorist threats, and protecting first response units and persons near an incident;

(F) risk assessment methodology, including vulnerability assessment and reduction of third-party damage;

(G) communication, control, and information systems surety;

(H) fire safety of pipelines;

(I) improved excavation, construction, and repair technologies; and

(J) other elements the heads of the participating agencies consider appropriate.

(3) ACTIVITIES AND CAPABILITIES REPORT.—Not later than 6 months after the date of the enactment of this Act, the participating agencies shall transmit to the Congress a report on the existing activities and capabilities of the participating agencies, including the national laboratories. The report shall include the results of a survey by the participating agencies of any activities of other Federal agencies that are relevant to or could supplement existing research, development, demonstration, and standardization activities under the program created under this section.

(b) PROGRAM PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the participating agencies shall prepare and transmit to Congress a 5-year program plan to guide activities under this section. Such program plan shall be submitted to the Pipeline Integrity Technical Advisory Committee established under subsection (c) for review, and the report to Congress shall include the comments of the Advisory Committee. The 5-year program plan shall take into account related activities of Federal agencies that are not participating agencies.

(2) CONSULTATION.—In preparing the program plan, the participating agencies shall consult with appropriate representatives of State and local government and the private sector, including companies owning energy pipelines and developers of next-generation pipelines, to help establish program priorities.

(3) ADVICE FROM OTHER ENTITIES.—In preparing the program plan, the participating agencies shall also seek the advice of other Federal agencies, utilities, manufacturers, institutions of higher learning, pipeline research institutions, national laboratories, environmental organizations, pipeline safety advocates, professional and technical societies, and any other appropriate entities.

(c) PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The participating agencies shall establish and manage a Pipeline Integrity Technical Advisory Committee (in this subsection referred to as the ''Advisory Committee''). The Advisory Committee shall be established not later than 6 months after the date of the enactment of this Act.

(2) DUTIES.—The Advisory Committee shall—

(A) advise the participating agencies on the development and implementation of the program plan prepared under subsection (b); and

(B) have a continuing role in evaluating the progress and results of research, development, demonstration, and standardization activities carried out under this section.

(3) MEMBERSHIP.—

(A) APPOINTMENT.—The Advisory Committee shall be composed of—

(i) 3 members appointed by the Secretary of Energy;

(ii) 3 members appointed by the Secretary of Transportation; and

(iii) 3 members appointed by the Director of the National Institute of Standards and Technology.

In making appointments, the participating agencies shall seek recommendations from the National Academy of Sciences.

(B) QUALIFICATIONS.—Members appointed to the Advisory Committee shall have experience or be technically qualified, by training or knowledge, in the operations of the pipeline industry, and have experience in the research and development of pipeline or related technologies.

(C) COMPENSATION.—The members of the Advisory Committee shall serve without compensation, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(4) MEETINGS.—The Advisory Committee shall meet at least 4 times each year.

(5) TERMINATION.—The Advisory Committee shall terminate 5 years after its establishment.

(d) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the participating agencies shall each transmit to the Congress a report on the status and results to date of the implementation of their portion of the program plan prepared under subsection (b).

(e) MEMORANDUM OF UNDERSTANDING.—Not later than 120 days after the date of the enactment of this Act, the participating agencies shall enter into a memorandum of understanding detailing their respective responsibilities under this Act, consistent with the activities and capabilities identified under subsection (a)(3). Each of the participating agencies shall have the primary responsibility for ensuring that the elements of the program plan within its jurisdiction are implemented in accordance with this section. The Department of Transportation's responsibilities shall reflect its expertise in pipeline inspection and information systems surety. The Department of Energy's responsibilities shall reflect its expertise in low-volume leak detection and surveillance technologies. The National Institute of Standards and Technology's responsibilities shall reflect its expertise in standards and materials research.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to the Secretary of Energy $10,000,000;

(2) to the Secretary of Transportation $5,000,000; and

(3) to the National Institute of Standards and Technology $5,000,000,

for each of the fiscal years 2003 through 2007 for carrying out this section.

(g) DEFINITIONS.—For purposes of this section—

(1) the term ''energy pipeline'' means a pipeline system used in the transmission or local distribution of natural gas (including liquefied natural gas), crude oil, or refined petroleum products;

(2) the term ''next-generation pipeline'' means a transmission or local distribution pipeline system designed to transmit energy or energy-related products, in liquid or gaseous form, other than energy pipelines;

(3) the term ''participating agencies'' means the Department of Energy, the Department of Transportation, and the National Institute of Standards and Technology; and

(4) the term ''pipeline'' means an energy pipeline or a next-generation pipeline.

SEC. 10. PIPELINE QUALIFICATION PROGRAMS.

(a) VERIFICATION PROGRAM.—

(1) IN GENERAL.—Chapter 601 is further amended by adding at the end the following:

''§ 60130. Verification of pipeline qualification programs

''(a) IN GENERAL.—Subject to the requirements of this section, the Secretary of Transportation shall require the operator of a pipeline facility to develop and adopt a qualification program to ensure that the individuals who perform covered tasks are qualified to conduct such tasks.

''(b) STANDARDS AND CRITERIA.—

''(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall ensure that the Department of Transportation has in place standards and criteria for qualification programs referred to in subsection (a).

''(2) CONTENTS.—The standards and criteria shall include the following:

''(A) The establishment of methods for evaluating the acceptability of the qualifications of individuals described in subsection (a).

''(B) A requirement that pipeline operators develop and implement written plans and procedures to qualify individuals described in subsection (a) to a level found acceptable using the methods established under subparagraph (A) and evaluate the abilities of individuals described in subsection (a) according to such methods.

''(C) A requirement that the plans and procedures adopted by a pipeline operator under

subparagraph (B) be reviewed and verified under subsection (e).

''(c) DEVELOPMENT OF QUALIFICATION PROGRAMS BY PIPELINE OPERATORS.—Not later than 2 years after the date of the enactment of this section, the Secretary shall require a pipeline operator to develop and adopt a qualification program that complies with the standards and criteria described in subsection (b).

''(d) ELEMENTS OF QUALIFICATION PROGRAMS.—A qualification program adopted by an operator under subsection (a) shall include, at a minimum, the following elements:

''(1) A method for examining or testing the qualifications of individuals described in subsection (a). Such method may not be limited to observation of on-the-job performance, except with respect to tasks for which the Secretary has determined that such observation is the best method of examining or testing qualifications. The Secretary shall ensure that the results of any such observations are documented in writing.

''(2) A requirement that the operator complete the qualification of all individuals described in subsection (a) not later than 18 months after the date of adoption of the qualification program.

''(3) A periodic requalification component that provides for examination or testing of individuals in accordance with paragraph (1).

''(4) A program to provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities.

''(e) REVIEW AND VERIFICATION OF PROGRAMS.—

''(1) IN GENERAL.—The Secretary shall review the qualification program of each pipeline operator and verify its compliance with the standards and criteria described in subsection (b) and includes the elements described in paragraphs (1) through (3) of subsection (d). The Secretary shall record the results of that review for use in the next review of an operator's program.

''(2) DEADLINE FOR COMPLETION.—Reviews and verifications under this subsection shall be completed not later than 3 years after the date of the enactment of this section.

''(3) INADEQUATE PROGRAMS.—If the Secretary decides that a qualification program is inadequate for the safe operation of a pipeline facility, the Secretary shall act as under section 60108(a)(2) to require the operator to revise the qualification program.

''(4) PROGRAM MODIFICATIONS.—If the operator of a pipeline facility seeks to modify significantly a program that has been verified under this subsection, the operator shall submit the modifications to the Secretary for review and verification.

''(5) WAIVERS AND MODIFICATIONS.—In accordance with section 60118(c), the Secretary may waive or modify any requirement of this section.

''(6) INACTION BY THE SECRETARY.—Notwithstanding any failure of the Secretary to prescribe standards and criteria as described in subsection (b), an operator of a pipeline facility shall develop and adopt a qualification program that complies with the requirement of subsection (b)(2)(B) and includes the elements described in paragraphs (1) through (3) of subsection (d) not later than 2 years after the date of enactment of this section.

''(f) COVERED TASK DEFINED.—In this section, the term 'covered task'—

''(1) with respect to a gas pipeline facility, has the meaning such term has under section 192.801 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section; and

''(2) with respect to a hazardous liquid pipeline facility, has the meaning such term has under section 195.501 of such title, as in effect on the date of enactment of this section.

''(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall transmit to Congress a report on the status and results to date of the personnel qualification regulations issued under this chapter.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at end the following:

''60130. Verification of pipeline qualification programs.''.

(b) PILOT PROGRAM FOR CERTIFICATION OF CERTAIN PIPELINE WORKERS.—

(1) IN GENERAL.—Not later than 36 months after the date of enactment of this Act, the Secretary of Transportation shall—

(A) develop tests and other requirements for certifying the qualifications of individuals who operate computer-based systems for controlling the operations of pipelines; and

(B) establish and carry out a pilot program for 3 pipeline facilities under which the individuals operating computer-based systems for controlling the operations of pipelines at such facilities are required to be certified under the process established under subparagraph (A).

(2) REPORT.—The Secretary shall include in the report required under section 60130(g), as added by subsection (a) of this section, the results of the pilot program. The report shall include—

(A) a description of the pilot program and implementation of the pilot program at each of the 3 pipeline facilities;

(B) an evaluation of the pilot program, including the effectiveness of the process for certifying individuals who operate computer-based systems for controlling the operations of pipelines;

(C) any recommendations of the Secretary for requiring the certification of all individuals who operate computer-based systems for controlling the operations of pipelines; and

(D) an assessment of the ramifications of requiring the certification of other individuals performing safety-sensitive functions for a pipeline facility.

(3) DEFINITION.—For purposes of this subsection, the term ''computer-based systems'' means supervisory control and data acquisition systems (SCADA).

SEC. 11. ADDITIONAL GAS PIPELINE PROTECTIONS.

(a) RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.—Section 60109 is amended by adding at the end the following:

''(c) RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.—

''(1) REQUIREMENT.—Each operator of a gas pipeline facility shall conduct an analysis of the risks to each facility of the operator in an area identified pursuant to subsection (a)(1), and shall adopt and implement a written integrity management program for such facility to reduce the risks.

''(2) REGULATIONS.—Not later than 18 months after the date of the enactment of this subsection, the Secretary shall issue regulations prescribing standards to direct an operator's conduct of a risk analysis and adoption and implementation of an integrity management program under this subsection. The regulations shall require the conduct of the risk analysis and adoption of the integrity management program to occur within a time period prescribed by the Secretary, not to exceed 1 year after the issuance of such regulations. The Secretary may satisfy the requirements of this paragraph through the issuance of regulations under this paragraph or under other authority of law.

''(3) MINIMUM REQUIREMENTS OF INTEGRITY MANAGEMENT PROGRAMS.—An integrity management program required under paragraph (1) shall include, at a minimum, the following requirements:

''(A) A baseline integrity assessment of each of the operator's facilities in areas identified pursuant to subsection (a)(1), to be completed not later than 10 years after the date of the adoption of the integrity management program, by internal inspection device, pressure testing, direct assessment, or an alternative method that the Secretary determines would provide an equal or greater level of safety.

''(B) Subject to paragraph (4), periodic reassessment of the facility, at a minimum of once every 7 years, using methods described in subparagraph (A).

''(C) Clearly defined criteria for evaluating the results of reassessments conducted under subparagraph (B) and for taking actions based on such results.

''(D) A method for conducting an analysis on a continuing basis that integrates all available information about the integrity of the facility and the consequences of releases from the facility.

''(E) A description of actions to be taken by the operator to promptly address any integrity issue raised by an evaluation conducted under subparagraph (C) or the analysis conducted under subparagraph (D).

''(F) A description of measures to prevent and mitigate the consequences of releases from the facility.

''(G) A method for monitoring cathodic protection systems throughout the pipeline system of the operator to the extent not addressed by other regulations.

''(H) If the Secretary raises a safety concern relating to the facility, a description of the actions to be taken by the operator to address the safety concern, including issues raised with the Secretary by States and local authorities under an agreement entered into under section 60106.

''(4) WAIVERS AND MODIFICATIONS.—In accordance with section 60118(c), the Secretary may waive or modify any requirement for reassessment of a facility under paragraph (3)(B) for reasons that may include the need to maintain local product supply or the lack of internal inspection devices if the Secretary determines that such waiver is not inconsistent with pipeline safety.

''(5) STANDARDS.—The standards prescribed by the Secretary under paragraph (2) shall address each of the following factors:

''(A) The minimum requirements described in paragraph (3).

''(B) The type or frequency of inspections or testing of pipeline facilities, in addition to the minimum requirements of paragraph (3)(B).

''(C) The manner in which the inspections or testing are conducted.

''(D) The criteria used in analyzing results of the inspections or testing.

''(E) The types of information sources that must be integrated in assessing the integrity of a pipeline facility as well as the manner of integration.

''(F) The nature and timing of actions selected to address the integrity of a pipeline facility.

''(G) Such other factors as the Secretary determines appropriate to ensure that the integrity of a pipeline facility is addressed and that appropriate mitigative measures are adopted to protect areas identified under subsection (a)(1).

In prescribing those standards, the Secretary shall ensure that all inspections required are conducted in a manner that minimizes environmental and safety risks, and shall take

into account the applicable level of protection established by national consensus standards organizations.

''(6) ADDITIONAL OPTIONAL STANDARDS.—The Secretary may also prescribe standards requiring an operator of a pipeline facility to include in an integrity management program under this subsection—

''(A) changes to valves or the establishment or modification of systems that monitor pressure and detect leaks based on the operator's risk analysis; and

''(B) the use of emergency flow restricting devices.

''(7) INACTION BY THE SECRETARY.—Notwithstanding any failure of the Secretary to prescribe standards as described in paragraph (2), an operator of a pipeline facility shall conduct a risk analysis and adopt and implement an integrity management program under paragraph (1) not later than 30 months after the date of the enactment of this subsection.

''(8) REVIEW OF INTEGRITY MANAGEMENT PROGRAMS.—

''(A) REVIEW OF PROGRAMS.—

''(i) IN GENERAL.—The Secretary shall review a risk analysis and integrity management program under paragraph (1) and record the results of that review for use in the next review of an operator's program.

''(ii) CONTEXT OF REVIEW.—The Secretary may conduct a review under clause (i) as an element of the Secretary's inspection of an operator.

''(iii) INADEQUATE PROGRAMS.—If the Secretary determines that a risk analysis or integrity management program does not comply with the requirements of this subsection or regulations issued as described in paragraph (2), or is inadequate for the safe operation of a pipeline facility, the Secretary shall act under section 60108(a)(2) to require the operator to revise the risk analysis or integrity management program.

''(B) AMENDMENTS TO PROGRAMS.—In order to facilitate reviews under this paragraph, an operator of a pipeline facility shall notify the Secretary of any amendment made to the operator's integrity management program not later than 30 days after the date of adoption of the amendment.

''(C) TRANSMITTAL OF PROGRAMS TO STATE AUTHORITIES.—The Secretary shall provide a copy of each risk analysis and integrity management program reviewed by the Secretary under this paragraph to any appropriate State authority with which the Secretary has entered into an agreement under section 60106.

''(9) STATE REVIEW OF INTEGRITY MANAGEMENT PLANS.—A State authority that enters into an agreement pursuant to section 60106, permitting the State authority to review the risk analysis and integrity management program pursuant to paragraph (8), may provide the Secretary with a written assessment of the risk analysis and integrity management program, make recommendations, as appropriate, to address safety concerns not adequately addressed by the operator's risk analysis or integrity management program, and submit documentation explaining the State-proposed revisions. The Secretary shall consider carefully the State's proposals and work in consultation with the States and operators to address safety concerns.

''(10) APPLICATION OF STANDARDS.—Section 60104(b) shall not apply to this section.''.

(b) INTEGRITY MANAGEMENT REGULATIONS.—Section 60109 is further amended by adding at the end the following:

''(d) EVALUATION OF INTEGRITY MANAGEMENT REGULATIONS.—Not later than 5 years after the date of enactment of this subsection, the Secretary shall complete an assessment and evaluation of the effects on public safety and the environment of the requirements for the implementation of integrity management programs contained in the standards prescribed as described in subsection (c)(2).''.

(c) CONFORMING AMENDMENT.—Section 60118(a) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following:

''(4) conduct a risk analysis, and adopt and implement an integrity management program, for pipeline facilities as required under section 60109(c).''.

(d) STUDY OF REASSESSMENT INTERVALS.—

(1) STUDY.—The Secretary of Transportation shall conduct a study to evaluate the 7-year reassessment interval required by section 60109(c)(3)(B) of title 49, United States Code, as added by subsection (a) of this section.

(2) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1).

SEC. 12. SECURITY OF PIPELINE FACILITIES.

(a) IN GENERAL.—Chapter 601 is further amended by adding at the end the following:

''§ 60131. Security of pipeline facilities

''(a) RULEMAKING REQUIREMENT.—The Secretary of Transportation, not later than 60 days after the date of the enactment of this section, after consultation with any appropriate Federal, State, or nongovernmental entities, shall commence a rulemaking to require effective security measures which the Secretary determines are necessary to be adopted against acts of terrorism or sabotage directed against waterfront liquefied natural gas plants, capable of receiving liquefied natural gas tankers, located in or within 1 mile of a densely populated urban area. Within 1 year after the date of the enactment of this section, the Secretary of Transportation shall issue a final rule.

''(b) FACTORS TO BE CONSIDERED.—Regulations issued under subsection (a) shall take into account—

''(1) the events of September 11, 2001;

''(2) the potential for attack on facilities by multiple coordinated teams totaling in the aggregate a significant number of individuals;

''(3) the potential for assistance in an attack from several persons employed at the facility;

''(4) the potential for suicide attacks;

''(5) water-based and air-based threats;

''(6) the potential use of explosive devices of considerable size and other modern weaponry;

''(7) the potential for attacks by persons with a sophisticated knowledge of facility operations;

''(8) the threat of fires and large explosions; and

''(9) special threats and vulnerabilities affecting facilities located in or within 1 mile of a densely populated urban area.

''(c) REQUIREMENTS.—Regulations issued under subsection (a) shall establish requirements for waterfront liquefied natural gas plants, capable of receiving liquefied natural gas tankers, relating to construction, operation, security procedures, and emergency response, and shall require conforming amendments to applicable standards and rules.

''(d) OPERATIONAL SECURITY RESPONSE EVALUATION.—(1) Regulations issued under subsection (a) shall include the establishment of policies and procedures by the Secretary of Transportation, which shall ensure that the operational security response of each facility described in paragraph (2) is tested at least once every 2 years through the use of force-on-force exercises to determine whether the threat factors identified in regulations issued under subsection (a) have been adequately addressed.

''(2) Facilities subject to testing under paragraph (1) include waterfront liquefied natural gas plants, capable of receiving liquefied natural gas tankers, located in or within 1 mile of a densely populated urban area, and associated support facilities and equipment.

''(e) REVIEW AND REVISION.—Regulations issued under subsection (a) shall be reviewed and revised as appropriate at least once every 5 years.

''(f) DEFINITIONS.—For purposes of this section, the term 'densely populated urban area' means an area with a population density of more than 10,000 people per square mile.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

''60131. Security of pipeline facilities.''.

SEC. 13. NATIONAL PIPELINE MAPPING SYSTEM.

(a) IN GENERAL.—Chapter 601 is further amended by adding at the end the following:

''§ 60132. National pipeline mapping system

''(a) INFORMATION TO BE PROVIDED.—Not later than 6 months after the date of enactment of this section, the operator of a pipeline facility (except distribution lines and gathering lines) shall provide to the Secretary of Transportation the following information with respect to the facility:

''(1) Geospatial data appropriate for use in the National Pipeline Mapping System or data in a format that can be readily converted to geospatial data.

''(2) The name and address of the person with primary operational control to be identified as its operator for purposes of this chapter.

''(3) A means for a member of the public to contact the operator for additional information about the pipeline facilities it operates.

''(b) UPDATES.—A person providing information under subsection (a) shall provide to the Secretary updates of the information to reflect changes in the pipeline facility owned or operated by the person and as otherwise required by the Secretary.

''(c) TECHNICAL ASSISTANCE TO IMPROVE LOCAL RESPONSE CAPABILITIES.—The Secretary may provide technical assistance to State and local officials to improve local response capabilities for pipeline emergencies by adapting information available through the National Pipeline Mapping System to software used by emergency response personnel responding to pipeline emergencies.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

''60132. National pipeline mapping system.''.

SEC. 14. COORDINATION OF ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Chapter 601 is further amended by adding at the end the following:

''§ 60133. Coordination of environmental reviews

''(a) INTERAGENCY COMMITTEE.—

''(1) ESTABLISHMENT AND PURPOSE.—Not later than 30 days after the date of enactment of this section, the President shall establish an Interagency Committee to develop and ensure implementation of a coordinated environmental review and permitting process in order to enable pipeline operators to commence and complete all activities necessary to carry out pipeline repairs within any time periods specified by rule by the Secretary.

''(2) MEMBERSHIP.—The Chairman of the Council on Environmental Quality (or a designee of the Chairman) shall chair the Interagency Committee, which shall consist of

representatives of Federal agencies with responsibilities relating to pipeline repair projects, including each of the following persons (or a designee thereof):

''(A) The Secretary of Transportation.

''(B) The Administrator of the Environmental Protection Agency.

''(C) The Director of the United States Fish and Wildlife Service.

''(D) The Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

''(E) The Director of the Bureau of Land Management.

''(F) The Director of the Minerals Management Service.

''(G) The Assistant Secretary of the Army for Civil Works.

''(H) The Chairman of the Federal Energy Regulatory Commission.

''(3) EVALUATION.—The Interagency Committee shall evaluate Federal permitting requirements to which access, excavation, and restoration activities in connection with pipeline repairs described in paragraph (1) may be subject. As part of its evaluation, the Interagency Committee shall examine the access, excavation, and restoration practices of the pipeline industry in connection with such pipeline repairs, and may develop a compendium of best practices used by the industry to access, excavate, and restore the site of a pipeline repair.

''(4) MEMORANDUM OF UNDERSTANDING.—Based upon the evaluation required under paragraph (3) and not later than 1 year after the date of enactment of this section, the members of the Interagency Committee shall enter into a memorandum of understanding to provide for a coordinated and expedited pipeline repair permit review process to carry out the purpose set forth in paragraph (1). The Interagency Committee shall include provisions in the memorandum of understanding identifying those repairs or categories of repairs described in paragraph (1) for which the best practices identified under paragraph (3), when properly employed by a pipeline operator, would result in no more than minimal adverse effects on the environment and for which discretionary administrative reviews may therefore be minimized or eliminated. With respect to pipeline repairs described in paragraph (1) to which the preceding sentence would not be applicable, the Interagency Committee shall include provisions to enable pipeline operators to commence and complete all activities necessary to carry out pipeline repairs within any time periods specified by rule by the Secretary. The Interagency Committee shall include in the memorandum of understanding criteria under which permits required for such pipeline repair activities should be prioritized over other less urgent agency permit application reviews. The Interagency Committee shall not enter into a memorandum of understanding under this paragraph except by unanimous agreement of the members of the Interagency Committee.

''(5) STATE AND LOCAL CONSULTATION.—In carrying out this subsection, the Interagency Committee shall consult with appropriate State and local environmental, pipeline safety, and emergency response officials, and such other officials as the Interagency Committee considers appropriate.

''(b) IMPLEMENTATION.—Not later than 180 days after the completion of the memorandum of understanding required under subsection (a)(4), each agency represented on the Interagency Committee shall revise its regulations as necessary to implement the provisions of the memorandum of understanding.

''(c) SAVINGS PROVISIONS; NO PREEMPTION.—Nothing in this section shall be construed—

''(1) to require a pipeline operator to obtain a Federal permit, if no Federal permit would otherwise have been required under Federal law; or

''(2) to preempt applicable Federal, State, or local environmental law.

''(d) INTERIM OPERATIONAL ALTERNATIVES.—

''(1) IN GENERAL.—Not later than 30 days after the date of enactment of this section, and subject to the limitations in paragraph (2), the Secretary of Transportation shall revise the regulations of the Department, to the extent necessary, to permit a pipeline operator subject to time periods for repair specified by rule by the Secretary to implement alternative mitigation measures until all applicable permits have been granted.

''(2) LIMITATIONS.—The regulations issued by the Secretary pursuant to this subsection shall not allow an operator to implement alternative mitigation measures pursuant to paragraph (1) unless—

''(A) allowing the operator to implement such measures would be consistent with the protection of human health, public safety, and the environment;

''(B) the operator, with respect to a particular repair project, has applied for and is pursuing diligently and in good faith all required Federal, State, and local permits to carry out the project; and

''(C) the proposed alternative mitigation measures are not incompatible with pipeline safety.

''(e) OMBUDSMAN.—The Secretary shall designate an ombudsman to assist in expediting pipeline repairs and resolving disagreements between Federal, State, and local permitting agencies and the pipeline operator during agency review of any pipeline repair activity, consistent with protection of human health, public safety, and the environment.

''(f) STATE AND LOCAL PERMITTING PROCESSES.—The Secretary shall encourage States and local governments to consolidate their respective permitting processes for pipeline repair projects subject to any time periods for repair specified by rule by the Secretary. The Secretary may request other relevant Federal agencies to provide technical assistance to States and local governments for the purpose of encouraging such consolidation.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

''60133. Coordination of environmental reviews.''.

SEC. 15. NATIONWIDE TOLL-FREE NUMBER SYSTEM.

Within 1 year after the date of the enactment of this Act, the Secretary of Transportation shall, in conjunction with the Federal Communications Commission, facility operators, excavators, and one-call notification system operators, provide for the establishment of a 3-digit nationwide toll-free telephone number system to be used by State one-call notification systems.

SEC. 16. RECOMMENDATIONS AND RESPONSES.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

''§ 60134. Recommendations and responses

''(a) RESPONSE REQUIREMENT.—Whenever the Office of Pipeline Safety has received recommendations from the National Transportation Safety Board regarding pipeline safety, it shall submit a formal written response to each such recommendation within 90 days after receiving the recommendation. The response shall indicate whether the Office intends—

''(1) to carry out procedures to adopt the complete recommendations;

''(2) to carry out procedures to adopt a part of the recommendations; or

''(3) to refuse to carry out procedures to adopt the recommendations.

''(b) TIMETABLE FOR COMPLETING PROCEDURES AND REASONS FOR REFUSALS.—A response under subsection (a)(1) or (2) shall include a copy of a proposed timetable for completing the procedures. A response under subsection (a)(2) shall detail the reasons for the refusal to carry out procedures on the remainder of the recommendations. A response under subsection (a)(3) shall detail the reasons for the refusal to carry out procedures to adopt the recommendations.

''(c) PUBLIC AVAILABILITY.—The Office shall make a copy of each recommendation and response available to the public, including in electronic form.

''(d) REPORTS TO CONGRESS.—The Office shall submit to Congress on January 1 of each year a report describing each recommendation on pipeline safety made by the National Transportation Safety Board to the Office during the prior year and the Office's response to each recommendation.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

''60134. Recommendations and responses.''.

SEC. 17. MISCELLANEOUS AMENDMENTS.

(a) PROTECTION OF PUBLIC HEALTH, WELFARE, AND THE ENVIRONMENT.—Section 60102(a)(1) is amended by inserting ''in order to protect public health and welfare and the environment from reasonably anticipated threats that could be posed by such transportation and facilities'' after ''and for pipeline facilities''.

(b) CONFLICTS OF INTEREST.—Section 60115(b)(4) is amended by adding at the end the following new subparagraph:

''(D) None of the individuals selected for a committee under paragraph (3)(C) may have a significant financial interest in the pipeline, petroleum, or gas industry.''.

SEC. 18. TECHNICAL AMENDMENTS.

Chapter 601 is amended—

(1) in section 60102(a)—

(A) by striking ''(a)(1)'' and all that follows through ''The Secretary of Transportation'' and inserting the following:

''(a) MINIMUM SAFETY STANDARDS.—

''(1) IN GENERAL.—The Secretary of Transportation'';

(B) by moving the remainder of the text of paragraph (1), including subparagraphs (A) and (B) but excluding subparagraph (C), 2 ems to the right; and

(C) in paragraph (2) by inserting ''QUALIFICATIONS OF PIPELINE OPERATORS.—'' before ''The qualifications'';

(2) in section 60110(b) by striking ''circumstances'' and all that follows through ''operator'' and inserting the following: ''circumstances, if any, under which an operator'';

(3) in section 60114 by redesignating subsection (d) as subsection (c);

(4) in section 60122(a)(1) by striking ''section 60114(c)'' and inserting ''section 60114(b)''; and

(5) in section 60123(a) by striking ''60114(c)'' and inserting ''60114(b)''.

SEC. 19. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125(a) is amended to read as follows:

''(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for section 60107) related to gas and hazardous liquid, the following amounts are authorized to be appropriated to the Department of Transportation:

''(1) $45,800,000 for fiscal year 2003, of which $31,900,000 is to be derived from user fees for fiscal year 2003 collected under section 60301 of this title.

''(2) $46,800,000 for fiscal year 2004, of which $35,700,000 is to be derived from user fees for fiscal year 2004 collected under section 60301 of this title.

''(3) $47,100,000 for fiscal year 2005, of which $41,100,000 is to be derived from user fees for fiscal year 2005 collected under section 60301 of this title.

''(4) $50,000,000 for fiscal year 2006, of which $45,000,000 is to be derived from user fees for fiscal year 2006 collected under section 60301 of this title.''.

(b) STATE GRANTS.—Section 60125 is amended—

(1) by striking subsections (b), (d), and (f) and redesignating subsections (c) and (e) as subsections (b) and (c), respectively; and

(2) in subsection (b)(1) (as so redesignated) by striking subparagraphs (A) through (H) and inserting the following:

''(A) $19,800,000 for fiscal year 2003, of which $14,800,000 is to be derived from user fees for fiscal year 2003 collected under section 60301 of this title.

''(B) $21,700,000 for fiscal year 2004, of which $16,700,000 is to be derived from user fees for fiscal year 2004 collected under section 60301 of this title.

''(C) $24,600,000 for fiscal year 2005, of which $19,600,000 is to be derived from user fees for fiscal year 2005 collected under section 60301 of this title.

''(D) $26,500,000 for fiscal year 2006, of which $21,500,000 is to be derived from user fees for fiscal year 2006 collected under section 60301 of this title.''.

(c) EMERGENCY RESPONSE GRANTS.—Section 60125 is amended by adding after subsection (c) (as redesignated by subsection (b)(1) of this section) the following:

''(d) EMERGENCY RESPONSE GRANTS.—

''(1) IN GENERAL.—The Secretary may establish a program for making grants to State, county, and local governments in high consequence areas, as defined by the Secretary, for emergency response management, training, and technical assistance.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $6,000,000 for each of fiscal years 2003, 2004, and 2005 to carry out this subsection.''.

(d) CONFORMING AMENDMENT.—Section 60125(c) (as redesignated by subsection (b)(1) of this section) is amended by striking ''or (b) of this section''.

SEC. 20. INSPECTIONS BY DIRECT ASSESSMENT.

Section 60102, as amended by this Act, is further amended by adding at the end the following new subsection:

''(m) INSPECTIONS BY DIRECT ASSESSMENT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue regulations prescribing standards for inspection of a pipeline facility by direct assessment.''.

SEC. 21. PIPELINE BRIDGE RISK STUDY.

(a) INITIATION.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to determine whether cable-suspension pipeline bridges pose structural or other risks warranting particularized attention in connection with pipeline operators risk assessment programs and whether particularized inspection standards need to be developed by the Department of Transportation to recognize the peculiar risks posed by such bridges.

(b) PUBLIC PARTICIPATION AND COMMENTS.—In conducting the study, the Secretary shall provide, to the maximum extent practicable, for public participation and comment and shall solicit views and comments from the public and interested persons, including participants in the pipeline industry with knowledge and experience in inspection of pipeline facilities.

(c) COMPLETION AND REPORT.—Within 2 years after the date of enactment of this Act, the Secretary shall complete the study and transmit to Congress a report detailing the results of the study.

SEC. 22. STATE OVERSIGHT ROLE.

(a) STATE AGREEMENTS WITH CERTIFICATION.—Section 60106 is amended—

(1) in subsection (a) by striking ''GENERAL AUTHORITY.—'' and inserting ''AGREEMENTS WITHOUT CERTIFICATION.—'';

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(3) by inserting after subsection (a) the following:

''(b) AGREEMENTS WITH CERTIFICATION.—

''(1) IN GENERAL.—If the Secretary accepts a certification under section 60105 and makes the determination required under this subsection, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. Each such agreement shall include a plan for the State authority to participate in special investigations involving incidents or new construction and allow the State authority to participate in other activities overseeing interstate pipeline transportation or to assume additional inspection or investigatory duties. Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards prescribed under this chapter to a State authority.

''(2) DETERMINATIONS REQUIRED.—The Secretary may not enter into an agreement under this subsection, unless the Secretary determines in writing that—

''(A) the agreement allowing participation of the State authority is consistent with the Secretary's program for inspection and consistent with the safety policies and provisions provided under this chapter;

''(B) the interstate participation agreement would not adversely affect the oversight responsibilities of intrastate pipeline transportation by the State authority;

''(C) the State is carrying out a program demonstrated to promote preparedness and risk prevention activities that enable communities to live safely with pipelines;

''(D) the State meets the minimum standards for State one-call notification set forth in chapter 61; and

''(E) the actions planned under the agreement would not impede interstate commerce or jeopardize public safety.

''(3) EXISTING AGREEMENTS.—If requested by the State authority, the Secretary shall authorize a State authority which had an interstate agreement in effect after January 31, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2003, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Infrastructure Protection to Enhance Security and Safety Act if—

''(A) the State authority fails to comply with the terms of the agreement;

''(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority; or

''(C) continued participation by the State authority in the oversight of interstate pipeline transportation has had an adverse impact on pipeline safety.''.

(b) ENDING AGREEMENTS.—Subsection (e) of section 60106 (as redesignated by subsection (a)(2) of this section) is amended to read as follows:

''(e) ENDING AGREEMENTS.—

''(1) PERMISSIVE TERMINATION.—The Secretary may end an agreement under this section when the Secretary finds that the State authority has not complied with any provision of the agreement.

''(2) MANDATORY TERMINATION OF AGREEMENT.—The Secretary shall end an agreement for the oversight of interstate pipeline transportation if the Secretary finds that—

''(A) implementation of such agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority;

''(B) the State actions under the agreement have failed to meet the requirements under subsection (b); or

''(C) continued participation by the State authority in the oversight of interstate pipeline transportation would not promote pipeline safety.

''(3) PROCEDURAL REQUIREMENTS.—The Secretary shall give notice and an opportunity for a hearing to a State authority before ending an agreement under this section. The Secretary may provide a State an opportunity to correct any deficiencies before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication unless the Secretary finds that continuation of an agreement poses an imminent hazard.''.

(c) SECRETARY'S RESPONSE TO STATE NOTICES OF VIOLATIONS.—Subsection (c) of section 60106 (as redesignated by subsection (a)(2) of this section) is amended—

(1) by striking ''Each agreement'' and inserting the following:

''(1) IN GENERAL.—Each agreement'';

(2) by adding at the end the following:

''(2) RESPONSE BY SECRETARY.—If a State authority notifies the Secretary under paragraph (1) of a violation or probable violation of an applicable safety standard, the Secretary, not later than 60 days after the date of receipt of the notification, shall—

''(A) issue an order under section 60118(b) or take other appropriate enforcement actions to ensure compliance with this chapter; or

''(B) provide the State authority with a written explanation as to why the Secretary has determined not to take such actions.''; and

(3) by aligning the text of paragraph (1) (as designated by this subsection) with paragraph (2) (as added by this subsection).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject matter of this bill, H.R. 3609.

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

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, first, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR) for his cooperation in reaching this compromise on H.R. 3609, the Pipeline Infrastructure Protection and Enhancement Security and Safety Act. I also would like to thank my good friend and hunting partner, the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Michigan (Mr. DINGELL) for their hard work in crafting a bill that both our committees can agree to.

H.R. 3609 improves safety and protects workers and residents who live near pipelines. H.R. 3609 will strengthen the training procedures of pipeline workers, and implement a tough inspection and rigorous inspection schedule of pipelines.

The bill will improve the permitting procedures that allow operators to make the repairs that will be required under rules currently being developed at the Department of Transportation.

The bill will improve the enforcement of statutes and regulations that cover pipeline and operators at facilities.

Mr. Speaker, this is a good piece of legislation, and I urge my colleagues to support the legislation.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 5½ minutes.

Today, we are finally going to be able to vote on pipeline safety legislation worthy of the name. It is regrettable it has taken us 3 years to get here, but the bill before the House is a good bill. It is the result of long, intense, constructive negotiations among the parties to this process, including our Republican leadership on our committee, the gentleman from Alaska (Mr. YOUNG), and his staff, the gentleman from Louisiana (Mr. TAUZIN) and his staff, the gentleman from Michigan (Mr. DINGELL) and his staff, represented here today by the gentleman from Virginia (Mr. BOUCHER).

This is a compromise in the best sense of that word. We have all yielded some and accepted some. It is one that will promote pipeline safety and legislation that should be widely supported. We were very far apart at the outset of this process. I had serious reservations about the bill, H.R. 3609, as introduced, because I believed very strongly that the introduced bill failed to respond adequately to a number of important safety concerns, many of which date back to the mid-1980s when I chaired the Subcommittee on Oversight and Investigations and held hearings on pipeline safety in the aftermath of several tragedies throughout the United States, including one very serious fatal pipeline blast in Minnesota that killed people in the northern suburbs of the Twin Cities.

The introduced bill, in my view, did little to ensure that pipeline employees with safety responsibilities would be qualified or that they would get the necessary training. It did not have funding for assistance to groups of concerned citizens who had played an important role in pipeline safety, something I have come to appreciate over the years, and unprecedented authority for the Department of Transportation to terminate jurisdiction of agencies with environmental responsibilities for pipelines. Those were widely discussed issues and widely reported in news reports on this legislation.

I think that the bill we have before us now adequately addresses those problems, and I can support this legislation in partnership with the gentleman from Alaska and the gentleman from Louisiana and the gentleman from Michigan and the gentleman from Virginia.

The bill requires that all natural gas transmission pipelines serving high-consequence areas be inspected within 10 years and reinspected no later than every 7 years thereafter. It requires pipeline operators to provide training to ensure that individuals have the necessary knowledge and skills to do their tasks in a safe manner. It makes clear that it is not enough to rely on observing an employee's on-the-job performance to determine if he or she is qualified.

I have been to pipeline operational facilities to observe these circumstances firsthand. I am quite convinced that the language we have now is going to address that issue.

The bill includes a pilot program to determine whether persons operating computer-based systems for controlling pipelines should be certified. It raises civil penalties for violations from $25,000 to $100,000, and the maximum civil penalty from $500,000 to $1 million.

The bill allows the Secretary of Transportation to ask the Attorney General to bring civil actions in Federal District Court to enforce pipeline safety regulations. It has a program of grants for local organizations to obtain technical assistance to participate effectively in pipeline safety proceedings and limitations on those groups against lobbying, against political activities with these funds.

The bill requires an interagency committee to coordinate environmental reviews, chaired by the chairman of the Council on Environmental Quality and consisting of Federal environmental permitting agencies to develop a memorandum of understanding to coordinate environmental reviews for pipeline repair projects. It ensures that this coordination process will respect existing environmental laws. It will address the appropriate roles of the permitting agencies and respect those roles. The bill requires the affected agencies to reach union agreement on the memorandum, and specifically states that the provision does not preempt any Federal, State, or local environmental law.

That is a critical issue. It has taken a long time to get to that point. The fact that we have reached agreement on that issue is significant in moving this legislation forward. For that, I express my great appreciation to the chairman of our committee, the gentleman from Alaska; and to the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana; and also the gentleman from Michigan, the ranking member on that committee.

Two years ago, Mr. Speaker, we defeated a weak bill, believing that no bill was better than a weak bill. It was the right thing to do then. Today's action proves that we were right. With time, with effort, with imagination, with good will to achieve a good result, we could do better. And today we do better.

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

□ 1830

Mr. YOUNG of Alaska. Mr. Speaker, I do agree with the gentleman's words and I insert into the RECORD at this point an exchange of letters between myself and the gentleman from New York (Mr. BOEHLERT) regarding H.R. 3609.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 23, 2002.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 23, 2002, regarding H.R. 3609, the Pipeline Infrastructure Protection to Enhance Safety and Security Act, and for your willingness to waive consideration of provisions in the bill that fall within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of section 9 of H.R. 3609 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 3609 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Congressional Record during consideration on the House Floor.

Thank you for your cooperation in moving this important legislation.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE,
Washington, DC, July 23, 2002.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Transportation and Infrastructure has had under consideration H.R. 3609, the Pipeline Infrastructure Protection to Enhance Security and Safety Act. Section 9 of that bill falls under the jurisdiction of the Committee on Science.

By waiving consideration of H.R. 3609 the Committee on Science does not waive any of its jurisdictional rights and prerogatives.

I ask that you would support our request for conferees on H.R. 3609 or similar legislation if a conference should be convened with

the Senate. I also ask that our exchange of letters be included in the *Congressional Record*.

I look forward to working with you on this and other important pieces of legislation.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

Mr. Speaker, I yield whatever time he may consume to the gentleman from Louisiana (Mr. TAUZIN), chairman of the very powerful Committee on Energy and Commerce, a good friend.

Mr. TAUZIN. Mr. Speaker, I certainly want to thank the gentleman from Alaska (Mr. YOUNG), my friend and the chairman of the tremendously important Committee on Transportation and Infrastructure, whom we all depend upon for our transportation needs and whom I consider my dearest friend, whenever I have those needs in particular. I do want to seriously thank the gentleman from Alaska (Mr. YOUNG) for the extraordinary degree of cooperation between his committee and his staff and the staff of the Committee on Energy and Commerce, as well as the staffs of the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Michigan (Mr. DINGELL), representing the minority of our two committees for the extraordinary work that has been done on this bill. This is not just a multi-year bill, this is a multi-Congress bill. This has been a work in progress for years through several Congresses, and we have reached the point today where we now have concurrence not only between our two committees but in a bipartisan fashion we can bring pipeline safety to the floor for a vote, and most importantly we can bring it to the floor for a vote with the support of the Office of Pipeline Safety, with the pipeline industry itself, with the support of the environmental community and the support of organized labor. This is a bill literally that meets all those tests simultaneously and it is a great example of the way this House can work through our committee system together in a bipartisan fashion to do the right thing for our country.

It also addresses, by the way, State participation in the pipeline safety regulatory regime, again recognizing the dual role in the Federal and the State governments in protecting our citizens in terms of pipeline safety, and, perhaps most importantly, this bill becomes the House position on pipeline safety as we are now engaged in the Conference on Energy with the Senate where we hope to produce a comprehensive energy package for the House and Senate to vote on sometime before we leave session in October.

This bipartisan position that is now supported, I hope, by this whole House will be the frame by which the House makes an offer to the Senate now and hopefully resolves this issue in the context of the much larger energy bill. And I want to thank my friends from both sides of the aisle for making that possible. As we move toward consideration of the most serious issues in dispute between the House and Senate, getting an agreement on pipeline safety will be one of the first orders of business that we will take up this Thursday when the conference meets.

So again I want to thank all the chairmen and ranking members, and I lastly want to pay particular thanks and attention to the chairman of the subcommittee and the gentleman from Virginia (Mr. BOUCHER) for doing such a great job at the subcommittee level of the Committee on Energy and Commerce in producing this bill. We sometimes forget how important the work of our subcommittees is in framing a bill that we can together work out in final detail for the floor, and the gentleman from Texas (Chairman BARTON) and the gentleman from Virginia (Mr. BOUCHER) as in their usual fashion have worked in extraordinarily close fashion to make sure we have that opportunity at the Committee on Energy and Commerce level. And again I want to thank them for their hard work and the work of the staffs that went behind it. Again this is a good day for both our committees. I commend this legislation to the House floor.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER) representing the Democrats on the Committee on Energy and Commerce.

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

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

Mr. Speaker, I am pleased to rise in support of H.R. 3609 and to urge its approval by the House. The pipeline safety measure now before the House results from bipartisan discussions involving two committees and I want to commend the gentleman from Louisiana (Chairman TAUZIN) of our full Committee on Energy and Commerce; the gentleman from Michigan (Mr. DINGELL), ranking committee member; the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality, with whom I have been pleased to cooperate on this measure; and the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) of the Committee on Transportation and Infrastructure for all of the efforts of these Members in achieving the consensus measure that is before the House today.

The authorization for appropriations for the Federal pipeline safety program expired during the year 2000. The bill which we are considering today will take the necessary steps to reauthorize the program. The measure makes a number of improvements to existing pipeline safety requirements. It will direct the Department of Transportation to promulgate a rule requiring operators to develop integrity management plans which will include a pipeline safety inspection within 10 years of enactment and a reinspection within the following 7 years. The measure will also require operators to develop and implement written programs to ensure that all individual pipeline operators are qualified to perform their jobs and will establish a pilot program within the Department of Transportation for the certification of pipeline employees.

In addition, the measure establishes a technical assistance grant program to enhance the knowledge of individuals who reside or conduct businesses in the general vicinity of pipelines.

We worked very closely with the gentleman from Alaska (Chairman YOUNG) of the Committee on Transportation and Infrastructure to ensure that the establishment of these grants is performed in such a way as to accommodate the concern of all stakeholders. In addition, the measure will improve the Office of Pipeline Safety's ability to enforce safety laws by increasing the cap on penalties. The bill will also improve existing one-call notification programs and develop a national pipeline mapping system. These are all very helpful steps that, taken together, will ensure greater pipeline safety for the Nation going forward.

I again want to commend all of the Members who on a bipartisan basis have worked diligently to achieve the consensus that has embodied this measure. And, Mr. Speaker, it is my pleasure to urge approval of this bill by the House. I thank the gentleman from Minnesota.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BARTON), one of the great subcommittee chairmen of the Committee on Energy and Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I also want to rise in strong support of H.R. 3609, the Pipeline Infrastructure Protection to Enhance Security and Safety Act. It is comprehensive, bipartisan, multi-committee, and widely supported. It will reauthorize our pipeline safety laws through 2006 which, in my opinion, is a tremendous accomplishment.

I want to add my commendations to my full committee chairman, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL). I compliment the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure, along with the gentleman from Minnesota (Mr. OBERSTAR). I would also thank the subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI), the gentleman from Pennsylvania (Mr. BORSKI), the ranking member, and the gentleman from Virginia (Mr. BOUCHER), the ranking member on my subcommittee. We all worked very hard to make it possible to come out and pat each other on the back this evening.

The bill before us is an agreement that we have worked on in both committees. Both of our committees reported a pipeline safety bill earlier this year. It has a new landmark section on integrity management for natural gas transmission lines. It has a baseline integrity assessment of 7 years and periodic reinspections every 10 years. We have a tough but very manageable requirement for pipeline infrastructure. This balance requirement, in my opinion, appears to be a much more appropriate inspection regime than is currently in the bill which passed the other body.

The pipeline infrastructure for delivering natural gas and liquid petroleum is more important than ever for our great Nation. The demand for natural gas and gasoline will likely continue to rise, and our pipelines will have a more and more important role each day in supplying those commodities. Pipeline transportation is among the cheapest and safest methods of transport. We need to make sure that our pipelines are safe and managed well. We also want States and our local communities to be comfortable that future pipelines which will be needed are good things for their region, and that they are operated as safely as possible.

Today's agreement includes changes to the one-call notification programs, a new national toll-free number suggested by the gentleman from Louisiana (Mr. JOHN), a member of my subcommittee. It has an important integrity research and development program which was authored by the gentleman from Texas (Mr. HALL) who is also the ranking member of the Committee on Science. It includes important coordination of environmental reviews by Federal agencies to streamline the process for permitting repairs.

Finally, I commend all of the staffs for their hard work on this bill, especially from our committee, Bill Cooper and Andy Black of the majority, and Rick Kessler of the minority for their hard work. The bill is supported by environmental groups, labor groups and industry associations and many local community groups. It has the support of the majority and the minority of every committee involved in the discussions. I hope that we will pass this by unanimous consent in the very near future.

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

Mr. PASCRELL. Mr. Speaker, I would like to begin by complimenting the work of the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Michigan (Mr. DINGELL), the gentleman from Alaska (Mr. YOUNG) and the gentleman from Louisiana (Mr. TAUZIN). It is amazing what can be done when all sides resign themselves to work together.

Although not a perfect bill, this is a bipartisan bill. It is an effort the American people can be proud of. Unbeknownst to millions of Americans, their homes, schools and communities are sitting on top of millions of miles of pipelines. With this bill, Congress seeks to ensure that proper regulations are backed up by strong enforcement policies to ensure their safety.

Despite the Office of Pipeline Safety requests for mapping information more than 3 years ago, and the importance of a national repository of pipeline maps for national security purposes, hundreds of operators have not submitted the requested maps. Under the bill, OPS will finally have the maps of pipeline systems it needs to regulate effectively.

Furthermore, the compromise legislation includes important employee training provisions and whistleblower protections. Those on the front lines must feel free to inform the proper authorities if there is a safety or security risk not being addressed. Also included is funding for grants to community groups to allow them to obtain technical expertise for participation in pipeline regulatory proceedings.

The House will finally be on record endorsing real pipeline safety legislation, requiring pipeline operators to adopt integrity management programs with periodic inspections. Enron has shown us that we cannot put our faith in the industry to do the thing.

We cannot afford to lose any more lives, Mr. Speaker. In the face of potentially severe consequences, symbolic legislation cannot suffice. This is our opportunity to fix a broken system. Mr. Speaker, I am confident that we are doing the right thing by passing strong pipeline legislation today.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentlewoman from Washington (Ms. DUNN).

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

Mr. Speaker, I think special kudos should go to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Louisiana (Mr. TAUZIN) because they put so much leadership and commitment into bringing this bill to the floor. This debate has gone on for a long time. The first bill that we voted on during this debate was 2 years ago, and we could not get the votes then.

We have worked on this bill consistently with the help of a lot of our neighbors in Washington State and a lot of members from the Committee on Transportation and Infrastructure. I commend the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Alaska (Mr. YOUNG) for putting together a good bill.

In Washington State 3 years ago, there was a pipeline explosion in the area of Bellingham. It is the area that the gentleman from Washington (Mr. LARSEN) now represents, and at that time Congressman Metcalf represented. Both gentlemen were very involved in this debate. They had a problem to solve for the neighbors who lived in their communities, and success has finally greeted us here on the floor of the House tonight.

□ 1845

We have worked on this bill ever since. Three years of work to put together a bill that would be appropriate, a bill where we could release some information but be very aware that if terrorists are looking for a way to endanger our communities, we have to be somewhat careful on how we phrase the public information portion of this.

I want to summarize a few of the elements that are in this legislation that make it much better than anything we have ever had before in protecting our neighbors and our neighborhoods from any explosion or any kind of emission of toxic substances into the environment.

The legislation tonight talks about inspection of gas pipelines every 5 years. It will be mandated. There is flexibility left so that we can do it in the proper way, so it will not be a huge new expense to the companies but will also perform the program that we are interested in, which is to make sure those pipelines are not corroded, are not broken, and will not result in a horrible explosion like the one that the parents of those children in Bellingham had to live with 3 years ago.

It also establishes a program to certify that critical pipeline employees are qualified to do their jobs. This has never been required before, Mr. Speaker. I think this bill puts out there in print what we expect from the companies who are engaged in operating pipelines. It also increases penalties for pipeline safety violations. Why is this important? It is important, Mr. Speaker, because we want those companies to take very seriously the requirements we have handed to them. Sometimes money tells the story. To penalize them in a monetary way we think is very important. It also provides for increased State oversight of pipelines. We want the States involved. We would like to have community advisory boards. We are going to increase the amount of personal activity done to keep these pipelines safe by allowing the communities and the neighbors to advise the companies that come up with good ideas that we may have missed, that might have fallen through the cracks on this legislation.

I think it is also very important that communities be given access to information about the pipelines that run underneath their schools, underneath their homes, underneath their neighborhoods. Everybody in the process agrees that this information ought to be out there. We have not yet agreed how this information should be available. I hope this information can be addressed as this bill moves forward as we go through the conference committee with a good strong House bill that will be debated by Members of the Senate and the House so that we will come up with something really strong.

The answer to this particular public access question may be part of homeland security. It may have to be a compromise. What I want, Mr. Speaker, my

mayors to be able to walk in and see the most up-to-date maps that outline these pipeline directions so that they will be able to instruct people who are digging trenches for water mains or digging trenches for the construction of foundations of homes or schools. I want them to know, these communities, where these pipelines run and we all appreciate that. In an era which is different since 9–11, where terrorists can get control fairly easily of information, we have to massage this. But I think each of us appreciates the fact that this information must be made available.

Mr. Speaker, for 3 years we have tried to pass this bill. We have tried to put this bill together in a way that would protect our communities. This bill moves closer to that objective than anything I have seen so far. It is a compromise, but I think it provides us the basis for a good, strong community approach that will allow us to provide that protection for our communities that we worked so hard to do.

Mr. Speaker, as we move closer to our objective, as we get a good bill out of the House, I urge our colleagues to support this. It is a fine bill. My congratulations to everybody who has been in the process.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, as one of the Democratic cosponsors, I rise in strong support of H.R. 3609. Our pipeline infrastructure is the invisible backbone of this country through which the vast majority of our gasoline and natural gas flows. This bill greatly enhances the safety of all the pipelines by requiring more frequent inspections, additional operator training, greater fines for safety violations, and better measures to protect against terrorist attacks.

All these additional enhancements are reached on a bipartisan basis, not only by the Committee on Energy and Commerce but also by my good friends and colleagues on the Committee on Transportation and Infrastructure. Mr. Speaker, protecting the lives of the folks whom I represent in Houston, Texas, who have lived and worked along pipelines all their lives, is our first priority, even around the country. The vast majority of the pipelines scheduled to be inspected first are those with high population density surrounding them. This commonsense approach will immediately bring the greatest margin of safety to the largest number of people. In addition, all pipelines will be inspected more frequently under this legislation.

Because of the increased inspections mandated under the bill, pipeline inspection equipment and the personnel needed to man them should increase at a rapid pace. This will in turn lead to even better inspections and less accidents like we have had in Washington State and New Mexico.

This is a great bill. I am proud to be a cosponsor.

Mr. Speaker, as one of the Democratic cosponsors to this legislation, I rise in strong support of H.R. 3609. Our pipeline infrastructure is the invisible backbone of this country through which the vast majority of our gasoline and natural gas flows through.

This bill will greatly enhance the safety of all pipelines by requiring more frequent inspections, additional operator training, greater fines for safety violations, and better measures to protect against terrorist attacks.

All these additional enhancements were reached on a bipartisan basis between members of the Transportation and Infrastructure Committee and the Energy & Commerce Committee.

Mr. Speaker, protecting the lives of my folks in Houston who happen to live around the many pipelines is my first priority.

The vast majority of the pipelines scheduled to be inspected first are those with high population density surrounding them.

This common senses approach will immediately bring the greatest safety margin to the largest number of people.

In addition, all pipelines will be inspected more frequently under this legislation

Because of the increased inspections mandated under this bill, pipeline inspection equipment and the personnel needed to man them should increase at a rapid pace.

This will in turn lead to even better inspections and less accidents like we saw in Washington State and New Mexico.

Mr. Speaker, this is a good bill and I want to commend both Chairmen and Ranking Members for working to better protect the American people.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

It is rare that I do this as the chairman of two committees over the period of the last 8 years, but I would like to acknowledge at this time the work that has been mentioned by other Members that have spoken, the work of the staff. This has been a long, trying period of time. I want to compliment the staff on the minority side but I also, because I pay their bills, would like to compliment Graham Hill, especially, for his work and his outstanding dedication and perseverance; Levon Boyagian, who has been with me now as the counsel for the Committee on Transportation and Infrastructure; Mike Henry from the Committee on Transportation and Infrastructure; Frank Mulvey; David Heymsfeld; Ward McCarragher; and, of course, Liz Megginson, who is my chief counsel.

I rarely do this because I know they are doing what they love to do, but this has been a very complex issue; it takes a lot of work, a lot of discussion, some which I do not have the patience for, and I will be the first one to admit that; but we worked together as a group collectively and fought out the battles and discussed it.

I can truthfully say I believe that this piece of legislation is a great step forward to accomplish what I am seeking to do and have the safest pipelines in the United States. Twenty-two million miles of pipeline exist in the United States. This will be the first time where we know they will be inspected in a period of time, they will be repaired under the system of this bill on time, we will not have the accidents, hopefully, that have been happening in the past, and we will be able to deliver that product to the homes that they so badly need to live their lives.

Again, I thank the staff for the work they have done on both sides of the aisle.

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

Mr. OBERSTAR. Mr. Speaker, the chairman's patience is legendary.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HALL).

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I want to thank the chairman and ranking member of the Committees on Energy and Commerce and Transportation and Infrastructure for working with the Committee on Science and for allowing us to work with them to include the research and development language that is contained in section 9 of the bill that is before us today. Section 9 is also the product of a very close collaboration on both sides of the aisle in the Committee on Science, which reported these provisions as H.R. 3929 last spring.

Section 9 will be of immense value to this Nation in ensuring that the natural gas, crude oil, and refined products pipelines of this country are safer and more secure as we move into the 21st century.

The result will be a much stronger focus on the development of technologies necessary to make the pipeline infrastructure of this country safer and more secure.

Mr. Speaker. I want to thank the Chairman and Ranking Minority members of the Energy and Commerce and Transportation and Infrastructure Committees for working with the Science Committee to include the research and development language contained in Section 9 of the bill before us today. Section 9 is also the product of a close collaboration on both sides of the aisle in the Science Committee, which reported these provisions as H.R. 3929 last spring.

Section 9 will be of immense value to this nation in ensuring that the natural gas, crude oil, and refined products pipelines of this country are safer and more secure as we move into the 21st Century. And we are taking the first steps toward addressing the development of what we call the next-generation pipelines—those that will carry hydrogen, CO2 and perhaps other substances that will be part of the energy infrastructure of the future.

These pipelines are an essential part of the nation's energy infrastructure. They are so affected with the public interest that special efforts need to be taken now to make certain that new technologies are developed or existing technologies adapted to make certain that

these facilities are as safe and secure as they can be—and so soon as they can be.

Section 9 of the bill brings the considerable capabilities of the Department of Energy (DOE) and its National Laboratories and the National Institute of Standards and Technology (NIST) to bear in a much more prominent way to provide solutions to the safety and security needs of the nation's pipelines. It provides considerable flexibility to the participating agencies, the Department of Transportation, DOE and NIST, to develop a research plan—one that will be reviewed by a Technical Advisory Committee to ensure that the work being done is relevant and appropriate.

The result will be a much stronger focus on the development of technologies necessary to make the pipeline infrastructure of this country more safe and secure.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I urge all Members to vote for this bill. For the committee, we expect to have a vote on this legislation probably later on this evening. I urge all Members to vote for the passage of this legislation.

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

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. LARSEN), whose district was tragically the site of a pipeline tragedy.

(Mr. LARSEN of Washington asked and was given permission to revise and extend his remarks.)

Mr. LARSEN of Washington. Mr. Speaker, I rise in support of H.R. 3609. I have a full statement, but I just want to make a quick note about what happened 3 years ago on June 10, 1999, in Bellingham, Washington, and remember why we are here today, to remember 10-year-old Wade King, 10-year-old Stephen Tsiorvas, and 18-year-old Liam Wood, who were killed when nearly 300,000 gallons of gasoline from a nearby pipeline rupture leaked into Whatcom Creek and were ignited and exploded. 1,100 days later, the House of Representatives is on the verge of finally passing strong pipeline safety legislation to respond to this tragedy.

On behalf of their families, I want to thank the House for doing so. I want to thank Chairman YOUNG, Chairman TAUZIN, Ranking Member OBERSTAR and Ranking Member DINGELL and the staffs from the majority and minority side for all the hard work that they have put into this issue over the last 3 years to make this a reality, to respond to the communities, to respond to their concerns about safety; and again to remember Wade King, Stephen Tsiorvas and Liam Wood for the lives that they lost, but hopefully with action by the House today we are doing our best to prevent losing lives in the future.

On June 10, 1999 in Bellingham, Washington, two ten-year old boys, Wade King and Stephen Tsiorvas, and an 18 year-old man, Liam Wood, were killed when nearly 300,000 gallons of gasoline from a nearby pipeline rupture ignited, sending a fireball roaring down Whatcom Creek, and a plume of smoke thousands of feet into the sky. Over 1100 days later, the House of Representatives is on the verge of finally passing pipeline safety legislation to respond to this tragedy.

Since I came to this chamber, I have worked to see that the type of tragedy my constituents suffered never happens again by laboring to see that meaningful pipeline safety legislation passes the House of Representatives. Our friends in the Senate have acted three times. It is now time for us to act.

The bill before us today is a strong pipeline safety bill. It strengthens pipeline safety by ensuring operators enhance training and evaluation of pipeline employees, requires pipeline inspection programs be adopted and enacted every ten years, with follow-up inspections every seven years, strengthens the oversight role of state governments and citizens, and mandates substantially increased civil penalties.

With that said, I think it important to point out that the bill is missing critical community-right-to-know provisions that are vital if we truly intend to improve the safety of the pipelines that weave in and out of our communities. If we do not direct pipeline operators maintain continuous liaison with emergency responders, or require them to provide maps of their pipelines to municipalities, we are not doing all we can to ensure that another tragedy like that in Bellingham or Carlsbad, New Mexico never happens again. As this process moves forward into a Conference Committee, I urge my colleagues in the strongest possible terms to recede to the Senate's community-right-to-know provisions.

In conclusion, Mr. Speaker, allow me to thank the leadership of the Transportation and Infrastructure and Energy and Commerce Committees. Chairman YOUNG and TAUZIN, as well as Ranking Members OBERSTAR and DINGELL have done a good job of shepherding this critical piece of legislation through the House of Representatives. As one who has seen firsthand the danger posed by unsafe pipelines, I thank them, and all Members who have worked on this bill, and urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. PETRI), the chairman of the subcommittee that handled this issue.

Mr. PETRI. Mr. Speaker, I rise in support of the bill before us and urge my colleagues to vote in favor of this worthwhile legislation. I would like to take a minute to commend the leadership of the Committee on Transportation and Infrastructure and of the Committee on Energy and Commerce for reaching this agreement, particularly the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Michigan (Mr. DINGELL).

The bill will require a more frequent inspection and reinspection schedule for pipelines, in particular problem pipelines. It will ensure that individuals who work on pipelines are properly trained. The bill also includes a permanent streamlining provision that will enable pipeline operators to make repairs within the time limits set forth by the Department of Transportation.

H.R. 3609 includes whistleblower provisions to protect employees who report problems that may endanger the lives of fellow workers and those living near the facilities. Finally, the bill will require every pipeline operator to develop and to implement a terrorism security program approved by the Secretary.

Mr. Speaker, this is a bill that will increase the safety and security of our Nation's pipelines. I urge its adoption.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, for 3 years the parents of the three boys who died on June 10, 1999, in Bellingham, Washington, have been unstinting and unyielding in their insistence that this Chamber adopt a requirement that pipeline companies inspect their pipelines. Today it is their efforts that truly ought to be honored to fully and fairly require that for the American people.

I want to note the efforts of Frank and Mary King, Marlene Robinson and Katherine Dalen, because they have been insistent that we not leave this House until we require in statute the inspection of these pipelines. This has been difficult for them. It has been difficult because the last time we had this provision on this Chamber, on this floor, we did not have such an inspection. But they were unyielding and unstinting. I want to thank them for their courage in such difficult circumstances to hold our feet to the fire, to go through a multiple-year effort to get this inspection requirement. Their decision not to allow anything less than that in the last Congress today has proven the right decision.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce, whose years of endeavor in the vineyard have proven fruitful.

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

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 3609. I am pleased to be here to mark an important event. We are on the verge of moving forward with pipeline safety legislation that will enhance the real safety of our Nation's pipelines. I want to commend the distinguished gentleman from Louisiana (Mr. TAUZIN), our chairman, and also the distinguished gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Transportation and Infrastructure, and my distinguished friend, the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, for making this possible.

□ 1900

Mr. Speaker, there is a mounting body of evidence that our system of pipeline safety regulation is wholly inadequate. As of now, the Congress has

failed to move on meaningful reforms. We do so in this legislation.

I want to, again, commend my colleagues for the work, efforts and leadership which they have given, and also, again, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Texas (Mr. BARTON) for having worked with us to develop this legislation.

The legislation we are considering today is comprised of the unanimously approved Committee on Energy and Commerce bill plus important and valuable additions drawn from the Committee on Transportation and Infrastructure product.

As a result of good faith working together, we have presented the House with a bill which deserves the support of all of my colleagues and which will contribute significantly to the protection of the environment and the protection of the American public.

I want to commend our good friend, the gentleman from Virginia (Mr. BOUCHER), the ranking member of the subcommittee, for his efforts on the technical assistance grants and hazardous pipeline enforcement provisions. The gentleman from Texas (Mr. HALL) and the gentleman from Pennsylvania (Mr. DOYLE) again deserve significant recognition for their fine efforts on the research provisions which largely reflect the legislation of the gentleman from Texas (Mr. HALL) that was reported overwhelmingly by the Committee on Science.

I also want to thank the gentleman from Massachusetts (Mr. MARKEY) for his work and cooperation on the provisions relating to the National Transportation Safety Board and the security of liquefied natural gas and other pipeline facilities.

Finally, I express my appreciation to those in the environmental community and in organized labor who have worked with me for so many years on these matters. They, along with industry stakeholders who have chosen to play a constructive role in this process, deserve great credit. They all deserve to be thanked.

Mr. Speaker, I urge the swift and speedy adoption of this legislation.

Mr. Speaker, I rise in strong support of H.R. 3609. I am truly pleased to be here to mark a very important event: for the first time in a decade, we are on the verge of moving forward on pipeline safety legislation that would actually enhance the safety of our Nation's pipelines. I want to commend Chairman TAUZIN, along with Chairman YOUNG and Ranking Member OBERSTAR for making this possible.

There is a mounting body of evidence that our system of pipeline safety regulation is wholly inadequate. Unfortunately, until now, Congress has failed to move on any meaningful reforms. during the last Congress, the House considered legislation that was more about public relations than public safety. Because that legislation did little more than restate existing law and provide cover for maintaining the deadly status quo, Mr. OBERSTAR and I—along with many of our colleagues—successfully opposed enactment of that legislation.

Things, however, were very different this year in our Committee, and Chairmen TAUZIN and BARTON deserve the thanks of this body for working as partners with us to develop legislation that moves the ball forward on protecting the public and the environment from the dangers of unsafe pipelines. The Energy and Commerce Committee bill was supported by all stakeholders—including the gas pipeline industry, the oil pipeline industry, labor, and the environmental community.

The legislation we are considering today is comprised of the unanimously approved—Energy and Commerce bill plus some very important and useful additions drawn from the Transportation and Infrastructure Committee product. It is the result of a good faith, sincere effort to do what is doable for the sake of safety, rather than hold out for everything that every stakeholder ever wanted. I know it is not a perfect product, but I believe that the effort has been successful.

I commend Members who have worked with us to address specific matters in the bill. These include Chairman BARTON and Representative JOHN—as well as Representative PALLONE—for their work on the provision to establish a national 3-digit, one-call number. I also want to commend Ranking Member BOUCHER for his efforts on the technical assistance grants and hazardous pipeline enforcement provisions. Representatives HALL and DOYLE deserve recognition for their efforts on the research provisions that largely reflect Mr. HALL's legislation that was reported overwhelmingly by the Committee on Science. I also want to specifically thank Representative MARKEY for his work and cooperation on the provisions relating to the National Transportation Safety Board and the security of liquified natural gas and other pipeline facilities.

Finally, I express my appreciation to those in the environmental community and organized labor who have worked with me over the years on these matters. They, along with the industry stakeholders who have chosen to play a constructive role in this process, deserve to be recognized for helping us make it possible to go forward with the support of every Member of our Committee and hopefully today with support of the entire House of Representatives.

Mr. Chairman, I urge swift adoption of the amendment in the nature of a substitute and passage of the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve my time.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oklahoma (Mr. CARSON).

Mr. CARSON of Oklahoma. Mr. Speaker, I rise today to express my support for this compromise version of H.R. 3609, which improves pipeline safety. I am an original cosponsor of this legislation, which has undergone significant changes since it was first introduced.

This legislation importantly accomplishes various improvements in pipeline safety, while recognizing the realities of pipeline operation and its, unacknowledged often, importance to many communities and businesses across the country.

Pipelines are a critical mode of transportation for our Nation and by far one of the safest modes of transporting energy materials to needed destinations. It is equally important that the American public have faith in its safety.

I support this legislation and encourage my colleagues to vote in favor of this bill, which improves public confidence in our Nation's pipeline system and allows continued quality service to the many Americans who depend upon the products that pipelines provide.

Mr. OBERSTAR. Madam Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. DOGGETT).

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

Madam Speaker, I surely hope that the bill before us is a good one, and there is reason for hope, since it is inconceivable that our current pipeline safety regulation could get much worse.

When it comes to pipeline safety, ''oversight'' has usually meant ''overlook.'' When it comes to the Office of Pipeline Safety, it has found itself in alliance with groups such as the Longhorn Pipeline that have posed such dangers to my community in Central Texas, and how South Austinites have rightly shouted that they have everything to lose and nothing to be gained by being forced to be a Longhorn partner because of the tragic intrusion on our community by Longhorn Pipeline. The City of Austin has a lot resting on the protections offered by this bill.

With an understanding of our experience with Longhorn Pipeline and the lack of protection from the Office of Pipeline Safety, the city submitted testimony expressing its concern about current Federal statutes that restrict municipalities in protecting their citizens from pipeline dangers. It is essential that the Office of Pipeline Safety and other Federal agencies give thorough consideration to the issues faced by those exposed to hazardous pipelines. Hopefully, that will be accomplished by the modest steps in this bill.

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

Madam Speaker, I wish to express my great appreciation for the cooperation of all the members on the Democratic side on the Committee on Transportation and Infrastructure. We had many, many meetings and discussions to iron out differences, to reach agreements, to reach consensus on matters, that compromise that we have offered to the majority in our committee. In particular, the gentleman from New Jersey (Mr. PASCRELL) has been an absolute champion on pipeline safety; the gentleman from Washington (Mr. LARSON), who has been a vigorous advocate stemming from the tragedies that resulted in his own district; the gentleman from Oklahoma (Mr. CARSON), who, likewise, has been a vigorous advocate and a staunch supporter of strong pipeline safety legislation; and many others on our committee who have contributed long hours in the discussion and debate internally.

But especially my appreciation goes to the chairman of our committee, whose patience, as I said a moment ago, is legendary. Sometimes that fuse is maybe a quarter of an inch long, but he is always willing to come back again and to discuss and to revisit issues on which it seems that there is no agreement and to find common ground. We have found common ground, and I am very appreciative.

I especially am grateful to our committee staff, David Heymsfeld and Frank Mulvey, who have labored intensively on crafting this legislation and Ward McCarragher, whose many, many hours combined have produced this splendid piece of legislation which we can now support.

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

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, that everybody is thanking everybody means this is a good day, and I would suggest we especially thank again the gentleman from Michigan (Mr. DINGELL), the ranking member on the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Minnesota (Mr. OBERSTAR) and the work he has done, the gentleman from Washington (Mr. LARSON) and the gentleman from Oklahoma (Mr. CARSON).

Everybody has worked together and we have got what I think is a good piece of legislation.

Mr. MARKEY. Madam Speaker, I rise in support of H.R. 3609.

I am pleased that the bill we are considering today contains a provision I authored (Section 12 of the bill) which deals with a special situation that we are facing in Everett, Massachusetts, in my Congressional District.

The Distrigas LNG facility in Everett is owned by Tractebel, a Belgian-based energy affiliate of the French conglomerate, Suez. This facility is unlike any other waterfront LNG plant in the nation that receives LNG tankers. It is located in the middle of the City of Everett, a city of 38,000 people that has a population density of 11,241 people per square mile. The facility is a mile and a half from my hometown of Malden (a city of 56,000 people), it is two and a half miles from the City of Medford (also population 56,000) where my District Office is located. The facility also is right across the Mystic River from downtown Boston—population 590,000.

LNG tankers that dock at the Distrigas facility must enter the Boston Harbor and sail through a narrow ship channel that passes by Logan airport, under the Tobin Bridge, and right by the central financial and commercial district of the City of Boston. For this reason, when LNG tankers approach Boston, the Coast Guard has established special procedures to help protect the public health and safety, including the possibility of terrorist attacks. The Coast Guard works with the City of Boston, and police and fire departments of Everett, Malden and Medford to establish procedures for protecting the tanker ships and preparing for any emergency response.

However, after the LNG tankers have docked at the facility, the Coast Guard's job is done. Security then, is left to the private security guards hired by Distrigas and the Everett Police Department. Of course, the Everett Police Department has all of the responsibilities of an urban police force, and cannot devote the resources to maintaining a large police presence at this facility at all times. For this reason, we have to rely primarily on the LNG plant operator, Distrigas, to put in place adequate security systems.

Unfortunately, I have found that security at this facility is sorely inadequate. Both from whistleblower reports and from direct first hand observation, I have seen a facility where security is either nonexistent or woefully lacking. I have written to Homeland Security Director Tom Ridge on two occasions last fall and last winter to ask him to look into this matter and work with the Department of Transportation, the Coast Guard, and with the State and Local governments to help rectify this situation, and he responded several weeks ago to tell me that he had misplaced my letters and would have to get back to me later. So I guess you could say that I have had direct firsthand experience that demonstrates that Governor Ridge needs the additional resources and authorities that President Bush called upon the Congress to give him.

I also raised this issue with the Transportation Department during the Subcommittee's hearing on the pending legislation. The responses I received were not satisfactory. The Department noted, for example, that it had found in November that the Everett plant's contract security guards ''needed additional training regarding existing Distrigas security procedures''. And these were the security procedures established before September 11th.

The Department subsequently announced that it was imposing a $220,000 civil fine on Distrigas for violations of DOT security requirements and safety rules. In so doing the Department announced that the Department's ''Inspectors found Distrigas had failed to train their contract security personnel in security procedures established prior to Sept. 11, 2001. Morever, a follow-up inspection found that even as late as April 2002, not all contract security employees had been trained in security procedures.''

In other words, the Transportation Department essentially said that Distrigas has flunked what is basically an elementary school-level security test. However, what they may really need to be prepared for is a college level exam. We need to upgrade the security standards affecting this type of facility, so that we can get access to the LNG needed to provide energy for our region, while also protecting our communities from a terrorist action that could threaten public safety.

While Distrigas says it is improving its security procedures, it has also said that the company would fight the Department's proposed fine. While I have had some positive recent communications with U.S.-based representatives of the company following the Committee's adoption of my amendment, only time will tell whether the situation on the ground in Everett will change and whether the companies' European corporate parents will provide the funding and support to allow a ''security first'' philosophy to truly take hold at Distrigas.

My amendment, which appears as Section 12 of the bill, is aimed at assuring that this facility, or any future LNG terminal that is sited in a densely populated urban area, it fully protected against terrorist threats. What it does is very simple:

It directs the Secretary of Transportation to undertake a rulemaking to develop new security rules for the Everett facility, and to issue a final rule within one year ''to require effective security measures which the Secretary determines are necessary to be adopted against acts of terrorism or sabotage . . .'' The amendment identifies nine specific factors the Secretary shall take into account in this rulemaking, and it provides that any rules issued by the Secretary shall establish requirements for security procedures and emergency response at the facility, including effective testing of the security forces at the plant.

Let me make it clear, the provision would only cover this one facility, located in Everett, Massachusetts, in my District, which faces what may be some unique security challenges and some severe public safety consequences in the event of a successful terrorist attack. Of course, the amendment is drafted to be generic in application, so that if there is some future facility that meets the statutory definition, it would be similarly afforded the protections provided by the security measures mandated under the Section. The principle underlying the Section 12 is the LNG facility that receive LNG tanker ships, and are located in or near densely populated urban areas, must comply with enhanced security rules and security force testing procedures. We are focused on this class of facilities, because the adverse consequences of a security breach at a LNG facility in an urban area could be quite severe in terms of loss of life or destruction of property.

I would not that the rulemaking required under Section 12 applies only to a ''waterfront liquefied natural gas plants capable of receiving liquefied natural gas tankers'' that is ''located in or within one mile of a densely populated urban area.'' The term ''waterfront liquefied natural gas plant'' is derived from a term which appears in the U.S. Code of Federal Regulations, and refers to ''an LNG plant with docks, wharves, piers, or other structures in, on, or immediately adjacent to the navigable waters of the United States or Puerto Rico and any shore area immediately adjacent to those waters to which vessels may be secured and at which LNG cargo operations may be conducted.'' The term ''densely populated urban area'' is specifically defined in the amendment as ''an area with a population

density of more than 10,000 people per square mile.''

Section 12 therefore currently would exclude the Lake Charles, Louisiana LNG facility, the Elba Island, Georgia LNG facility, and the soon-to-be reactivated Cove Point, Maryland LNG facility from coverage, as none of those facilities are located in areas with a population area of more than 10,000 people per square mile. For example, the population density of Lake Charles (home of the CMS Trunkline Facility) is 1786 people per square mile. There is one other LNG Terminal currently operating, which is located at Elba Island, Georgia, near Savannah, Georgia (which has a population of 1759.5 people per square mile). It was reactivated in December. The Cove Point facility, in Maryland is not yet reopened, but it is located in a rural area that is even less densely populated.

Section 12 also excludes an LNG facility that is not used to dock or receive LNG tankers. We are focused narrowly on LNG terminals in this amendment since these are facilities that may receive ocean-going tankers from Middle Eastern countries like Algeria, where there may be active terrorist cells operating, or from other foreign nations, where there may not be adequate screening of ship's crews or adequate systems in place to assure ship security. The section is intended to supplement the other measures undertaken to ensure the security of such LNG terminals, included those taken by the Coast Guard in addressing the security of LNG tankers and screen their crews as they enter U.S. waters and travel through U.S. harbors to their destinations. In the past, I have seen at the Everett facility that while the Coast Guard does a reasonably good job of addressing security at the water side of the plant, there simply has not been enough attention focused on what could happen on the land side, or the potential for a coordinated attack that might involve insiders. Section 12 gives the Department the tools needed to address this.

I appreciate the cooperation of the Chairman of the Energy and Commerce Committee and his staff, who have offered some helpful suggestions on how to tighten the language of the amendment, as well as the Ranking Member, who have been helpful in assuring that the amendment touched only this facility, and did not inadvertently affect other facilities where the security problems may not be as serious, or the consequences of a successful terrorist attack so potentially devastating.

I urge adoption of the legislation.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3609, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. YOUNG of Alaska. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, and the Chair's prior announcement, the Chair will now put three of the questions on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3479, by the yeas and nays;

H.R. 4775, by the yeas and nays; and

House Joint Resolution 101, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second and third electronic vote in this series.

NATIONAL AVIATION CAPACITY EXPANSION ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3479, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 3479, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 343, nays 87, not voting 5, as follows:

[Roll No. 327]

YEAS—343

Abercrombie
Ackerman
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Callahan
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hansen
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schrock
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—87

Aderholt
Akin
Ballenger
Barr
Bartlett
Bilirakis
Brown (FL)
Brown (OH)
Burton
Buyer
Calvert
Chabot
Coble
Collins
Condit
Conyers
Crane
Cubin
Cummings
Cunningham
Davis, Jo Ann
Deal
Delahunt
Dingell
Farr
Fattah
Flake
Gallegly
Gillmor
Goode
Goodlatte
Graham
Gutknecht
Hall (TX)
Harman
Hefley
Hilleary
Hilliard
Horn

Hostettler
Houghton
Hunter
Hyde
Jackson (IL)
Jenkins
Jones (NC)
Kennedy (RI)
Kerns
Kilpatrick
Kucinich
LaHood
Lee
McCarthy (MO)
McKinney
Meek (FL)
Miller, Jeff
Moran (VA)
Morella
Obey
Paul
Payne
Pence
Radanovich
Riley
Rivers
Rohrabacher
Rothman
Royce
Ryun (KS)
Sabo
Schaffer
Schiff
Scott
Sensenbrenner
Sherman
Shows
Smith (WA)
Snyder
Stump
Sununu
Tancredo
Thurman
Toomey
Waters
Watt (NC)
Weldon (FL)
Wolf

NOT VOTING—5

Goss
Jones (OH)
Lewis (GA)
Stearns
Traficant

□ 1930

Mr. PENCE and Mr. RILEY changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''To expand aviation capacity.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. GOSS. Madam Speaker, on rollcall No. 327, I was inadvertently detained.

Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each question on which the Chair has postponed further proceedings.

CONFERENCE REPORT ON H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 4775, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 32, not voting 5, as follows:

[Roll No. 328]

YEAS—397

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

NAYS—32

Borski
Capuano
Chabot
Collins
Cubin
Deal
Delahunt
Doggett
Duncan
Flake
Frank
Goode
Green (WI)
Issa
Johnson, E. B.
Kerns
Kind (WI)
Kucinich
Manzullo
McDermott
McKinney
Norwood
Oberstar
Paul
Petri
Royce
Ryan (WI)
Sensenbrenner
Smith (WA)
Stark
Tancredo
Terry

NOT VOTING—5

Goss
Jones (OH)
Lewis (GA)
Stearns
Traficant

□ 1940

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from ''yea'' to ''nay.''

Mr. OTTER changed his vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GOSS. Madam Speaker, on rollcall No. 328, I was inadvertently detained.

Had I been present, I would have voted "yea".

DISAPPROVAL OF NORMAL TRADE RELATIONS TREATMENT TO PRODUCTS OF VIETNAM

The SPEAKER pro tempore. The pending business is the question of passage of the joint resolution, H.J. Res. 101, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 91, nays 338, not voting 5, as follows:

[Roll No. 329]

YEAS—91

Aderholt
Andrews
Ballenger
Barr
Bartlett
Berry
Bonilla
Bonior
Brown (OH)
Brown (SC)
Burton
Buyer
Chabot
Coble
Collins
Cox
Culberson
Cunningham

Davis, Jo Ann
Davis, Tom
Deal
Diaz-Balart
Doolittle
Duncan
Ehrlich
Everett
Flake
Frank
Gibbons
Gilman
Goode
Graham
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hayes
Hayworth
Hefley
Hilleary
Honda
Houghton
Hunter
Jackson-Lee (TX)
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kennedy (RI)
Kingston
Kucinich
Lantos
Lewis (CA)
LoBiondo
Lofgren
McIntyre
McNulty
Miller, Jeff
Norwood
Obey
Paul
Payne
Pickering
Pombo
Riley
Rivers
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Sanchez
Sanders
Schaffer
Shows
Slaughter
Smith (NJ)
Souder
Strickland
Stump
Tancredo
Taylor (MS)
Taylor (NC)
Visclosky
Wamp
Watson (CA)
Weldon (FL)
Wicker
Wolf
Young (FL)

NAYS—338

Abercrombie
Ackerman
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Grucci
Gutierrez
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—5

Jones (OH)
Lewis (GA)
Pelosi
Stearns
Traficant

□ 2003

Mrs. BIGGERT changed her vote from ''yea'' to ''nay.''

Mr. HAYES changed his vote from ''nay'' to ''yea.''

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4628, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–607) on the resolution (H. Res. 497) providing for consideration of the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4965, PARTIAL-BIRTH ABORTION BAN ACT OF 2002

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–608) on the resolution (H. Res. 498) providing for consideration of the bill (H.R. 4965) to prohibit the procedure commonly known as partial-birth-abortion, which was referred to the House Calendar and ordered to be printed.

NOTICE OF INTENTION TO OFFER RESOLUTION ON QUESTION OF PRIVILEGES OF THE HOUSE

Ms. SANCHEZ. Mr. Speaker, pursuant to rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House. The text of my resolution is identical to the resolution reported by the Ethics Committee and reads as follows.

In the matter of JAMES A. TRAFICANT, Jr., resolved that pursuant to article 1, section 5, clause 2 of the United States Constitution, Representative JAMES A. TRAFICANT, Jr., be, and he hereby is, expelled from the House of Representatives.

The SPEAKER pro tempore (Mr. SIMPSON). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California will appear in the RECORD at this point.

The Chair will not, at this point, determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

LIMITATION ON DEBATE ON CERTAIN AMENDMENTS DURING FURTHER CONSIDERATION IN THE COMMITTEE OF THE WHOLE OF H.R. 5120, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2003

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5120 in the Committee of the Whole pursuant to House Resolution 488, debate on the following amendments, and any amendments thereto, be limited to the time specified equally divided and controlled by the proponent and an opponent as follows:

The amendment printed in the House Report 107–585 shall be debatable for 12 additional minutes.

The amendment printed in the CONGRESSIONAL RECORD and numbered 1 shall be debatable for 30 minutes.

The amendment printed in the CONGRESSIONAL RECORD and numbered 5 shall be debatable for 20 minutes.

The amendments printed in the CONGRESSIONAL RECORD and numbered 9 and 20 each shall be debatable for 10 minutes.

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

Mr. MENENDEZ. Mr. Speaker, reserving the right to object, and it is

not my intention to object but to clarify, the gentleman's proposition here, on unanimous consent, is that the 12 minutes on the Goss amendment are to be divided 6 apiece.

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

Mr. MENENDEZ. I yield to the gentleman from Oklahoma under my reservation of objection.

Mr. ISTOOK. The gentleman's understanding is correct.

Mr. MENENDEZ. Mr. Speaker, it is my further understanding that of those 6 minutes, the Chair is going to be instructed as to how those 6 minutes are going to be divided.

Mr. ISTOOK. Mr. Speaker, if the gentleman will continue to yield, the UC request specifies divided equally between an opponent and a proponent of it. The UC request does not identify specific Members who would claim that time.

Mr. MENENDEZ. Mr. Speaker, continuing under my reservation of objection, let me ask an inquiry of the Chair. How will the Chair recognize individuals for those time frames on each side?

It is my understanding that of the 6 minutes to each side, I was to receive 3 of those 6, and I just want to make sure that that in fact take place.

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

Mr. MENENDEZ. I yield under my reservation of objection to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, it is my presumption that, as the ranking member, I would be recognized, and I would tell the gentleman that I will yield him the 3 minutes.

Mr. MENENDEZ. Reclaiming my time, Mr. Speaker, based upon that, I withdraw my reservation of objection.

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

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2003

The SPEAKER pro tempore. Pursuant to House Resolution 488 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. 5120.

□ 2008

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. 5120) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, with Mrs. BIGGERT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, pending was the amendment printed in House Report 107–585 by the gentleman from Florida (Mr. GOSS), and the bill was open from page 75, line 11, through page 103, line 10.

Pursuant to the order of the House of today, debate on the following amendments, and any amendments thereto, will be limited to the time specified, equally divided and controlled by the proponent and an opponent as follows:

The amendment printed in House Report 107–58 offered by the gentleman from Florida (Mr. GOSS) shall be debated for 12 additional minutes;

the amendment printed in the CONGRESSIONAL RECORD and numbered 1 shall be debatable for 30 minutes;

the amendment printed in the CONGRESSIONAL RECORD and numbered 5 shall be debatable for 20 minutes; and

the amendments printed in the CONGRESSIONAL RECORD and numbered 9 and 20 each will be debated for 10 minutes.

Pursuant to the order of the House of today, the gentleman from Florida (Mr. GOSS) and a Member opposed, the gentleman from Maryland (Mr. HOYER) each will control 6 minutes on the Goss amendment.

Mr. HOYER. Madam Chairman, I want to clarify, because it is not fair for me to claim all 6 minutes in opposition, A, because I am not in opposition.

Madam Chairman, because the gentleman from New Jersey (Mr. MENENDEZ) was concerned under the unanimous consent that he might not get the time to speak, and he is not a member of the Committee on Appropriations, in fairness, my understanding with the gentleman from Oklahoma (Mr. ISTOOK), and I think everybody's understanding, was that the proponents would have 6 minutes and the opponents would have 6 minutes, so that my only intent, Madam Chairman, is to ensure that the gentleman from New Jersey (Mr. MENENDEZ) get his 3 minutes. I also want to ensure that the gentleman from Indiana (Mr. ROEMER) gets his 3 minutes. So I am not claiming the time.

Mr. ROEMER. Madam Chairman, we need a clarification. I think the gentleman from Maryland rose to claim the time in opposition to yield 3 of the 6 minutes to the gentleman from (Mr. MENENDEZ).

The gentleman from New Jersey (Mr. MENENDEZ) is a proponent of Goss and not in opposition to Goss. So we may need a unanimous consent agreement here to agree that the gentleman from New Jersey (Mr. MENENDEZ) gets 3 minutes; that the gentleman from Florida (Mr. DIAZ-BALART) gets 3 minutes in supporting the Goss amendment; that the gentleman from Arizona (Mr. FLAKE) and the gentleman from Indiana (Mr. ROEMER) get 3 minutes each in opposition to the Goss amendment.

The CHAIRMAN pro tempore. The Chair mistook the attitude of the gentleman from Maryland (Mr. HOYER). Does any Member rise in opposition to the amendment?

Mr. ROEMER. Madam Chairman, I rise in opposition to the Goss amendment.

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. ROEMER) will control 6 minutes.

Mr. ROEMER. I thank the Chairman.

Mr. DIAZ-BALART. Madam Chairman, as the designee of the proponent of the amendment, am I correct that I will, as the person controlling the 6 minutes, have the right to close?

The CHAIRMAN pro tempore. In the absence of a committee Member in opposition; that is correct.

Mr. DIAZ-BALART. As the designee of the proponent of the amendment, do I have the right to close?

The CHAIRMAN pro tempore. Without objection, the gentleman from Florida (Mr. DIAZ-BALART) will control 6 minutes as the designee of the proponent of the amendment.

Mr. HOYER. Reserving the right to object, Madam Chairman, I want to make clear that a unanimous consent has been propounded, which I think is a fair one, and what that does, it gives one Democrat a proponent of the Goss amendment and one Democrat who is an opponent 3 minutes apiece; and on the other side, one Republican who is a proponent gets 3 minutes and one Republican who is an opponent gets 3 minutes.

I am not going to seek any time. I am for the proposed unanimous consent irrespective of who closes or not. The proponent of the amendment, I presume, under the rules, would have the right to close.

Mr. DIAZ-BALART. Madam Chairman, will the gentleman yield?

Mr. HOYER. Madam Chairman, under my reservation of objection, I yield to the gentleman from Florida.

Mr. DIAZ-BALART. I am still trying to get an answer as to whether the proponent of the amendment has the right to close. That is the first question I would like answered. As the proponent of the amendment, do I get the right to close?

The CHAIRMAN pro tempore. Members will suspend for a moment.

Mr. HOYER. Madam Chairman, it is my perception there is not opposition to the unanimous consent request, but I may be wrong.

The CHAIRMAN pro tempore. The Chair will state her current understanding. The 6 minutes in opposition will be controlled by the gentleman from Indiana (Mr. ROEMER), the 6 minutes for the proponent will be controlled by the gentleman from Florida (Mr. DIAZ-BALART). The gentleman from Florida (Mr. DIAZ-BALART) will have the right to close.

The Chair recognizes the gentleman from Florida (Mr. DIAZ-BALART).

Mr. HOYER. Madam Chairman, as I understand, there was a unanimous consent request propounded subsequent to the first unanimous consent, and that unanimous consent was of the

gentleman from Indiana (Mr. ROEMER) suggesting that there be in effect, an amendment to the first unanimous consent and that that amendment would be that the gentleman from Florida (Mr. DIAZ-BALART) has 3 minutes and controls that, that the gentleman from New Jersey (Mr. MENENDEZ) has 3 minutes, that the gentleman from Indiana (Mr. ROEMER) have 3 minutes in opposition, and that the gentleman from Arizona (Mr. FLAKE) have 3 minutes in opposition.

It seems to me that we all here, I think, agree that that would be the distribution of time.

□ 2015

The CHAIRMAN pro tempore (Mrs. BIGGERT). The Chair has allocated time to two Members, one as proponent and one as opponent, and those gentlemen may yield to other Members who request time.

Mr. DIAZ-BALART. Madam Chairman, the Chair has stated that the opposition to the amendment has 6 minutes and the proponents of the amendment have 6 minutes, and we have the right to close.

There is 6 minutes in opposition to the Goss amendment, and I will yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), and then I will close.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) controls 6 minutes, and is recognized.

Mr. DIAZ-BALART. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Madam Chairman, after 10 years in the House, and as the ranking Democrat on the Subcommittee on the Western Hemisphere, it is amazing on an issue that is vital to my district and my constituency how I have to fight for time on the floor, but I appreciate the gentleman yielding me this time.

President Bush came to this Chamber and said of countries who support terrorism, you are either with us or you are against us. It is amazing to me how I have heard some of my colleagues come to the floor and begin to equivocate. I remember the standing ovation the President received when he said that, about whether some terrorists are okay and others are not.

For the purposes of this amendment, let me just put Cuba under Castro in context. On May 10, 2001, Castro visited Iran and he said, ''Iran and Cuba in cooperation with each other can bring America to its knees. The United States regime is very weak, and we are witnessing this weakness from up close.''

Then we found out that Ana Montes, who was a senior analyst for our Defense Intelligence Agency of the United States, was a Cuban spy. She gave us all of the wrong information and analysis on Cuba, and gave the Cubans and Castro all of the sensitive information she had as a senior analyst on the United States, and she was specifically instructed to discredit Cuban defectors' reports of Cuba's biological weapons development.

Then we saw the Cuban spy ring in the south of Florida. These are all agents of the Castro regime, who has enough money to put all of these people here in Cuba and to have them be able to create these operations; however, does not have enough food to put on the plates of Cuban families back in Cuba, including that of my family. What did this spy ring, when they came before the judge and pleaded in some cases, say? That they sent detailed information. On what, on the United States Postal System to Cuba. What a boring issue, the United States Postal System. But we add Castro's visit to Iran right before September and May, add the Defense Intelligence spy giving all of our sensitive information and giving us all of the wrong information about Cuba, look at the pleas that took place in the Southern District of Florida and the statements made there, and we have more than enough to be concerned about this benign regime that some would paint here on the floor.

Vote for the Goss amendment for a whole host of reasons.

Mr. ROEMER. Mr. Chairman, I yield 20 seconds to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, the Goss amendment means that we continue what has not worked for the last 41 years.

One of the certifications that the President has to make is that Cuba is not providing technology that could be used to produce, develop, or deliver biological weapons, and the President could not even make this certification for the United States.

Mr. ROEMER. Mr. Chairman, I yield myself 2 minutes, 40 seconds.

Mr. Chairman, this whole debate started several months ago when the Under Secretary of State said, ''The United States believes that Cuba has at least a limited offensive biological warfare research and development effort.''

Now, one of the first people I would go to if I heard that kind of accusation about a country 90 miles from our shore would be the Secretary of Defense, Mr. Rumsfeld, a very respected individual. At a press conference he said this on May 29 in the St. Petersburg Times about that statement in the State Department. ''I haven't seen the intelligence that apparently led Under Secretary Bolton to make those remarks.''

If the Secretary of Defense, fighting a war against terrorism, saying you are with us or against us, does not have that, where does it come from? The Secretary of State said when he heard that quote, and here is another quote, ''We did not say Cuba actually had such weapons, but it has the capability and capacity to conduct some research.''

Mr. Chairman, let us talk about the facts here. The facts are that Cuba and Mr. Castro, who I have no respect for and want to see out of power, he has been in power for 42 years. What is the best way to get rid of him? The best way is to have American travel go, and students and business leaders and American ideas get to Cuba. Those ideas, those beliefs, that American free enterprise system, students from colleges, farmers to help the Cubans open up their newly announced 300 freely priced farmers' markets, new microenterprises open around Cuba, that is the way to open up that government and change it.

Now it may not topple Castro, but 42 years of failed policy is not going to do it, either. Let us try something new. Let us move our ideas forward. Let us not let Castro stay in power any longer. Church groups, students, American beliefs, American tourists going into taxicabs and hotels, spending our time and our ideas down there, that is the American tradition to change this policy. Vote against the Goss amendment and for the Flake amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE), since the gentleman from Florida (Mr. DIAZ-BALART) has the right to close.

Mr. FLAKE. Mr. Chairman, I rise in strong opposition to the Goss amendment. This debate is all about consistency, and it is interesting that we have been debating for the past 10 minutes who gets what amount of time to argue what position. If we think about it, the other side of this debate has had 42 years to make this debate, to make their side of the debate. Forty-two years. Forty-two years we have had the same failed policy. Castro is still every bit the thug he was 42 years ago. He is still very much in power, and the question occurs after 42 years, it is about time that we decide maybe we need a change here. Maybe we ought to be consistent with what we are doing in the rest of the world.

We not only allow, we encourage tourists and others to travel to China, even though China is very much engaged in shipping arms, and who knows, maybe biological weapons. They certainly have the capacity. If Cuba does, they do. So does Albania, for that matter. Iran very much has the capacity. If we believe the other side, they got it from Cuba. Are we saying that we should not travel to Iran? No. We are saying Americans are our best ambassadors all over the world, yet we say not to Cuba. It is time for that policy to change.

The other side will say this is all about terrorism. Last year 240 Members of this body said we need a change. We need a change. At that point the other side stood up and said it is about political prisoners. That was the killer amendment to the Flake amendment last year. Terrorism was not the chic issue it is this year; it was political prisoners. That was brought up and said, well, Castro has to release political prisoners. This year, is political

prisoners in the Goss amendment? No. It is terrorism.

Are they saying we should allow tourism just as long as there is no terrorism, even though Castro has not released political prisoners? No. This is simply a killer amendment; let us take it for what it is.

If we are concerned about terrorism, I would submit that the best thing to do is defeat the Goss amendment and approve the Flake amendment. We have to realize that the Office of Foreign Assets Control at the Treasury Department spends between 10 and 20 percent of its resources tracking down grandmothers from Iowa who happen to go on a bicycling trip to Cuba.

Last year a man from the State of Washington went to Cuba for 24 hours to spread his parents' ashes at the church they built in the 1950s. That man returned to a $7,500 fine from the Office of Foreign Assets Control. Now the Office of Foreign Assets Control's job is to shut down the international terrorist network. How can they do that if they are spending all of their time chasing down tourists or others who are going to Cuba for innocent reasons? It is time to defeat the Goss amendment.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, what is new is that some hijackers smashed into the World Trade Center killing thousands of people and killed some heroes also in the Pentagon. What is new is that the administration has made public for the first time something that the intelligence community came to the conclusion about in 1999, and that is there is a biological weapons program in Castro's Cuba. That is what is new.

It is not a fetish, I think that is word of the gentleman from Arizona (Mr. FLAKE), or fad, when we are talking about protecting American citizens. If the Flake amendment passes without the Goss amendment, it is not going to be a SCUD missile. Let us say that Castro happens to be wrong and that his denial of the fact that he has biological weapons is a lie, like he denied 40 years ago that he had another kind of weapon. I think it was a nuclear weapon, he was denying that. Happened to be wrong.

□ 2030

Let us say that he happens to be wrong again and that he does have biological weapons, as our intelligence community says so and has said so repeatedly, not just Mr. Bolton, Mr. Ford, the head of the State Department intelligence department, the intelligence community. By the way, they have both said that there is a lot more that the intelligence community does not let them say. There is a lot more that we know.

Let us say that Castro does have biological weapons. Let us just say. It is not a fad now. Let us just say. He is not going to use Scud missiles. He has got a lot of travelers going back and forth. This guy, this gentleman here, who happens to be in prison, his name is Padilla, because he was preparing a dirty bomb that he wanted to throw here in Washington, and let us say that he is able to get out of prison and he wants to go where there are already thousands of other terrorists given safe harbor by the only terrorist regime in this hemisphere. Under the Flake amendment if Goss does not pass and the President is out of the picture, this man, or any other man, cannot be licensed, cannot be checked, cannot be reviewed, suitcases cannot be opened; he gets to go to the only terrorist state 90 miles from here without our Treasury Department, where we are spending 40 percent of the money of the Federal Government for security on this bill. Not one cent can be spent to check him or any other terrorist that wants to go to the only terrorist state in this hemisphere. That is what the Flake amendment would do if Goss does not pass.

What does Goss say? That the President has to be in the mix, that the President has the authority, has to have the authority in this war on terrorism to check this man and to check his suitcase and to license him.

It is not illegal to go to Cuba. A number of colleagues went to Cuba. Here is the gentleman from Massachusetts (Mr. MCGOVERN). Here is the gentleman from Arizona (Mr. FLAKE). They love to go to Cuba. They love the mojitos on the beach where the Cubans cannot go. But this man, this man, this man——

Mr. OBEY. Mr. Chairman, I demand that the gentleman's words be taken down.

Mr. DIAZ-BALART. You know it is true. You know it is true.

Mr. OBEY. I want the rules enforced.

The CHAIRMAN. The gentleman from Florida will be seated.

The Clerk will report the words.

□ 2041

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, I understand I was not out of order. I certainly meant no offense.

Does the gentleman from Wisconsin (Mr. OBEY) insist on his demand?

Mr. OBEY. Mr. Chairman, it is not worth it.

The CHAIRMAN. The gentleman withdraws his demand.

Mr. GILMAN. Mr. Chairman, in recent years there has been a growing body of second-guessing about the adequacy of the policies of the United States toward Cuba.

However, President Bush made it clear in a recent speech why there is no real justification for a change of policy by his Administration.

Unfortunately, the Castro regime continues to engage in severe human rights abuses. Cubans are deprived from the basic right of choosing their government by free elections. Political prisoners are maltreated, to the extent that some die in detention as a result of the physical abuse and the lack of subsequent required medical attention. Citizens in Cuba do not enjoy any of the rights common to free people.

The Cuban government is sensitive to its citizens contacting foreigners, in particular human-rights activists. During President Carter' visit, Castro put up a show for the benefit of foreign audiences by allowing Mr. Carter to meet with a number of prominent rights activists. However, as soon as the former President left the Island, the Cuban regime put in motion a massive effort to neutralize the ephemeral achievement of the activists.

Presently Castro is trying to amend the Cuban constitution, so that the authoritarian system will become forever entrenched not only de facto, but also in the law.

Mr. Chairman, it is my opinion that this is certainly not the time to soften American policies towards Cuba. Indeed, a policy of accommodation towards Castro will also encourage him and other dictators. It will also discourage fragile democracies that happen to be burdened by economic downturns, or political upheavals.

Peoples and governments around the world are watching our policies towards Cuba as a bench mark to our commitment to the spread of democracy. Let's not discourage those seeking freedom on the Cuban island and in other places. Let's stay fast and send the message that a long as there is no hope afforded to the people of Cuba by its present regime, the United States will not change its policies.

The question is on the amendment offered by the gentleman from Florida (Mr. GOSS).

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

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

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

AMENDMENT NO. 1 OFFERED BY MR. FLAKE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FLAKE:

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

SEC. . (a) None of the funds made available in this Act may be sued to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to the issuance of general or specific licenses for travel or travel-related transactions, and shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 15 minutes.

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

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

Mr. Chairman, may I just state for the record for the folks at home, I am Mormon and I do not drink mojitos, or whatever they are.

Mr. Chairman, I appreciate this opportunity to stand in support of the Flake amendment. What the Flake amendment simply says is that this is all about freedom. Our government should not tell us where we can and cannot travel. It is a fundamental right of every American to travel. Every one of us ought to have the right to go to Cuba to see what a mess Fidel Castro has made of that island. We should have that right firsthand.

That is what this amendment is all about. When you strip away everything else, should you be allowed the right to travel to Cuba, or anywhere else you want, or should your government tell you where you can and cannot travel?

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the greatest antidote to totalitarianism is an informed mind. I would like to read a quick passage from an independent journalist, a dissident in Cuba, Oscar Espinosa Chepe: ''The passage of the House amendment last year to end the travel ban reflects a public opinion that every day understands more clearly that the effort to isolate Cuba has only increased the suffering of the Cuban people and strengthened the positions of the most recalcitrant elements in the Havana regime. Experience demonstrates that isolationism breathes life into totalitarianism. It helps it exercise control over citizens subjected to its power and to reinforce its monopoly over their minds. On the other hand, contact between peoples free individuals from falsehoods and from the lies without dignity to which they are obliged to lead.''

Mr. Chairman, it has been the American policy from Republican presidents and Democrat presidents that we engage; it has been in the American policy that we engage the Soviet Union, that we engage China, that we, just a few minutes ago, voted to engage Vietnam.

We should do the same with Cuba. The simple reason is that it has been a bedrock principle of American policy that travel is a device that opens closed societies. American travelers are our best ambassadors. They carry the idea of freedom to people from communist countries. There is no reason to make this exception for Cuba.

We want Americans to go down and exchange ideas, to show them the taste of freedom, to know what kind of brutal totalitarian regime they are living under. A people cannot rise up and ask for alternatives if they are not acquainted with those alternatives.

We are simply saying this 42-year practice of turning our backs, of looking inward, of being hypocrites while we go to China and Russia and Vietnam, must be ended.

With that, Mr. Chairman, I call for a yes vote on the Flake amendment. I encourage Members to vote for the Flake amendment.

The CHAIRMAN. Does any Member oppose the amendment?

Ms. ROS-LEHTINEN. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 15 minutes.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 3 minutes to our friend, the gentleman from Tennessee (Mr. WAMP), to speak in opposition to the Flake amendment, an amendment which runs contrary to the spirit and letter of our U.S. anti-terrorism policy.

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

Mr. Chairman, I want to say I have the greatest respect for the gentleman from Arizona. He is as solid as a rock and totally believes in his position here. In previous years, I have actually supported him and Mr. Sanford before him on opening up travel. I supported the gentleman from Washington (Mr. NETHERCUTT) at the Committee on Appropriations with regard to food and medicine.

But I have to tell you, the question was asked earlier what has changed, and I rarely have changed my position on any issue over the last 8 years, but today I am going to change my position on this issue after careful research because the world has changed. It changed September 11, and we have to listen to our intelligence community and make informed decisions.

Why should we be concerned? Well, the President has said those nations that harbor terrorists are terrorists and should be treated as such. A gentleman just compared China, Vietnam or other countries such as that, to Cuba. There are no allegations that I know of of those nations harboring terrorists. We have concerns in our intelligence community about Cuba harboring terrorists.

What about the proliferation, production, of biological weapons? We have information in our intelligence community that Cuba is up to no good.

Somebody said that we should try something new after 42 years. Mr. Chairman, this is not the time to try something new. This is the most serious time in the history of our country. We have got to be extremely careful.

This is not a trade issue where you do want to promote travel and open up markets. This is a national security issue and should than treated as such. We need to treat Cuba like Syria, not like Mexico. There is a huge difference. I am going to listen to the gentleman from Florida (Mr. GOSS) and our intelligence community, not Fidel Castro and his propaganda.

Mr. Chairman, I agree in principle with the issues that bring those proponents of this amendment to the floor today on opening markets and how to engage. But this is different. We have information that should gravely concern us.

Let me tell you why I have changed my position: Because I would rather be safe than sorry. I would rather be safe than sorry. I do not want to come back to this floor because somebody from Cuba was involved in a terrorist action in this country and we promoted open travel between the U.S. and Cuba. I am changing because I am better informed, and the world has changed.

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

Mr. Chairman, I just want to point out, it was said you cannot travel to Syria. You can travel to Syria. You can travel to Iran. You can travel to North Korea. You can travel to China. So that is not the issue. The issue is consistency here.

Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

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

Mr. Chairman, the point bears repeating that we are talking about having a foreign policy that makes sense and has made sense in the past and will in the future. We have decided that nations with whom we disagree, who have foreign policies with whom we disagree, what should be our policy toward them with regard to Americans traveling to those nations?

We have disagreed with Syria very vigorously, yet we have said Americans can travel there. We have disagreed and continue to disagree very vigorously with Iran and their support of terrorist groups, but we have said Americans can travel there. We have had problems with China and Russia and their support through equipment and materials to countries we think should not get those materials because of the weapons systems they might be used for. But we say, Americans, you can travel to China; Americans, you can travel to Russia.

The one country that we have this policy with is Cuba. So we are now seeing this bogeyman created, that somehow September 11 is related to the last 43 years of a failed policy.

Well, in my view, what this debate should be about tonight is what increases the chances of the people of Cuba growing up in freedom and growing up in democracy and knowing a market economy. I was in Cuba the first week of January with several members of Congress. I took this picture at a church in Cuba. It is the same town where Elian Gonzales now lives.

To me, this is the future of Cuba. What increases their opportunity to grow up in freedom? Is their opportunity for freedom increased by having Americans never see them, by having Americans never come to their church and visit with them and talk about America? Is that what increases their chances of freedom, of knowing what freedom is about, of hearing them talk, as we did, with people in Cuba about

what it means to have freedom of the press? Why is The New York Times not available? Why do not you let people have open newspapers?

I think that what will increase their chances for freedom is what we do tonight. Vote no on the Goss amendment and for the Flake amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

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

I think in so many ways this debate is about our government versus their government, and our government is about democracy. It is about a republic. Their government is about really one guy basically, Fidel Castro.

What is wrong with him? Well, let us just start with the fact that he came into power by hoodwinking people, by stealing hotels, properties, and in many cases, breaking up families and executing many of them. He is pro-communism, he is anti-American, and the other thing is he is bankrupt.

In Cuba right now, their debt is $11 billion. Venezuela, one of their strongest allies, suspended oil shipments based on the fact that Cuba owes them $63 million. Right now, Cuba owes Russia $20 billion. Now, when you get in a position like this and you are not exactly a Sunday school teacher from next door, you are liable to cut some deals with some unsatisfactory characters.

That is what this is about. This is not about your good constituents or my good constituents going to Cuba. Indeed, last year alone 156,000 Americans went to Cuba. This is about people that you want to keep track on that might be going over there to hide, just like an old outlaw post.

Here is a quote from Castro that gives his sentiments. This, by the way, is from May 10, 2001, just on the eve of 9/11. ''Iran and Cuba, in cooperation with each other, can bring America to its knees. The U.S. regime is very weak and we are witnessing this weakness from close-up.''

Why would you say that if you are pro-American? What interest that would be pro-American that would say you would bring America to its knees? That is a statement of war. It is a statement of antagonism.

Let us add on these statements. Here is something from John Bolton, the Under Secretary for Arms Control. ''Cuba has at least a limited offensive biological warfare research and development effort. Cuba has provided dual-use biotechnology to other rogue States like Iran, probably Iraq, probably Syria, probably a dozen others that we do not know about. We are concerned that such technology could support bioweapons programs in those States.''

So you have got a guy who is a one-man dictatorship, a guy who is bankrupt, a guy who is anti-American, and a guy who is developing biological weapons to probably be used to ''bring America to its knees.'' Why do we want to be the first one to blink?

That is what this is about. Why are we blinking first? Castro is on his way out. I think the amendment of the gentleman from Washington (Mr. NETHERCUTT) last year probably has done some humanitarian good, although it is hard to say, because I know when we go over there, we get filtered information.

□ 2055

But why do we want to start giving him a money train called tourism? I know about the tourism game. I represent coastal Georgia. It is our number one industry from Savannah to Saint Simons to the Sea Islands, all over. Tourism is a money train. Why do we want to give it to Fidel Castro?

Mr. Chairman, I reluctantly oppose a friend, but I do urge my colleagues to enthusiastically vote ''no'' on the Flake amendment.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in very strong support of the Flake amendment, quite simply because I firmly believe it is the right of all Americans to be able to travel wherever they wish.

I support this amendment because I believe the current sanctions on travel to Cuba go against the very traditions and democratic values that make the United States so respected in the eyes of the world community.

I trust the people of America. They are not fools. They should be able to see firsthand, freely and whenever they choose, both the good and bad about today's Cuba. They do not need the Federal Government to censor what they see or how they might experience Cuba.

I believe that increased travel by Americans and others would make Cuba less insular and more exposed to American ideas.

I believe Cuban Americans should have the right to visit their relatives as often as they wish, without seeking the approval of the U.S. Government.

This is not a debate about whether U.S. citizens should travel to an undemocratic or repressive country. If that were true, then Americans would not be able to travel to China, Vietnam, Burma, Sudan, Syria, Iran, and North Korea. But Americans travel freely to these countries, as is their right. Why then do we continue to prohibit the travel to Cuba?

Vote ''yes'' on the Flake amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentlewoman for yielding me this time. I appreciate my good friend, the gentleman from Arizona (Mr. FLAKE), and the amendment he has brought to the floor, but I rise to disagree with the amendment and to point out that the Bush administration said they will veto this bill, or at least they are likely to, and I will give the specific language in a second, but that they are likely to veto this appropriations bill if the language comes through that limits the embargo.

A statement from the administration said that the administration understands that an amendment may be offered on the House floor that would weaken current sanctions against the Cuban government. The administration believes it is vitally important to maintain these sanctions.

The function of the travel sanctions is to prevent unlicensed tourism to Cuba that provides economic resources to the Castro regime, while doing nothing to help the Cuban people, and these sanctions should not be removed. It goes on to say, as noted in the July 11 letter from Secretaries Powell and O'Neill, the President's senior advisor recommended he veto a bill that contains such changes.

This bill, the Treasury-Postal bill is, for 2003, a homeland security bill. The committee provides over $4 billion in support of the homeland security effort. It establishes a separate appropriation for the Office of Homeland Security. This bill is our bill for homeland security. The President and the administration make the point that this weakens the bill. Cuba is a known harborer of international terrorists, has strong ties to other terrorist states.

Castro said in a meeting last year with the Iranian leader that Iran and Cuba, in cooperation with each other, can destroy America. Quote: ''The United States regime is very weak and we are witnessing this weakness from close up,'' end the Castro quote there.

Ending the embargo would assist terrorists in using Cuba as a forward operating base miles off our shore. According to Secretary of State Powell and Secretary of the Treasury O'Neill in a recent letter to the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), they said that the Cuban government has refused to cooperate with the global coalition's efforts to combat terrorism, refusing to provide information about al Qaeda. On November 13, 2002, the Cuban Foreign Minister delivered a speech at the United Nations in which he accused the United States of war atrocities in Afghanistan. And on June 8, Castro compared President Bush's terrorism policies to Nazi Germany's efforts to assert world hegemony, suggesting that the administration permitted the 9/11 attacks in order to ''reshape the world as they wish.''

This is not a regime to send money to. This is not a regime to open the sanctions up with. It is clear at this time where our administration thinks we need to be in this regard. This is not a time to reevaluate this policy, and I urge that we defeat the amendment.

Mr. FLAKE. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would like to point out that Secretary O'Neill, in testimony before the Senate just a few months ago, stated that if it were up to him, he would basically agree to my amendment. He would not enforce the travel ban because it takes away money from terrorism.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I rise in strong support of the Flake amendment. I had the opportunity on two occasions to visit Cuba, and I went there out of curiosity to also see what many of my constituents have come to tell me, and that is that there are some opportunities there, cultural exchange, educational opportunities.

When I came back from my first trip, I noticed that on the plane coming back, there were 20 students from Mt. San Antonio College that were playing in athletic games with students in Cuba, and I asked them, what was your curiosity? What did you think about the Cuban government? What did you think about the people there? Many of them said that they were very supportive and felt that they were a part of a student group there that they could work on different issues and learn about each other and break down those barriers that we hear about every single day here by some of the rhetoric that we are even hearing here tonight.

I met with students, medical students from California, from Boston, from New York, who are there because they cannot get into medical schools here, who are learning about how to become professionals in the health career field. That is one of the reasons why I went.

Trade promotion also needs to be a part of this discussion.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, first, so the record is clear, Paul O'Neill, the Secretary of the Treasury, has cosigned a letter with Secretary Colin Powell to the gentleman from Florida (Mr. YOUNG) saying that we would recommend that the President veto such legislation if it reaches his desk with the Flake amendment or any language that weakens current policy. So let us be very clear about that.

Let me also point out to my colleagues that travel to Cuba by Americans is permitted, providing it is with a purpose. There are 13 broad categories for which travel may be authorized. Something on the order of 200,000 people visited Cuba last year, so travel does take place, but it has to have a purpose.

There is a dark side to Cuba travel as well. Some of my colleagues think the travel is a panacea if we just have unfettered travel, somehow human rights abuses will be ameliorated and we will see some changes. That has not happened with the Canadians, with Europeans and others who routinely go to Cuba. There has been no mitigation of the human rights abuse. It has gotten worse in Cuba over this last several years. It is Pollyannaish, I would say to my colleagues who think otherwise.

There is also another dark side. The Protection Project just recently came out with a report again about human trafficking and sexual exploitation. I am the prime sponsor of landmark human trafficking law, and we have seen an increase in sexual tourism in Cuba. Here is what the Protection Project says. Canadian sex tourism is largely responsible for the revival of child prostitution. So there is a dark side to this seeming panacea of travel.

Let me also point out to my colleagues that Cuba continues to share the dubious distinction of being named a terrorist state by the Department of State. They join the infamous and the cruel, six other rogue nations: Iran, Iraq, Libya, North Korea, Sudan and Syria.

I think in this stage of the debate, it is worth reiterating that the Goss amendment would merely require that before we provide the means for Castro to obtain millions of dollars in revenues for his dictatorship, that three mutually reinforcing homeland security criteria are met: That the Cuban government does not process and is not developing biological weapons that threaten the U.S.; that Cuba is not providing terrorist states or terrorist organizations technology that could be used to produce, develop, or deliver biological weapons; and that Cuba is not providing support or sanctuary for international terrorists. These are exceedingly important criteria.

I would say to my colleagues, if you do not think they are relevant, vote for the Flake amendment. If you think they are relevant, I would ask you to vote for the Goss amendment and against the Flake amendment. If you think that the Cuban dictatorship is clean, you should also vote for the Goss amendment. What is there to hide? Let the scrutiny begin. Let a full-scale, presidential review and determination be made to ensure whether or not biological weapons in Cuba are real. If you think, as I do, that the dictatorship poses very serious threats to the safety and well-being of Americans, then I would urge my colleagues to vote for the Goss amendment.

Mr. Chairman, let us not forget, Fidel Castro is a dictator, a mass torturer, and he is a terrorist. Just look at the country's human rights practices. It is unconscionable. The recent State Department Report makes it very clear people are routinely beaten for their beliefs.

Vote ''yes'' on Goss.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I read an interesting article in today's Washington Times about a retired Air Force colonel, Ed Hubbard, a former POW in Vietnam, who traveled down to Miami this week to have a press conference where he was awarded with some medals for his bravery, which he truly deserved, but it was also to point a finger, if you will, at the person that he suspected of being the Cuban interrogator and torturer in Vietnam.

Well, as it turns out, it was a very interesting article, and after he was awarded these pins, the colonel stunned everybody in the room by saying, you know, let me say something. The best way to topple communism and I quote, in today's Cuba, he said, ''is by establishing relations with Fidel Castro. Communism collapsed in Eastern Europe because we showed them how we live. I have to believe the same thing will happen with Cuba.''

That is Retired Air Force Colonel Ed Hubbard, a POW, tortured in Vietnam by a Cuban, who very strongly believes that we should open the door with Cuba. I think that says it all.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

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

The starting point for this debate this evening should be that Americans have a constitutional right to travel, and history shows us that the Framers of the Constitution and the signers to the Declaration of Independence thought it was an inalienable right and one that came from natural law and that governments were given a duty to protect.

I have heard three arguments from the opponents of lifting this travel ban. The first is that because we disagree with the policies of Castro that we should prevent our citizens from traveling to Cuba; yet, if we look across the globe, there are many, many regimes that we disagree with on policy reasons: China, for one, Iran for another; but on a daily basis, our citizens are allowed to travel there. So that is not one that holds up.

Secondly, we have heard that history precludes it, as in the Bay of Pigs, I had heard that referred to earlier. Well, we just debated earlier this evening a bill that would establish trade with Vietnam, our citizens are allowed to go there. And what about Vietnam? We lost 48,000 American boys in a war with that country, and yet we allow our citizens to go there. So it is not history that precludes it.

Lastly, probably the thinnest argument is that argument around terrorism. I just want to remind people that when we rounded up the Taliban, when Secretary of Defense Rumsfeld rounded up the al Qaeda suspects in Afghanistan at the Battle of Kandahar, where did they send them? They sent them to Guantanamo Bay in Cuba. If there was any chance of Cuba being a hotbed of terrorist activity, that never would have happened.

Mr. Chairman, I ask Members to support the Flake amendment.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. NETHERCUTT).

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

As I have listened to this debate tonight, I think it has been a good debate. What strikes me about the argument of the opponents to the Flake amendment is that there seems to be this fear of Fidel Castro, a tiny dictator in a country 90 miles from us who is, by all reasonable accounts, I would argue to my colleagues, not a threat to this country. Even in the days of the gravest threat when the Soviet Union was at its greatest power, we still allowed our American citizens to travel there. We allow families of Cubans who are still in Cuba to travel there, 90 miles off our shore, once a year. We allow Cuban families to give money to their relatives in Cuba.

□ 2112

The Pope has gone to Cuba. Many Americans under certain restrictions have gone to Cuba. My suggestion to my colleagues is why are we afraid to allow Americans to go there and spread democracy, to make the arguments and be examples to the people of that country, 11 million people that we are a good country, that we are not a country that Fidel Castro says we are, but when we are his scape goats we somehow fall into that trap. I urge support of the Flake amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself the remainder of my time.

Just to answer the points made by my good friend, the gentleman from Washington (Mr. NETHERCUTT), if Castro poses no threat to the United States, I would like the gentleman to place a call to the parents of Carlos Costa, Armando Alejandre, Mario de la Pena and Pablo Morales, and four young men, three of whom were United States citizens, one of whom was a United States resident, one was a decorated Vietnam veteran, who were killed by Fidel Castro's air force when they were in international air space. Apparently he poses a threat to some United States citizens.

The gentleman is right. The Pope did go to Cuba. Jimmy Carter did go to Cuba. And what happened? The greatest crackdown on dissidents yet after Jimmy Carter's visit and every international human rights organization will tell you, the greatest crackdown in Cuban history since Castro took power after the visit of the Pope, after the visit of Jimmy Carter and after the visit of 500,000 American visitors to the island of Cuba.

And as repeatedly articulated by President Bush, one of the pillars of our efforts to eradicate this cancer of global terrorism, and to secure the security and domestic tranquility of our country is to deny, impair, and expose the financial infrastructure which provides a lifeline to these agents of terror, agents like Fidel Castro. To deny, impair and expose. That is precisely what our current U.S./Cuba policy does.

Why are we discussing an amendment that would instead provide funds to the Castro dictatorship, a country which every recent administration, Democrat or Republican, has repeatedly labeled as a state sponsor of terrorism. As has been pointed out on the floor, Paul O'Neill, Secretary of the Treasury, Colin Powell, Secretary of the State recently stated that this country has an implacable hostility to the United States.

I would point my colleagues to a news report that just came out hours ago in a meeting between Iraq's Saddam Hussein and Rodrigo Alvarez Cambras, special envoy of Cuban dictator Fidel Castro. Cambras emphasized the Castro regime's ''support for Iraq against the threats from the United States.'' And he reiterated their firm commitment of both these terrorist states to expand their bilateral cooperation, two sworn enemies of the United States working together motivated by their hatred of our country.

I ask my colleagues tonight to not help the enemy, to support freedom, to support our U.S. anti-terrorism efforts, to vote ''no'' on the Flake amendment, vote ''yes'' on the Goss amendment.

Mr. Chairman, I yield the remainder of my time to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I tell my colleague, a POW was mentioned by the gentlewoman from Missouri. There was a POW that cannot say that. He spit in the face of one of the Cuban interrogators while he was being tortured. The Cuban took out his pistol and blew his brains out.

I go to the POW meetings every single year, and I will tell my colleagues that is not, that is not their policy, to open up Cuba.

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

Mr. Chairman, I appreciate the debate. And let me say, both sides of this debate want the same thing. We want a free, democratic, and prosperous Cuba. The question is how do we get there? Should we go the same route that we have gone for the past 42 years that has ended in utter failure? Fidel Castro is still around. He is still a thug. He is still very much a bad guy. We will all stipulate that. The question is how do we best remove him? How did we make sure that he does not have the only megaphone in Cuba?

Currently we silence Americans who would like very much to go to Cuba, to see the situation there, to explain to their Cuban brethren that we have a better way and to see what 40 years of socialism have wrought on that island. We prevent them from doing so, and we allow Fidel Castro to have the microphone, the only one they hear. We recognize the rest of the world, in China, Vietnam, North Korea, Iran, you name it. We not only allow travel; we encourage it. Yet, in Cuba, we say we will go a different route. We will isolate.

Well, we have the verdict: 42 years, nothing has changed. Nothing has changed.

Let me read you a quote:

> I have called for lifting economic sanctions generally, unilateral sanctions, because I believe they do not work. Well, Cuba is a tough case and admittedly a difficult one because we have had sanctions there over the years. They have not worked either. Sanctions, frankly, have not worked very well in Cuba.

You might think that was the gentleman from Massachusetts (Mr. MCGOVERN) or the gentleman from Indiana (Mr. ROEMER) or the gentleman from Massachusetts (Mr. DELAHUNT) or others who made that statement or even me. It was not. It was Vice President CHENEY.

As I mentioned before, Secretary O'Neill in testimony before the Senate just months ago said that if it were up to him he would not enforce the Cuba travel ban because he knows that if we are concerned about terrorism, then the last thing we want to do is expend resources from OFAC, or the Office of Foreign Assets Control, tracking down tourists, tracking down innocent grandmothers from Iowa, when we could instead be tracking down real terrorists and those who are perpetrating the terrorism war against the United States.

I would urge my colleagues to remember what this is all about. The Flake amendment says that we should be free, we should be free as Americans to travel where we want to. The Goss amendment says no. Vote ''yes'' on the Flake amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in strong support of the proposed legislation to lift the ban prohibiting Americans from traveling to Cuba. I would like to thank my colleague, the Gentleman from Arizona, for his leadership in regard to this amendment, and for drawing the attention of Congress to this very important issue.

Mr. Chairman, for four decades, American citizens have been unable to travel to Cuba, be it to visit family or to conduct business. As lawmakers for a democratic nation, I do not see how we can limit our own people from contact with a nation that can benefit so extensively from the influence of the strongest ambassadors of freedom in the world—American citizens. After all, what speaks more strongly for the power of democracy, than citizens who enjoy the liberties to earn income and to travel?

Mr. Chairman, free American travel to Cuba, in addition to reforming the Cuban political system, increasing rights enjoyed by Cuban citizens, and improving Cuba's economic condition, sends a powerful message of freedom. We must emphasize the value of personal freedom, as it applies to American citizens, by lifting this ban against American travel to Cuba.

Mr. FARR of California. Mr. Chairman, I rise in strong support of the Flake Amendment to end funding of the travel ban to Cuba. I heartily agree with the American Society of Travel Agents (ASTA) which stated in a recent letter to Congress that ''the right to travel is among

those rights that our Nation's founding documents refer to as 'inalienable'.''

Recently, we Americans have been asking ourselves: ''Why do they hate us? Why do other nations hate Americans, when they know so little about us?''

Many Cubans must be asking themselves the same question: ''Why do they hate us? Why does the American government continue to support a forty-year embargo of our country, which has contributed to the collapse of the economy, and has done nothing to increase personal and political freedoms?''

Cubans must think: ''if Americans only knew us—if they knew our culture, our language, our music—they would develop policies which would support exchange and abandon the failed policy of isolation.''

Isn't that what Americans think? If countries around the world opened their borders to American visitors, opened their markets to American goods, and increased people-to-people exchanges through programs such as the Peace Corps, hostility towards our country and our people will be reduced.

Americans and Cubans are both right. It is only through greater openness and exchange that peoples of the world connect to each other—through personal bonds, commerce, and for mutual political benefit—and break down barriers in their own countries and across borders.

Ending the travel ban not only follows the spirit of the Constitution, it will be economically beneficially to the United States. According to the recent Brattle Group study, opening travel with Cuba will bring $415 million annually to the ailing airline industry; increase U.S. economic input by $1.6 billion; and create over 23,000 jobs in the American economy.

Vote for the Flake amendment. Vote to uphold Americans' Constitutional right to travel whenever and wherever they want. Vote for lifting the travel ban to Cuba, and tear down this wall that separates our two countries once and for all.

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

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

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

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

It is now in order to consider the second amendment offered by the gentleman from Arizona (Mr. FLAKE).

AMENDMENT NO. 20 OFFERED BY MR. FLAKE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. FLAKE:

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

SEC. ____. None of the funds made available in this Act may be used to enforce any restriction on remittances to nationals of Cuba covered by section 515.570(a)(1)(i), (a)(2), (b)(1)(i), or (b)(2) of title 31, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and the gentleman from California (Mr. ROHRABACHER) each will control 5 minutes.

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

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

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

Current U.S. policy prohibits Americans from sending more than $1,200 a year to family members in Cuba. Understand, again, that this applies only to Cuba. No other country has this cap. And if you dare exceed this limit, be careful, the remittance police are watching and the penalties are severe. You can get 10 years in jail and a $55,000 fine. But, the law is actually rarely enforced. There has never been, in fact, a single prosecution. But that is going to change, because one year ago this week, President Bush personally directed the Department of Treasury to expand its capability to enforce limits on remittances to the fullest extent of the law.

The White House, in other words, has made the enforcement of the Cuban remittance limits a national priority. While I oppose both the embargo and the travel ban, let me suggest that the cap on remittances is truly the cruelest aspect of our policy towards Havana.

It restricts American freedoms. It limits family charity and denies hopes for tens of thousands of Cubans, and at the same time it breeds disrespect for our law because we all know that Cuban-Americans are doing the right thing and are circumventing this policy.

This policy does not punish Fidel Castro. Instead, it punishes American citizens and their relatives in Cuba. Let us be clear, none of this money comes from the United States Government. None of this money goes to the Cuban Government and Fidel Castro. It is direct aid from ordinary people who care to ordinary people who need. And it is the official policy of the United States that you should only do just so much. This policy would be silly. It is a real tarnish on the golden rule. But it is tragic. And it is un-American.

Tonight, if we support this amendment, we can end this policy, end this cruel aspect of our policy to Cuba.

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

Mr. DELAHUNT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, is the gentleman saying essentially that it is their money, these Americans, and they know what to do with it?

Mr. DELAHUNT. That is what I am saying.

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

The CHAIRMAN. The gentleman from California (Mr. ROHRABACHER) has 5 minutes in opposition to the Flake amendment. The gentleman from Arizona (Mr. FLAKE) has consumed 2½ minutes of the 5 minutes.

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

Let us take a look at what is really going on in the world today. Why are we concerned about Fidel Castro? Yes, he is a petty little thug down in Cuba. They say how weak he is. Fidel Castro is demonstrably stronger than Saddam Hussein in terms of his ability to hurt the United States of America. But Saddam Hussein and Fidel Castro both share something. They share a blood grudge against the United States of America. And you might have some weak guy like bin Laden over there who looks very weak; but both of those fellows, both Saddam Hussein and Fidel Castro, have a blood grudge and can kill thousands, if not millions, of Americans in this day and age in which we live. It behooves us to do everything we can to get rid of Fidel Castro and get rid of the Saddam Husseins of this world before they decide to kill thousands, if not tens of thousands, of Americans.

They have a blood grudge, and no one should ignore that. You ignore it and if something happens, we are having to take the responsibility for not acting on this.

What is this all about? $1,200? Fidel Castro is broke. And by taking off all of these restrictions on the remittances, by just taking off the lid on the $1,250 in remittances, we will be bailing out Castro, just at a time when Castro as we have seen over and over again as was demonstrate earlier by what was presented to us, his regime is almost in collapse.

This has nothing to do with the well-being of the Cuban people. If it would, the Cuban-Americans in this body would be rising up and saying, my goodness, you are doing something to hurt the Cuban people. What we are doing here is to limit the power and strength of the Saddam Husseins and Fidel Castros of this world to hurt the United States of America. Our President knows that.

When those buildings went down in New York, who would have guessed that some weakling named bin Laden would have been able to do that?

Fidel Castro has a much greater grudge than bin Laden had against the United States of America. He has from his very first moments put Robert Vesco in a position to organize the drug trade throughout this hemisphere. He has over his 43 years of power had one of the worst repressive regimes and anti-American regimes in the world. And when we talked about POWs in Vietnam, this man hates the United States so badly that he sent torturers over to Vietnam to torture our POWs.

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

Mr. ROHRABACHER. Mr. Chairman, regular order. I would ask for an additional 30 seconds for being interrupted.

The CHAIRMAN. The gentleman's time has expired.

Mr. ROHRABACHER. Mr. Chairman, I would ask for an additional 30 seconds based on the interruptions.

Mr. DELAHUNT. Mr. Chairman, I ask unanimous consent to give the gentleman an additional minute.

The CHAIRMAN. The gentleman will suspend.

The gentleman from California (Mr. ROHRABACHER) controls 5 minutes. The gentleman from Arizona (Mr. FLAKE) controls 5 minutes for consideration of this debate.

Mr. ROHRABACHER. Point of inquiry.

The CHAIRMAN. The gentleman will suspend.

We have taken into consideration the interruption that took place in the gentleman's time. The gentleman has consumed 3 minutes, and if the gentleman wishes to yield himself an additional 2 minutes, he is certainly welcome to do that.

Mr. ROHRABACHER. Mr. Chairman, I yield myself an additional 30 seconds.

Fidel Castro sent torturers to torture American POWs half way around the world because he hates the United States of America. Everyone who has ever got into serious conversations with this man over his 40 years of rules has come away understanding this man has a visceral hatred for the United States of America.

At this time when we are threatened by international terrorism, we should not be doing anything to strengthen his regime, whether it is permitting millions of people to go down there and spend money and bail him out or whether it is increasing the amount of money that Americans can send to Cuba.

Mr. FLAKE. Mr. Chairman, I reserve the right to close and would inquire does the opposition have an additional speaker.

Mr. ROHRABACHER. If the gentleman will be closing now, I guess I should take my extra 1½ minutes.

Mr. FLAKE. It is my intent to close.

Mr. Chairman, I yield the gentleman from California (Mr. ROHRABACHER) 30 seconds.

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) will have 2 minutes to close debate and the gentleman from California (Mr. ROHRABACHER) will have 2 minutes to close.

Mr. ROHRABACHER. Mr. Chairman, let me use 30 seconds to praise my friend for being so courteous, and I thank the gentleman for that thought.

□ 2128

I think this is a vital discussion. Who would ever have thought that we would be living in this world 2 years ago. We live in a world where 3,000 Americans have been slaughtered before our eyes. We live in a world where we understand that the bin Ladens are little kooks over there halfway around the world, living in a dictatorship like with the Taliban, can do us horrendous harm.

We have nothing against the people of Cuba. The people of Cuba are wonderful people. In fact, if we are doing something against the people of Cuba's well-being, we have Cuban Americans with us who would be jumping up in order to protect their interests.

No, the people of Cuba are our friends, just like the people of Communist China are our friends, but what we have to do is make sure we weaken the stranglehold these gangster regimes have on those people, and it is especially important for us to weaken that stranglehold on these regimes that are headed by monsters, Frankenstein monsters, who have a blood grudge against the United States of America. Nowhere is that more demonstrable than in Fidel Castro.

Bin Laden hates us, but I will tell my colleagues that Fidel Castro's hatred of the United States is as equal to that of bin Laden, and there are countless quotes to suggest that.

No, we do not want this man's regime to be maintained. We do not want to bail him out at the end just as his economy is about to collapse. We want to keep the pressure on. He has had 40 years of tyranny, 40 years of tyranny. If we were to let up on the Soviet Union after 40 years of tyranny and started letting them become part of the economy of the world, Communism would still be in power in the Soviet Union today and the Cold War would still be on.

No, we want to keep a stranglehold on the Castro regime while reaching out to the people of Cuba.

By the way, all of these restrictions can be eliminated just by the stroke of a pen. All Castro has to do is to permit free elections, permit opposition parties, permit the democratization of society. Then we will have all of these be eliminated.

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

I appreciate this debate. I appreciate the good words of my colleague from California. I cannot say that I disagree with any of them. Fidel Castro is a thug. We have said it again and again and again. What this debate is about is the best way to topple him, to make sure that he does not remain there longer than the 42 years that he has been in power. Let us get back to what this amendment really does.

Currently, Cuban American families who live here in the United States are told by their government that they can be charitable but only so charitable. They are told that they can only send up to $100 a month to their family members in Cuba. I do not think that our government ought to be in the business of telling families how charitable they can be. This money is going directly to Cuban families.

I asked someone who does not agree with my position on allowing tourists and others to go to Cuba, I asked him why he supported remittances, and the answer was, remittances are different. Remittances are subversive. I agree with that statement, not that they are different. Tourism, I believe, is subversive as well, but if remittances are subversive, then let us do a lot more subversing, I say, if that is a word. Let us be a lot more subversive. Let us allow families to send whatever they would like to their families in Cuba. That is not what this country is about, limiting family charity.

That is all this amendment says. At the current time, families are allowed $1,200 a year. Currently, the State Department estimates that a lot more goes to Cuba. It goes in violation or it goes illegally. We should not make criminals out of families for wanting to help their families in Cuba.

Let us support this amendment.

Mr. ROHRABACHER. Mr. Chairman, I would ask unanimous consent to give the gentleman an extra 30 seconds.

Mr. FLAKE. Mr. Chairman, if I can take it.

The CHAIRMAN. We have a unanimous consent agreement under which we are operating here.

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

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

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

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

AMENDMENT NO. 9 OFFERED BY MR. MORAN OF KANSAS

Mr. MORAN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. MORAN of Kansas:

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

SEC. ____. None of the funds made available in this Act may be used to implement any sanction imposed by the United States on private commercial sales of agricultural commodities (as defined in section 402 of the Agriculture Trade Developments and Assistance Act of 1954) or medicine or medical supplies (within the meaning of section 1705(c) of the Cuban Democracy Act of 1992) to Cuba (other than a sanction imposed pursuant to agreement with one or more other countries).

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

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

For the Members of this House who were Members in July of 2000, this amendment will sound awfully familiar. Two years ago this month, I offered a similar amendment, in fact,

nearly identical amendment, to the one I offer this evening to the Treasury Postal appropriations bill.

This amendment would ban the implementation, the enforcement of the sanctions against the export of food, agriculture, commodities and medicine to the country of Cuba. The history of this amendment is such that this amendment passed 301 to 116 two years ago this month. A majority of Republican Members of Congress, a majority of Democrat Members of Congress supported this amendment.

Ultimately, through efforts of the leadership of this House, along with the gentleman from Washington (Mr. NETHERCUTT) and the gentlewoman from Missouri (Mrs. EMERSON), the Trades Sanction Reform Act of 2000 was signed into law as part of the agricultural appropriations bill and trade on agricultural products, food and medicine was authorized in a limited fashion.

Beginning last Thanksgiving, Cuba has purchased more than $100 million worth of U.S. commodities. Thirty States have sourced 650,000 metric tons of food to Cuba. Given the opportunity, Mr. Chairman, had the Committee on Rules allowed me to have a waiver of a point of order, I would have offered an amendment to clear up a number of problems that have arisen, not in creating problems for the country of Cuba but creating problems for our farmers, our ranchers and our companies that seek to export agriculture commodities, food and medicine.

We have a myriad of restrictions related to the license, shipping, financing that, in my opinion, create only handicaps for us, not creating any kind of pressure on the country of Cuba, and so this amendment tonight is an attempt to again reaffirm our support as a Congress, as a House of Representatives for trade with the country of Cuba.

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

The CHAIRMAN. Who rises in opposition to the amendment?

Mr. SMITH of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

As we debate this amendment, it is imperative we focus and base our arguments on the facts and the reality of trading with the terrorist regime just 90 miles off the U.S. shores. Not only is the Castro regime a tyrannical one and one of the worst violators of the world, not only does the dictatorship use slave labor, not only does it force children to work in the farming sector as stated in the State Department human rights report, it has also proven to be an unworthy economic partner.

Here are the facts which clearly show that Cuba is not, nor will it ever be, a panacea for American farmers and investors so long as the current regime is in place.

In fact, number one, the Euromoney Country Risk Rating lists Cuba as one of the top five riskiest countries to invest in out of the 185 that they surveyed. Fact: Cuba is rated by Dunn and Bradstreet as one of the riskiest economies in the world. Fact: The Wall Street Journal's Index of Economic Freedom ranks Cuba as the most risky investment and as having the least free economy of the 156 countries surveyed. Fact: Cuba is already in default on $8.2 billion of its $11 billion debt.

In April of this year, Mr. Chairman, three Chilean fish exporters stopped shipments to Cuba after Cuba failed to make an installment payment of $3.7 million on the $20 million deal.

Also in April of this year, a South African company stopped shipments of its diesel engines to Cuba after the dictatorship failed to make the required payments on a 1997 contract.

Even Venezuela has stopped oil shipments to Cuba because Cuba has accrued with them a $63 million debt, missing payment after payment on below-market sales of petroleum.

It is imperative, Mr. Chairman, to maintain the precautions and the safeguards currently in place as part of U.S.-Cuba policy. The protection, Mr. Chairman, afforded by existing U.S. restrictions on trade with the Castro regime is a reality reaffirmed by the U.S. International Trade Commission. The ITC stated in its report that, existing U.S. laws, because they prohibit U.S. financial institutions' dealings with Cuba, ensured that there was no U.S. exposure to Cuba's foreign debt moratorium.

The ITC report added that extending credits and financing to a bankrupt Castro regime would expose taxpayers to footing the bill once Cuba defaulted on its payments. We certainly do not want that.

We as Members of Congress, Mr. Chairman, elected to represent and defend the interests of our constituents, cannot and must not support an amendment which would essentially force the American taxpayer to absorb such losses.

And there is already cause for U.S. concern. Under the compromise language in the Trade Sanctions Reform Act, ag sales to Cuba have occurred. Yet despite repeated congressional inquiries, there has not been an independent or Government confirmation that payments have been received from Cuba.

Before we support the unrestricted and unsupervised sales called for in the Moran amendment, would my colleagues not agree that it would be prudent to examine whether current regulations are being fully complied with? We should also pause, look to the experiences of others and learn from them in order to protect the American people.

For example, the European Union recently wrote a 15-page letter of complaint to Cuba's so-called finance minister, Carlos Lage, citing the discriminatory and uncertain trading environment of the Castro regime. Do we want to subject American investors to loss of contracts, confiscation of machinery, equipment and financial investments or even jail time? This is not an exaggeration. These are well-documented tactics employed by the Castro regime to retaliate against investors who voice dissatisfaction with the dictatorship's policies.

Mr. Chairman, as the saying goes, ''an ounce of prevention is worth a pound of cure.'' Thus to prevent the victimization of our farmers and investors at the hands of Castro's erratic and failed economic policies, we must uphold existing U.S. law.

I ask my colleagues to champion the cause of hard-working Americans throughout this great Nation and prevent their from being used as experimental subjects to test Cuba's debt-filled waters. I ask for a no on the Moran amendment.

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

Mr. MORAN of Kansas. Mr. Chairman, I yield 45 seconds to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, it seems to me that 42 years of trade embargoes with Cuba have not changed Cuban Government policies, have not changed North Korea, Sudan, Libya, or Syria.

Forty years ago U.S. controlled most of the ag commodities in the world. The embargo might have had some impact at that time. Today we have a global economy. Countries simply buy elsewhere if we have an embargo. It costs us market share.

A 2002 Texas A&M study showed that Cuba trade restrictions costs U.S. agriculture $1.24 billion annually and $5 billion for ag and ag-related business.

Reaching back into my somewhat vague and sordid past, it seems to me that if someone ran the same play for 43 years and it did not work, maybe they would try something different. So I would suggest that we might try that. Not asking to trade weapons, computer chips, petroleum or plutonium. We are simply saying that food and medicine does not jeopardize national security. It helps our country and our ag.

Mr. SMITH of New Jersey. Mr. Chairman, we reserve the balance of our time. How much time remains?

The CHAIRMAN. The gentleman from New Jersey (Mr. SMITH) has 30 seconds remaining and the gentleman from Kansas (Mr. MORAN) has 2 minutes remaining.

Mr. SMITH of New Jersey. Mr. Chairman, we reserve the balance of our time.

Mr. MORAN of Kansas. Mr. Chairman, I yield 45 seconds to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in support of the amendment by the gentleman from Kansas (Mr. MORAN). He has been a

very strong leader in this House in supporting agriculture and not restricting the transfer of food and medicine to countries like Cuba, the sale of food and medicine by American farmers. He is part of the Cuba Working Group, a bipartisan group of 23 Republicans, 23 Democrats who have worked very hard to change this policy and bring a sensible policy to this country.

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

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

Mr. ROEMER. Mr. Chairman, I thank my good friend and teammate on the Cuba Working Group. We have heard mention many times today committees and communism and changing foreign policy. Months ago 23 Democrats and 23 Republicans came together, formulating ideas, bringing them forward through amendments and bills, having meetings and working in a bipartisan way to try to accomplish some things. Tonight is the cumulation of that. I thank the gentleman for yielding.

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I want to reiterate to my colleagues that in a letter dated July 11, 2002, Secretary of State, Colin Powell; and Paul O'Neill, Secretary of the Treasury, have made it very clear that, and I quote them. ''We are writing to reiterate the administration's strong opposition to any legislative efforts that weaken the United States' current Cuba policy by permitting U.S. citizens to finance the Cuban purchase of American agriculture commodities or by changing the restrictions on travel.''

□ 2145

They would recommend a veto if the legislation reaches his desk with those changes.

I urge a ''no'' vote on the Moran amendment. I certainly respect my good friend and colleague, but I urge a ''no'' vote, nevertheless.

Mr. MORAN of Kansas. Mr. Chairman, may I inquire of the time remaining?

The CHAIRMAN. The gentleman from Kansas has 1¼ minutes to close.

Mr. MORAN of Kansas. Mr. Chairman, I yield myself the balance of my time, and I again reiterate that this is a vote this body has taken. Because of the efforts of the gentleman from Washington and the gentlewoman from Missouri, we have changed policy in regard to agricultural trade with Cuba. But this House needs to reaffirm its position one more time.

Every impediment that can be placed in the way of our farmers and ranchers and the businesses that deal in agriculture commodities in the trade with Cuba, every impediment has been placed in their way. It is not disadvantageous to Cuba, it is disadvantageous to Americans.

As the gentleman from Nebraska said, for 42 years we have tried to change the policy. They might as well be spending their cash on behalf of American agriculture, on behalf of the farmers and ranchers of this country. And as we have seen, they have the ability to do so: $100 million in cash payments coming to the United States to pay for agricultural products. The market is estimated to be $1 billion.

And for those who had concerns about the farm bill, help us export our agriculture commodities. Help us create markets for the farmers and ranchers of this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. MORAN).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. RANGEL

Mr. RANGEL. 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. RANGEL:

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

SEC. . None of the funds made available in this Act may be used to implement, administer, or enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), except those provisions that relate to the denial of foreign tax credits or to the implementation of the Harmonized Tariff Schedule of the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. RANGEL) and a Member opposed to the amendment each will control 10 minutes.

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

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

My colleagues, when the terrorists struck New York City, many of us recognized that the problems that we had as Republicans and Democrats, as blacks and whites, as Jew and gentile, was not nearly as important as working together as a city in order to show our defense against the people who struck against us. And so it was no surprise when we came to Congress to see that our President had thought that that would be the best thing for our Nation to do.

So we joined hands with Afghanistan and Pakistan and many other countries that we had serious differences with, but, at the same time, when they declared that they were going to be our partners in the war against terrorism, we took their hands and we thought it would be better to fight the big war than to highlight our differences.

How in God's name, at a time like this, can we really say that Castro and the Cubans, 90 miles from our shore, represent a threat to our national security when we know that they, too, have joined in this great war against terrorism? And how could it possibly be that we are prepared to say that they have different kinds of Communists in Cuba than the Communists that they have in North Korea or the Communists that they have in North Vietnam or the Communists that they have in Communist China?

My colleagues, this has nothing to do with trade policy. It has nothing to do with foreign policy. There is no former high ranking State Department official that will tell us that this embargo is against everything that our great country believes in. So what is it about?

It is about the State of Florida. It is about the sovereign State of Florida. It is about the politics of Florida. The President understands that. The Governor of Florida understands that. And I do not have a problem with anyone that comes from the State of Florida. They do what they have to do. But do not do it to my country. Do not allow local politics to influence what is in our national interests.

If trade is good enough to break the barriers between people who do not understand the value of capitalism, if trade is what we want for people to be able to buy our wares and that we can buy theirs, if it is good enough for China, for the former Soviet Union, for communism around the world, tell me why not share it with the people of Cuba?

If my colleagues want to bring down the Castro regime, let the people in Cuba smell democracy. Let us go there and speak to the people in Cuba. Let any American that wants to travel in Cuba be able to travel without any fear.

The CHAIRMAN. Does the gentleman from Florida seek to control the time in opposition to the Rangel amendment?

Mr. DIAZ-BALART. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself 6 minutes.

We have a policy goal, and it is a policy that has been set not only by the President but by the Congress and codified into law and clearly espoused by President Bush in repeated statements: A free Cuba, achieved through a democratic transition, with the release of all political prisoners, the legalization of all political parties, the press and labor unions, and the scheduling of free internationally supervised elections.

Now that free Cuba will not oppress its people and it will not threaten its neighbors. The intelligence community, as I stated before, has said that ever since 1999 it has come to the conclusion that there is an offensive biological weapons program being developed by the Cuban regime. That has been made public now by the intelligence community, but the conclusion was reached as of 1999.

Now, the director of the Soviet biological weapons program, Dr. Alibek, has written in his book that by 1990, the Soviets were absolutely convinced

that Castro had an offensive biological weapons program. But we are led to believe by the people who are arguing to open up all the trades and open up all the credits and the tourism for the Castro dictatorship that not only our intelligence community is lying, not only is our intelligence community now not telling the truth, but the director of the Soviet program, who defected and who our experts say has provided more information on Soviet biological and chemical weapons programs than any other defector, that he is lying as well. So all of those people are lying and we should make that leap of faith and proceed to provide billions of dollars in trade and credit to the dictatorship.

Now, the denial of the U.S. market to the Cuban regime and the conditioning of democratic reforms for the end of the embargo constitutes the most important leverage that exists for the democratic transition to take place. In a totally personalized dictatorship, like the Cuban one, when the dictator is gone from the scene, when he dies, or however he is gone from the scene, that situation invariably will change. It is like when Franco disappeared from the scene in Spain, or Oliveira, after 50 years of dictatorship in Portugal. Inevitably, those regimes were faced with a different dynamic.

But in each of those cases where there was a democratic transition, there was some form of external pressure, some form of solidarity with those people demanding, requesting, encouraging, incentivizing a democratic transition. If we give the dictatorship the trade and tourism dollars it seeks now, Mr. Chairman, unilaterally, in exchange for no democratic reform, like the people proposing this amendment are saying, that we should unilaterally, without getting any sort of democratic reform for the Cuban people in exchange, if we do that, Mr. Chairman, we risk making that regime permanent. We risk the possibility of that regime outliving the dictator.

Now, in addition, it is important to realize that the U.S. embargo has had collateral successes. The denial of resources for the dictatorship has made it much more difficult for the dictatorship to cooperate with terrorist organizations or to develop biological weapons. The denial of resources, the limitation of resources to the dictatorship has helped. But, in addition to that, and the most important aspect, is the leverage that must be retained for a democratic transition.

Just like Europe insisted on democracy in Spain or Portugal, before Spain and Portugal could become part of what was then the European Economic Community, today we are saying liberate the political prisoners, legalize political parties, labor unions and the press, and hold an election.

Now, why is the issue not the Cuban people's right to be free like everyone else in the hemisphere? Why is the issue not the Cuban people deserving to be free, just like in country after country after country colleagues have come to this floor asking for solidarity with those people? But, no, in the case of Cuba, it is different. In the case of Cuba, it is 43 years of dictatorship and of oppression, and the efforts are to get more trade and more dollars and more oxygen to that regime, instead of talking about the torture and the political prisoners. That is the reality.

But the reality of the matter is that only in this hemisphere, Mr. Chairman, is there an international law requiring representative democracy. We always talk about examples from other hemispheres. There are multiple differences from the decentralization that has existed in other dictatorships in other hemispheres to the fact that in this hemisphere, and only in this hemisphere, does international law require representative democracy.

I want to point out one other thing, and that is as follows, and I never thought I would come to this floor quoting the editorial board of The Washington Post, but I guess Ronald Reagan used to say never say never. Well, The Washington Post has, in a very dignified manner, has focused in on the efforts of the Cuban dissidents over the last year to call for reforms internally. Now, they have been very mild reforms that the dissidents have called for, and despite that the regime has answered with, if you will, a Maoist-style cultural revolution.

The Washington Post has said that if Castro, as he has been, is unwilling to permit more political and economic freedom, then loosening the embargo risks strengthening and enriching Mr. Castro and the apparatchiks who surround him, while accomplishing little else.

And with regard to that dissident petition, in which Castro answered with his Maoist-style cultural revolution, The Washington Post said, until it is granted, and obviously it has not been granted, no further easing of the embargo should be considered.

Now this is a good-faith editorial board. And I would wish that some people would realize that times have changed and that the Cuban people deserve, like The Washington Post editorial board has said, solidarity.

Mr. RANGEL. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New York (Mr. SERRANO), the cosponsor of this amendment.

Mr. SERRANO. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

We have heard a lot of accusations tonight about Cuba and Castro. In fact, if I may just make a comment, the only things Cuba and Castro have not been blamed for are the Chicago fire, the San Francisco earthquake, the stock market crash of 1929, or the one that is coming soon, if we are not careful.

The point here is my colleagues could spend all the time they want telling us how bad Cuba is, but we took a vote tonight on Vietnam which was so lopsided to make the point that we cannot continue just to single out Cuba.

Now, the gentleman from New York (Mr. RANGEL) is correct, and I do not want to be repetitious of his comments, but this is about the State of Florida. I do not feel bad about that. I wish I had that kind of power for one county in one State to control foreign policy on one issue. I wish the Bronx had that kind of power, but we do not.

The fact of life is that this Rangel/Serrano amendment sends the message that it is time to change this policy. We no longer have any moral justification for keeping an embargo on Cuba while we deal with China, Vietnam, Korea, and every other country in the world. Well, my God, our allies in the war on terrorism are people who, in so many ways, have behaved towards this country 10 times worse than anything Cuba or Castro have ever said about us, and we still deal with them.

□ 2200

Now some of the facts will come out in the next few weeks because we do not have the time here tonight. Castro offered to help us with on the war on terrorism, and we refused it. AP reported that. The Washington Post reported that. The New York Times reported that. We refused the help.

Cuba has sent to us three individuals in the last year who were wanted in this country. They have asked in return, not as a quid pro quo, for us to return a couple of hijackers that we have had here for over 20 years from Cuba, and we have not done it. No one mentions that tonight. No one mentions it is a one-sided issue all of the time.

This is not about Fidel Castro and communism, this is about a stupid outdated policy that says in the Caribbean we are going to single out this island, and in the rest of the world, we will not. And it is across the board. I asked my favorite President a couple of years ago, Bill Clinton, why China and not Cuba. He said China is big. I understand that. Cuba is small. But children in Cuba are no less important than children in Vietnam or China. Let us treat them all equally. We have no justification for this.

We can lift the embargo and who knows, that governor in Florida may still get reelected, so there is no need to play Florida politics tonight. Let us do what is right.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I first thank the gentleman from New York (Mr. RANGEL) for offering this very commonsense amendment, and I urge Members to support this amendment which really would cut funds to continue to aid the United States embargo on Cuba.

It is long overdue that the United States lift its 40-year embargo against this small island nation. We have seen that this embargo has done more harm

than good. It is a grave injustice to the people of the United States and to the people in Cuba.

I have participated in many fact-finding delegations to Cuba and have seen firsthand the devastation and the suffering that the embargo has created on that island nation only 90 miles from our shore. One vivid image which haunts me is of a child in need of dialysis treatment, struggling to stay alive, his future was uncertain because of his inability to acquire a replacement part for the sole dialysis machine in his town. The embargo prevented a United States-made part from reaching this innocent child.

The American people and the United States Congress have voiced their support for lifting this archaic and antiquated embargo. Even the majority of the dissidents in Cuba believe that the embargo should end. They understand that the way to democracy in Cuba can be accomplished through a policy of engagement with the people of Cuba rather than the current policy which isolates the small island nation which just happens to be an Afro-Hispanic country.

By maintaining the embargo against Cuba, the United States is limiting important trade opportunities, which we have heard tonight, including food and medicine sales.

In addition, we have severely limited the ability of Americans to travel to Cuba, and this is just basically downright wrong.

Economists have verified that if the embargo toward Cuba were lifted, the U.S. economy would gain $1.24 billion in agricultural exports and $3.6 billion in related economic output. In addition, we would create thousands of jobs in our country from the tourism sector.

I am convinced that we must build a bridge in our own struggle for human rights and equality which happens to be a country 90 miles away. Let us lift this embargo.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I have followed the debate with great interest tonight, and have heard my amendment seriously mischaracterized. I would like to point out that the amendment merely is a safeguard for America and American national security. If everything is all right and the President certifies everything is all right, then there is no problem. But if everything is not all right, then there is a problem. I think Members would agree that national security for the United States of America and Americans is our first priority.

I want to point out that the nation of Cuba has been about the most aggressive spying on the United States of America. We have now convicted 17 spies in the past year or two. I do not know the exact number, but that is close. Certainly the highest-ranking analyst at the Department of Defense in the DIA has recently been apprehended and has been a long-time spy for Fidel Castro's Cuba. These are not friendly motives. These are harmful to the national security. Those are the kinds of things that we are worried about.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think the most important part of this discussion tonight is trying to get the United States of America consistent in its foreign policy, and to recognize that the amendment offered by the two gentlemen from New York makes a lot of sense to provide the kind of security that we are seeking as we debate homeland security this week.

Ninety miles away from the United States lies the island of Cuba. People there have viewed the United States more as an adversary rather than a friend. But when we speak directly to the Cuban people, they want to engage with the United States. As I stand here tonight, I have constituents in Cuba who are involved in cultural exchange and who are being trained to be medical physicians, the same as Cuba has done to send these physicians all over the world to help those in need.

As I stand here today, it is important to note that there is a strong religious community in Cuba, but yet the United States, its foreign policy, will ensure friendship with China and Vietnam, but it opposes the friendship with Cuba.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I ask Members tonight to not be part of what Ambassador Jeanne Kirkpatrick calls the ''blame America first'' crowd, and that is what we have in front of us in the Rangel amendment.

The sole mastermind behind Castro's degrading treatment of its own citizens is himself. Fidel Castro. Yet this amendment says if we lift the embargo, all will be swell in Cuba. That means U.S. policy is to blame for all of the misery in Cuba that we have discussed tonight. But our policy does not create the lack of due process.

Our policy does not say that independent journalists and independent libraries are banned in Cuba. That is Fidel Castro's policy. Our policy does not maintain a system of remote and unmonitored gulags for prisoners of conscience. That is Fidel Castro's policy. Our policy does not forbid independent labor unions. That is Fidel Castro's policy. Our policy is not the cause of systematic mistreatment of religious believers. That is Fidel Castro's policy. Our policy is not to punish nonviolent opposition movement leaders. That is Fidel Castro's policy. We do not say that community activists and dissidents are going to be harassed, prosecuted and persecuted. That is Fidel Castro's policy.

The embargo is not what drives a police officer to beat unconscious a political prisoner who is on a hunger strike. That is Fidel Castro's policy. That is not U.S. policy. Our policy does not mandate the summary execution of independent journalists and conscientious objectors. That is Fidel Castro's policy.

Do not confuse the issue. Do not be part of Jeanne Kirkpatrick's ''blame America first'' crowd. It is Fidel Castro that is at fault, not the U.S. embargo.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, by hearing the other side on this issue, we would seem to believe that they were talking with Costa Rica or Panama or some other country where there is a functioning democracy where there is no state sponsorship of terrorism. The reality is that Fidel Castro is the only world leader who has ever called for a nuclear first strike against the United States.

He is the only world leader who has ever called for a first strike against the United States, but they may say he is a kindly old grandfather now. He is a good guy, so let us reward him. That is what the Rangel amendment is seeking to do.

But wait a minute, 2 days ago in Greece, the head terrorist that was arrested there, Alexandros Yiotopoulos, for bombing numerous people in Greece and throughout that part of the world, where was he trained? He was trained by Fidel Castro's Cuba. And the Jewish community center bombed in Argentina in 1994 by the Iranians, where did they assemble? They assembled in Cuba, flew to Paraguay, crossed the border with fake passports, and fled back to Cuba after the attack. The bombers hid in Cuba for several months after the attack, and still have impugnity.

And the kindly old grandfather goes further. In 2001, the IRA terrorists arrested in Colombia for training the FARC terrorists there in sophisticated urban bomb warfare, where were they based? In Cuba. Reward Castro for torturing the Cuban people and oppressing the Cuban people and being the only state sponsor of terrorism in this hemisphere, vote no on the Rangel amendment. Vote yes on Goss, no on the other amendments.

Mr. RANGEL. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. WATERS) for the purpose of closing.

Ms. WATERS. Mr. Chairman, it is time to lift the embargo and stop the blockade. The Castro-haters took this floor tonight to talk about limiting travel. But Members of Congress go to Cuba whenever they want to go. People are going to Cuba from all over America. Jimmy Carter was there, the Pope was there. Let the other American people go who want to go.

People talked about limiting the remittances, but Members of Congress go

to Cuba and they take the money to their families, all of the money that they want to give to them. Let us be fair to all of the families in Cuba. Let us stop strangling the trade. Cuba wants to trade. Trade is the cornerstone of capitalism. Members say that is what they want. That is what Fidel Castro wants.

It is time to allow our agricultural products and our medical products to be sold. China is there. Canada is there. Germany is there. American business people need the opportunity to be there. What is all of this fear? We do not really fear Fidel Castro. Lift the embargo.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of the amendment offered by my colleague, Mr. RANGEL of New York, which bans all funding to the Treasury Department for enforcement of the embargo against Cuba.

Forty years ago, the world order was strikingly different than today. We were in the midst of the Cold War, fighting communism from spreading its tentacles around the world. With Cuba so close to our shores, it was good public policy THEN to impose an embargo. However, I am reminded of the song "The Times They are A-Changin"—and they have.

The embargo has not achieved its goals. The same regime rules Cuba now as ruled four decades ago; the Cubans do not have human or civil rights; American citizens are denied their right to travel; and the economic consequences to American farmers and the travel industry are significant.

Let's lift the embargo and move toward normal commercial and diplomatic relations with Cuba. Let the Cuban people see what democracy's all about.

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

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

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

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment printed in House Report 107–585 by the gentleman from Florida (Mr. GOSS); amendment No. 1 by the gentleman from Arizona (Mr. FLAKE); amendment No. 20 by the gentleman from Arizona (Mr. FLAKE); and amendment No. 5 by the gentleman from New York (Mr. RANGEL).

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

AMENDMENT OFFERED BY MR. GOSS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment printed in House Report 107–585 offered by the gentleman from Florida (Mr. GOSS) 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 vote was taken by electronic device, and there were—ayes 182, noes 247, not voting 5, as follows:

[Roll No. 330]

AYES—182

Ackerman
Aderholt
Andrews
Armey
Bachus
Baker
Ballenger
Bartlett
Barton
Bass
Berkley
Bilirakis
Blagojevich
Blunt
Boehner
Bonilla
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Engel
English
Etheridge
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Grucci
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hilleary
Hobson
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Myrick
Northup
Norwood
Ortiz
Ose
Oxley
Pallone
Pascrell
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shows
Shuster
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thurman
Tiahrt
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—247

Abercrombie
Akin
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bishop
Blumenauer
Boehlert
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Callahan
Camp
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Ehlers
Emerson
Eshoo
Evans
Everett
Farr
Fattah
Filner
Flake
Ford
Frank
Frost
Ganske
Gilchrest
Gonzalez
Gordon
Graves
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Ross
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Whitfield
Woolsey
Wynn

NOT VOTING—5

Bonior
DeFazio
DeGette
Stearns
Traficant

□ 1037

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

Messrs. LUCAS of Kentucky, ENGLISH, GARY B. MILLER of California, SWEENEY, FORBES and RYUN of Kansas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. FLAKE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 262, noes 167, answered ''present'' 1, not voting 4, as follows:

[Roll No. 331]

AYES—262

Abercrombie
Aderholt
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Callahan
Camp
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Ford
Frank
Frost
Gallegly
Ganske
Gilchrest
Gonzalez
Gordon
Graves
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Harman
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Ross
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Shimkus
Shows
Simmons
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn

NOES—167

Ackerman
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barr
Barton
Berkley
Bilirakis
Blunt
Boehner
Bonilla
Bryant
Burr
Burton
Buyer
Calvert
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
Deutsch
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Engel
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hilleary
Hobson
Hulshof
Hunter
Hyde
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Myrick
Northup
Norwood
Ose
Oxley
Pallone
Pascrell
Pence
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Reynolds
Riley
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Stump
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Wexler
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Brown (FL)

NOT VOTING—4

Bonior
DeFazio
Stearns
Traficant

□ 1046

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the 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 251, noes 177, not voting 6, as follows:

[Roll No. 332]

AYES—251

Abercrombie
Aderholt
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Camp
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley
Doyle
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Frost
Ganske
Gilchrest
Gonzalez
Gordon
Graves
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Ross
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Shimkus
Shows
Simmons
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Woolsey
Wynn

NOES—177

Ackerman
Akin
Andrews
Armey
Bachus
Baker

Ballenger
Barr
Barton
Berkley
Bilirakis
Blunt
Boehner
Bonilla
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Engel
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Knollenberg
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
McCrery
McInnis
McKeon
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Myrick
Northup
Norwood
Ose
Oxley
Pallone
Pascrell
Pence
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Stump
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Toomey
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—6

Bonior
DeFazio
Goodlatte
Hansen
Stearns
Traficant

□ 2254

Mr. WELLER changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. GOODLATTE. Mr. Chairman, on rollcall No. 332, I was unavoidably detained.

Had I been present, I would have voted ''no.''

AMENDMENT NO. 5 OFFERED BY MR. RANGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentleman from New York (Mr. RANGEL) 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 204, noes 226, not voting 4, as follows:

[Roll No. 333]

AYES—204

Abercrombie
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berman
Berry
Biggert
Bishop
Blumenauer
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Emerson
Eshoo
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Frost
Ganske
Gonzalez
Gordon
Graves
Hall (OH)
Hall (TX)
Harman
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Rivers
Rodriguez
Roemer
Ross
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Shimkus
Shows
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wynn

NOES—226

Ackerman
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berkley
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Etheridge
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Pallone
Pascrell
Pence
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—4

Bonior
DeFazio
Stearns
Traficant

□ 2301

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ISTOOK. 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. TERRY) having assumed the chair, Mr. DREIER, 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. 5120) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, had come to no resolution thereon.

PIPELINE INFRASTRUCTURE PROTECTION TO ENHANCE SECURITY AND SAFETY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3609, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3609, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 423, nays 4, not voting 7, as follows:

[Roll No. 334]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
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
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
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
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Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
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Taylor (MS)
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Terry
Thomas
Thompson (CA)
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Thornberry
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Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
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Watkins (OK)
Watson (CA)
Watt (NC)
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Waxman
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Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Flake
Miller, Jeff
Paul
Waters

NOT VOTING—7

Bonior
Clay
DeFazio
Hill
Kleczka
Stearns
Traficant

□ 2319

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2320

PERMISSION FOR SELECT COMMITTEE ON HOMELAND SECURITY TO HAVE UNTIL 3 A.M. ON WEDNESDAY, JULY 24, 2002, TO FILE REPORT ON H.R. 5005, HOMELAND SECURITY ACT OF 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Select Committee on Homeland Security have until 3 a.m. on Wednesday, July 24, to file a report to accompany H.R. 5005.

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

There was no objection.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5120, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2003

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 5120 in the Committee of the Whole, pursuant to House Resolution 488, no further amendment to the bill may be offered except as follows:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments numbered 2, 8, 12, and 18, as printed in the CONGRESSIONAL RECORD, which shall be debatable for 5 minutes each;

An amendment offered by the gentleman from Georgia (Mr. BARR) regarding a national media campaign, and an amendment offered by the gentleman from California (Mr. GEORGE MILLER) regarding Federal Acquisition Regulation, which shall each be debatable for 20 minutes each;

Amendment numbered 16, as printed in the CONGRESSIONAL RECORD, an amendment offered by the gentleman from Maryland (Mr. HOYER) regarding High Sea Repairs, and the amendment offered by the gentleman from Colorado (Mr. HEFLEY) that I have placed at the desk, which shall be debatable for 10 minutes each;

Amendment numbered 21 in the CONGRESSIONAL RECORD, which shall be debatable for 40 minutes;

And an amendment offered by the gentleman from Vermont (Mr. SANDERS) regarding taxation of pension plans, which shall be debatable for 30 minutes.

Each such amendment may be offered only by the Member designated in this unanimous consent request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Mr. KUCINICH. Mr. Speaker, reserving the right to object, if the gentleman would yield for a question.

Mr. ISTOOK. Certainly.

Mr. KUCINICH. Would the gentleman recount the title of amendment No. 8.

Mr. ISTOOK. If the gentleman will yield, amendment No. 8 is in a grouping with amendments numbered 2, 8, 12, and 18, as printed in the CONGRESSIONAL RECORD, which shall be debatable for 5 minutes each.

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

Mr. KUCINICH. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I do not intend to object, but I just want to make sure that the amendment of the gentlewoman from Texas (Ms. JACKSON-LEE) is in there. We have talked about that; No. 12.

Mr. ISTOOK. If the gentleman from Ohio will continue to yield.

Mr. KUCINICH. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, I am told it is. I am not sure of the number. Oh, No. 12. It is in there, yes.

Mr. HOYER. I thank the gentleman.

Mr. KUCINICH. Reclaiming my time under my reservation of objection, could the gentleman again give the title of amendment No. 18 at this point, then.

Mr. ISTOOK. If the gentleman will once again yield, No. 18 is included in the request and is debatable for 5 minutes.

Mr. KUCINICH. And which one is that?

Mr. ISTOOK. I understand that that is the amendment that the gentleman from Ohio has filed.

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

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The Clerk read as follows:

Amendment Offered by Mr. HEFLEY:

Page 103, after line 10, insert the following new section:

SEC. . The amount otherwise provided by this Act under the heading ''Allowances and Office Staff for Former Presidents'' is hereby reduced by $339,000.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

COST OF WAR AGAINST TERRORISM AUTHORIZATION ACT OF 2002

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4547) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2003.

The Clerk read as follows:

H.R. 4547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Cost of War Against Terrorism Authorization Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amounts authorized for the War on Terrorism.
Sec. 3. Additional authorizations

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations to Transfer Accounts

Sec. 101. War on Terrorism Operations Fund.
Sec. 102. War on Terrorism Equipment Replacement and Enhancement Fund.
Sec. 103. General provisions applicable to transfers.

Subtitle B—Authorizations to Specified Accounts

Sec. 111. Army procurement.
Sec. 112. Navy and Marine Corps procurement.
Sec. 113. Air Force procurement.
Sec. 114. Defense-wide activities procurement.
Sec. 115. Research, development, test, and evaluation, defense-wide.
Sec. 116. Classified activities.
Sec. 117. Global Information Grid system.
Sec. 118. Operation and maintenance.
Sec. 119. Military personnel.

Subtitle C—Military Construction Authorizations

Sec. 131. Authorized military construction and land acquisition projects.

TITLE II—WARTIME PAY AND ALLOWANCE INCREASES

Sec. 201. Increase in rate for family separation allowance.
Sec. 202. Increase in rates for various hazardous duty incentive pays.
Sec. 203. Increase in rate for diving duty special pay.
Sec. 204. Increase in rate for imminent danger pay.
Sec. 205. Increase in rate for career enlisted flyer incentive pay.
Sec. 206. Increase in amount of death gratuity.
Sec. 207. Effective date.

TITLE III—ADDITIONAL PROVISIONS

Sec. 301. Establishment of at least one Weapons of Mass Destruction Civil Support Team in each State.
Sec. 302. Authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 303. Sense of Congress on assistance to first responders.

SEC. 2. AMOUNTS AUTHORIZED FOR THE WAR ON TERRORISM.

The amounts authorized to be appropriated in this Act, totalling $10,000,000,000, are authorized for the conduct of operations in continuation of the war on terrorism in accordance with the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) and, to the extent appropriations are made pursuant to such authorizations, shall only be expended in a manner consistent with the purposes stated in section 2(a) thereof.

SEC. 3. ADDITIONAL AUTHORIZATIONS

The amounts authorized to be appropriated by this Act are in addition to amounts authorized to be appropriated for military functions of the Department of Defense for fiscal year 2003 in the National Defense Authorization Act for Fiscal Year 2003 or any other Act.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations to Transfer Accounts

SEC. 101. WAR ON TERRORISM OPERATIONS FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2003 the amount of $3,544,682,000, to be available only for operations in accordance with the purposes stated in section 2 for Operation Noble Eagle and Operation Enduring Freedom. Funds authorized in the preceding sentence may only be used as provided in subsection (b).

(b) TRANSFER AUTHORITY.—Subject to section 103, the Secretary of Defense may, in the Secretary's discretion, transfer amounts authorized in subsection (a) to any fiscal year 2003 military personnel or operation and maintenance account of the Department of Defense for the purposes stated in that subsection.

SEC. 102. WAR ON TERRORISM EQUIPMENT REPLACEMENT AND ENHANCEMENT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2003 the amount of $1,000,000,000, to be available only in accordance with the purposes stated in section 2 and to be used only as provided in subsection (b).

(b) TRANSFER AUTHORITY.—Subject to section 103, the Secretary of Defense may, in the Secretary's discretion, transfer amounts authorized in subsection (a) to any fiscal year 2003 procurement or research, development, test, and evaluation account of the Department of Defense for the purpose of—

(1) emergency replacement of equipment and munitions lost or expended in operations conducted as part of Operation Noble Eagle or Operation Enduring Freedom; or

(2) enhancement of critical military capabilities necessary to carry out operations pursuant to Public Law 107-40.

SEC. 103. GENERAL PROVISIONS APPLICABLE TO TRANSFERS.

(a) IN GENERAL.—Amounts transferred pursuant to section 101(b) or 102(b) shall be merged with, and available for the same purposes and the same time period as, the account to which transferred.

(b) CONGRESSIONAL NOTICE-AND-WAIT REQUIREMENT.—A transfer may not be made under section 101(b) or 102(b) until the Secretary of Defense has submitted a notice in writing to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of the proposed transfer and a period of 15 days has elapsed after the date such notice is received. Any such notice shall include specification of the amount of the proposed transfer, the account to which the transfer is to be made, and the purpose of the transfer.

(c) TRANSFER AUTHORITY CUMULATIVE.—The transfer authority provided by this subtitle is in addition to any other transfer authority available to the Secretary of Defense under this Act or any other Act.

Subtitle B—Authorizations to Specified Accounts

SEC. 111. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement accounts of the Army in amounts as follows:

(1) For ammunition, $94,000,000.

(2) For other procurement, $10,700,000.

SEC. 112. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft, $106,000,000.

(2) For weapons, including missiles and torpedoes, $633,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2003 for the procurement account for the Marine Corps in the amount of $25,200,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2003 for the procurement account

for ammunition for the Navy and the Marine Corps in the amount of $120,600,000.

SEC. 113. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft, $214,550,000.

(2) For ammunition, $157,900,000.

(3) For other procurement, $10,800,000.

SEC. 114. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the procurement account for Defense-wide procurement in the amount of $620,414,000.

SEC. 115. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the research, development, test, and evaluation account for Defense-wide activities in the amount of $390,100,000.

SEC. 116. CLASSIFIED ACTIVITIES.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2003 for unspecified intelligence and classified activities in the amount of $1,980,674,000, of which—

(1) $1,618,874,000 is authorized to be appropriated to procurement accounts;

(2) $301,600,000 is authorized to be appropriated to operation and maintenance accounts; and

(3) $60,200,000 is authorized to be appropriated to research, development, test, and evaluation accounts.

SEC. 117. GLOBAL INFORMATION GRID SYSTEM.

None of the funds authorized to be appropriated by this Act for the Department of Defense system known as the Global Information Grid may be obligated until the Secretary of Defense submits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives the Secretary's certification that the end-to-end system is secure and protected from unauthorized access to the information transmitted through the system.

SEC. 118. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $14,270,000.

(2) For the Navy, $5,252,500.

(3) For the Marine Corps, $11,396,000.

(4) For the Air Force, $517,285,000.

SEC. 119. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2003 a total of $503,100,000.

Subtitle C—Military Construction Authorizations

SEC. 131. AUTHORIZED MILITARY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) PROJECTS AUTHORIZED.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b), the Secretary of the military department concerned may acquire real property and carry out military construction projects for the installations and locations, and in the amounts, set forth in the following table:

Projects Authorized

Military Department	Installation or location	Amount
Department of the Army	Qatar	$8,600,000
Department of the Navy	Naval Station, Guantanamo Bay, Cuba	$4,280,000
	Naval Station, Rota, Spain	$18,700,000
Department of the Air Force	Bolling Air Force Base, District of Columbia	$3,500,000
	Total	$35,080,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2003 for the military construction projects authorized by subsection (a) in the total amount of $35,080,000.

TITLE II—WARTIME PAY AND ALLOWANCE INCREASES

SEC. 201. INCREASE IN RATE FOR FAMILY SEPARATION ALLOWANCE.

Section 427(a)(1) of title 37, United States Code, is amended by striking ''$100'' and inserting ''$125''.

SEC. 202. INCREASE IN RATES FOR VARIOUS HAZARDOUS DUTY INCENTIVE PAYS.

(a) FLIGHT PAY FOR CREW MEMBERS.—Subsection (b) of section 301 of title 37, United States Code, is amended by striking the table and inserting the following new table:

''Pay grade:	Monthly Rate
O–10	$200
O–9	$200
O–8	$200
O–7	$200
O–6	$300
O–5	$300
O–4	$275
O–3	$225
O–2	$200
O–1	$200
W–5	$300
W–4	$300
W–3	$225
W–2	$200
W–1	$200
E–9	$290
E–8	$290
E–7	$290
E–6	$265
E–5	$240
E–4	$215
E–3	$200
E–2	$200
E–1	$200''.

(b) INCENTIVE PAY FOR PARACHUTE JUMPING WITHOUT STATIC LINE.—Subsection (c)(1) of such section is amended by striking ''$225'' and inserting ''$275''.

(c) OTHER HAZARDOUS DUTIES.—Subsection (c)(1) of such section is amended by striking ''$150'' and inserting ''$200''.

(d) REMOVAL OF AIR WEAPONS CONTROLLER CREW MEMBERS FROM LIST OF HAZARDOUS DUTIES.—Such section is further amended—

(1) in subsection (a)—

(A) by striking paragraph (12);

(B) in paragraph (11), by striking ''; or'' and inserting a period; and

(C) in paragraph (10), by inserting ''or'' after the semicolon; and

(2) in subsection (c), as amended by subsections (b) and (c) of this section—

(A) by striking ''(1)''; and

(B) by striking paragraph (2).

SEC. 203. INCREASE IN RATE FOR DIVING DUTY SPECIAL PAY.

Section 304(b) of title 37, United States Code, is amended—

(1) by striking ''$240'' and inserting ''$290''; and

(2) by striking ''$340'' and inserting ''$390''.

SEC. 204. INCREASE IN RATE FOR IMMINENT DANGER PAY.

Section 310(a) of title 37, United States Code, is amended by striking ''$150'' and inserting ''$250''.

SEC. 205. INCREASE IN RATE FOR CAREER ENLISTED FLYER INCENTIVE PAY.

The table in section 320(d) of title 37, United States Code, is amended to read as follows:

"Years of aviation service	**Monthly rate**
4 or less	$200
Over 4	$275
Over 8	$400
Over 14	$450.''.

SEC. 206. INCREASE IN AMOUNT OF DEATH GRATUITY.

Section 1478(a) of title 10, United States Code, is amended by striking ''$6,000'' and inserting ''$12,000''.

SEC. 207. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect on the later of the following:

(1) The first day of the first month beginning on or after the date of the enactment of this Act.

(2) October 1, 2002.

(b) DEATH GRATUITY.—The amendment made by section 206 shall apply with respect to a person covered by section 1475 or 1476 of title 10, United States Code, whose date of death occurs on or after the later of the following:

(1) The date of the enactment of this Act.

(2) October 1, 2002.

TITLE III—ADDITIONAL PROVISIONS

SEC. 301. ESTABLISHMENT OF AT LEAST ONE WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM IN EACH STATE.

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

(1) Weapons of Mass Destruction Civil Support Teams are strategic assets, stationed at the operational level, as an immediate response capability to assist local responders in the event of an emergency within the United States involving use or potential use of weapons of mass destruction.

(2) Since September 11 2001, Civil Support Teams have responded to more than 200 requests for support from civil authorities for actual or potential weapons of mass destruction incidents and have supported various national events, including the World Series, the Super Bowl, and the 2002 Winter Olympics.

(3) To enhance homeland security as the Nation fights the war against terrorism, each State and territory must have a Weapons of Mass Destruction Civil Support Team to respond to potential weapons of mass destruction incidents.

(4) In section 1026 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 as passed the House of Representatives on May 10, 2002 (H.R. 4546 of the 107th Congress), the House of Representatives has already taken action to that end by expressing the sense of Congress that the Secretary of Defense should establish 23 additional Weapons of Mass Destruction Civil Support Teams in order to provide at least one such team in each State and territory.

(5) According to a September 2001 report of the Comptroller General entitled ''Combating Terrorism'', the Department of Defense plans that there eventually should be a Weapons of Mass Destruction Civil Support Teams in each State, territory, and the District of Columbia.

(b) REQUIREMENT.—From funds authorized to be appropriated in section 101, the Secretary of

Defense shall ensure that there is established at least one Weapons of Mass Destruction Civil Support Team in each State.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''Weapons of Mass Destruction Civil Support Team'' means a team of members of the reserve components of the armed forces that is established under section 12310(c) of title 10, United States Code, in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction.

(2) The term ''State'' includes the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(d) DEADLINE FOR IMPLEMENTATION.—The Secretary of Defense shall ensure that subsection (b) is fully implemented not later than September 30, 2003.

SEC. 302. AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) AUTHORITY.—A joint task force of the Department of Defense that provides support to law enforcement agencies conducting counter-drug activities may also provide, consistent with all applicable laws and regulations, support to law enforcement agencies conducting counter-terrorism activities.

(b) CONDITIONS.—Any support provided under subsection (a) may only be provided in the geographic area of responsibility of the joint task force.

(c) FUNDS.—Funds are hereby authorized to be appropriated for fiscal year 2003 in the amount of $5,000,000 to provide support for counter-terrorism activities in accordance with subsections (a) and (b).

SEC. 303. SENSE OF CONGRESS ON ASSISTANCE TO FIRST RESPONDERS.

It is the sense of Congress that the Secretary of Defense should, to the extent the Secretary determines appropriate, use funds provided in this Act to assist, train, and equip local fire and police departments that would be a first responder to a domestic terrorist incident that may come about in connection with the continued fight to prosecute the war on terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

Mr. KUCINICH. Mr. Speaker, I rise to claim time in opposition.

The SPEAKER pro tempore. Is the gentleman from Missouri (Mr. SKELTON) opposed to the motion?

Mr. SKELTON. No, Mr. Speaker.

The SPEAKER pro tempore. Under the clause 1(c) of rule XV, the Chair recognizes the gentleman from Ohio (Mr. KUCINICH) to control the time in opposition to the motion. Each side will control 20 minutes.

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

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration, H.R. 4547.

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

There was no objection.

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that half the time in support of the bill, that is the time that I have of 20 minutes, that half of that be designated to the gentleman from Missouri (Mr. SKELTON) for purposes of control.

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

There was no objection.

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

Mr. Speaker, on July 18, the House Committee on Armed Services reported out the bill presently before the House, H.R. 4547, on a near unanimous vote of 50 to 1. To understand what this bill does, allow me to first provide a bit of background.

The President's budget request for fiscal year 2003 contained an unprecedented request for the Congress to establish a $10 billion war contingency fund that would allow the Department of Defense maximum flexibility in expanding these funds to prosecute the war on terrorism. In response, the House adopted a budget resolution in March that set aside $10 billion of the defense budget in a special reserve fund for this purpose.

The operative language of the budget resolution establishing the procedure by which the House would be able to consider authorizing or appropriating the $10 billion fund requires that only legislation that provides new budget authority for operations of the Department of Defense to prosecute the war on terrorism will qualify to use this fund.

On July 3, the President submitted to Congress a request to amend his budget to provide a bit more detail on how DOD proposes to expend these funds but would still essentially remain one large $10 billion contingency fund. When the committee and the House acted on the defense authorization bill earlier this year, we recognized that this approach would require that we split the defense authorization bill into two pieces. One would involve the requested defense program minus the $10 billion, and the other would be the $10 billion which would follow at some later point.

In passing the base defense bill, we also took preliminary action on the $10 billion bill by authorizing about $3.5 billion worth of programs that we judged to be more appropriately considered as part of the so-called ''cost of war'' fund. Since then, the Senate has passed its version of the defense authorization bill and chose to include the $10 billion, unlike the House. So at this point, we are disconnected with the Senate over the $10 billion as we prepare to go to conference.

All this background brings us to today. The objectives of this bill are twofold: First, to preserve the prerogative of the Congress and the authorizing process by considering and issuing our recommendation on this remaining piece of the defense budget; and, second, to move this bill through the process so that we can go to conference with the Senate with both sides having acted on the totality of the defense budget for fiscal year 2003.

H.R. 4547, as amended by the Committee on Armed Services, represents a compromise of sorts. It authorizes specific activities where we have received specific detail on how the Pentagon intends to execute war-related activities and it grants the administration flexibility for these accounts that traditionally are nearly impossible to define in such a situation.

This bill accomplishes a number of objectives: First, it preserves the action already taken by the committee by fulfilling our commitment to authorize the $3.5 billion worth of war-related items we deferred earlier in May. Second, it would keep intact all major elements of the budget request and authorize those amounts for which the administration has identified a specific purpose. Third, it provides the Department of Defense significant flexibility by creating two transfer accounts that the Secretary can use to move money around and to meet the needs of the war as they emerge.

□ 2330

Finally, it fully and specifically complies with the terms of the budget resolution by ensuring that all activities funded by this bill are directly for the prosecution of the war on terrorism. I would repeat that to my colleagues, that all the dollars that are expended in this bill must be compliant with the resolution that this House passed on September 14, 2001.

Mr. Speaker, we are moving this bill through the House tonight on an expedited schedule for a good reason. The President has asked the Congress to send him first those bills that he needs to ensure that we continue to prevail in our war against terrorism.

The House has done everything possible to comply with this important request, and tonight's expedited consideration of this war funding bill is a continuation of this commitment to properly support our men and women who are on the front lines of this challenge.

In closing, I thank committee members on both sides of the aisle who worked so cooperatively to move this process forward with the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON), the ranking member.

Mr. Speaker, this bill was developed on a bipartisan basis with the mutual objective of striking a balance between congressional prerogatives and the need to provide the department with some flexibility in financing this unprecedented global war on terrorism. The bill represents a very reasonable approach that accomplishes all these goals. I urge Members to give it their very strong support.

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

Mr. KUCINICH. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas (Mr. Synder).

Mr. SNYDER. Mr. Speaker, let me just say I am a member of the Committee on Armed Services and the committee considered this bill last week and I voted for it coming out of committee, but this is a very, very poor process.

Members got the Blackberry a week or two after September 11, and we get notice when bills are going to be considered. I believe it was 8:47 this evening I got a message that said that we were going to finish with the Cuban amendments on Treasury-Postal appropriations and go home.

At 9:12 another message comes over it and says through this expedited process, we are going to consider a $10 billion bill, and we are going to give 20 minutes on each side. The Chamber is empty. Do not kid anyone, Members are not sitting in their offices watching the debate tonight. This is a time of war, a time when our country expects us to be paying attention to these kinds of bills, and we are not expediting the process, we are expediting the denial of democracy.

I wanted to do an amendment on this bill. This process means there are no amendments. I had help with my amendment by the gentleman from Nebraska (Mr. BEREUTER), a well-respected Republican subcommittee chairman, and the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, were joining me on an amendment that we were going to go to the Committee on Rules to try to put on this bill.

This process denies the right of any Member to bring an amendment on a $10 billion bill. I think it is a very, very poor way to do a process at any time, particularly at 11:30 at night when Members have gone home.

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

Mr. Speaker, the bill being considered this evening will complete the House's consideration of the second piece of fiscal year 2003 National Defense Authorization Act. The bill passed the Committee on Armed Services with broad bipartisan support. Passing this bill will allow the House to quickly proceed to conference with the Senate on both pieces of the authorization bill, thereby providing our men and women in uniform with all the tools they need to fight the global war and to protect the American people.

The bill as passed by the Committee on Armed Services reflects a balanced approach to authorizing the $10 billion war reserve fund requested by the administration. The amendment carries forward the specific authorizations made by the committee when it first considered the bill earlier this year. It includes the wartime pay and allowances increases from that earlier consideration, and includes two new, operationally oriented transfer funds that should enable the Department of Defense to meet operational expenses associated with prosecuting the war against terrorism.

Although the committee's approach may not provide the Department of Defense with complete discretion and use of the $10 billion, I believe it provides sufficient flexibility for the department.

I also want to indicate my support for the premise of this bill that the funds we authorize today are tied to the resolution passed by Congress on September 14, 2001, that authorizes the use of force against those who attacked our great Nation on September 11. The effort here today is to provide the administration funding for activities that are directly related to prosecuting the war against terrorism.

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

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

Mr. DOGGETT. Mr. Speaker, so do I understand that this in no way authorizes the expenditure of monies for any attack on the nation of Iraq?

Mr. SKELTON. Mr. Speaker, by its verbiage, this is limited to the resolution that passed Congress on September 14, 2001.

Mr. DOGGETT. Which is a very narrow resolution tying it to the events of September 11?

Mr. SKELTON. Absolutely.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman.

Mr. SKELTON. Mr. Speaker, the funds authorized and the increases to pay and allowances included in this bill are critical to the Department of Defense's ability to continue to fight the war.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

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

Mr. Speaker, I congratulate both the ranking member, the gentleman from Missouri (Mr. SKELTON), and the chairman, the gentleman from California (Mr. HUNTER), for bringing this legislation before us. I rise in support of the legislation. I particularly appreciate the language that the committee has included in section 2 pertaining to the scope of the authorization in the bill. Section 2 states that the $10 billion authorized in this legislation ''are authorized for the conduct of operations in continuation of the war on terrorism in accordance with the Authorization for Use of Military Force (Public Law 107–40; 50 USC 1541 note) and, to the extent appropriations are made pursuant to such authorizations, shall only be expended in a manner consistent with the purposes in section 2(a) thereof.''

Section 2(a) of the Use of Force resolution authorizes the President ''to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.''

Therefore, it is clear that the committee intends that funds authorized in this bill are only to be used for military operations against entities responsible for the September 11 attacks, or entities that harbor those responsible.

Likewise, I believe funds in this bill cannot be used to expand the war on terrorism to other nations absent clear and compelling evidence that a nation was responsible for the September 11 attacks or is actively and willingly harboring those responsible unless subsequently authorized for such a purpose by Congress.

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

□ 2340

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

I want to congratulate the gentleman from Maine (Mr. ALLEN) and the committee for focusing in on that point because certainly it was not the intent of that committee to have that used for anything other than what is in the resolution of September 14 which, Mr. Speaker, I voted for.

I want to say that while I know that is the intention of the committee, I would be very concerned about people in the administration who may interpret it to say, as it reads, that the President is authorized to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attacks.

It is no secret when we look at the events of the last few weeks, we see headlines such as:

''Bush to Formalize a Defense Policy of Hitting First,'' New York Times, June 17.

''U.S. Plans Massive Invasion of Iraq,'' UPI, July 10.

''U.S. Capable of Quick Iraq Strike,'' Associated Press, July 10.

''We could have a situation where on Monday it first looks like there will be a war, on Friday troops are in Kuwait, and by the next Thursday they are in Baghdad.'' John Pike, Defense Analyst. Associated Press, July 10.

''U.S. Says Iraq Would Target Troops,'' Associated Press, July 13.

''According to officials who spoke to UPI, three dates are being discussed as possible times to launch the attack. The first would be before the November elections.'' UPI, July 10.

''U.S. Worries Iraq's Chemical and Biological Weapons Would Target Invading American Troops, Israel.'' Associated Press, July 13.

One of the things that concerns me, Mr. Speaker, is notwithstanding the assumption which the honorable gentlemen have here about how this money is going to be spent, I have here the House markup with the actual breakdown of the amount of moneys that are going to be used per category

in the cost of the war. I think it is more than interesting that we see for a war supposedly in Afghanistan an amount of almost a half a billion dollars is going to be used for chemical and biological defense. An amount of nearly $600 million would be used for conversion of Tomahawk missiles. An amount of $3.5 billion would be used for an operations fund. An amount of over a half a billion dollars would be used for combat air patrols. I think that is interesting because when you take that in the context of a New York Times report of a preliminary Pentagon planning document in an article written by Eric Schmitt, it suggests, according to the Times, that the military brass is considering a large scale air and ground assault involving as many as 250,000 American troops. Indeed, that has been the reportage that we have seen. This report goes on to say in an editorial that such a Pentagon plan for an invasion of Iraq would be backed by hundreds of warplanes. It goes on to say that Saddam Hussein may not be as easily deterred from using his hidden stocks of anthrax, botulinum, toxin and VX nerve gas.

So when you put this document together with the report of the preliminary Pentagon planning document, I think this is one of those cases where one plus one equals an invasion of Iraq, notwithstanding the September 14 language or the fine work of our committee. I want to express that as a concern because there is some symmetry here on the issue of congressional oversight. Members of our Committee on Armed Forces fought very hard to assure there would be congressional oversight. Yet we have a fund of about $10 billion which is largely going to be beyond congressional control. The administration has repeatedly been trying to escape congressional oversight. That, Mr. Speaker, has really been the tenor of the debate we have had over the homeland security bill itself. I spent 15 hours in our government oversight committee. Much of the discussion had to do with the authority of Congress to have oversight over budgetary items and to have oversight over other areas which involve Congress' constitutional responsibility.

I rise here because when I look at this report that is from the Congressional Research Service, we see an increase from the original May 1 markup to the July 18 markup of almost a total of $6 billion. I think that the facts that we are here late at night, it is a quarter to midnight, and most Members of Congress are on their way home or are already asleep, we really need to have the kind of full-fledged debate about this, because when you see the administration moving in a direction towards war with Iraq and certainly not being able to finance that war unless they brought a resolution specifically to do that before this Congress, the fact that this amount of money is available ought to be of concern to all Members of Congress, because notwithstanding the fine work of our committee, we have had people connected to the administration as well as our own Members of Congress state openly that this resolution of September 14 already gives the President the authority he needs to do what he may want to do and has said he wants to do in Iraq. I know what the bill says and I congratulate our fine members for doing that work, its due diligence, but I feel that this is an appropriate time to kind of stop the music and focus on this, because all around this country, people are expecting this Congress to step up to its responsibilities under article 1, section 8 of the Constitution with respect to Congress' war-making authority. I voted for the resolution on September 14. But it was my intention in voting for that to see a focused response and now we hear our good chairman and ranking member speak in terms of a global war against terrorism but yet on one hand if it is a global war against terrorism, then it would appear that the administration would then be authorized to go beyond Afghanistan. Yet if it is only Afghanistan, then we ought to be very certain in our interpretation that that is exactly what it is going to be. But as I stand here at a quarter to 12 on this evening, I can say that based on information that we have had from the New York Times and information that we have from our breakdown from the Congressional Research Service, I have real concern that the administration could take this money and will take this money and use it to prosecute a war against Iraq.

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

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume. Let me reiterate, according to the language of this bill, that it is limited to the verbiage attached to the September 14 resolution. Let me also add it is my considered opinion, Mr. Speaker, that should there be contemplated action against the country of Iraq by the United States of America that this Congress has the duty to pass upon such authorization as we have done so in the past.

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

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

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

Mr. Speaker, I rise in strong support of this bill, in part because I believe it strikes a proper balance between the flexibility needed in the executive branch and the due prerogatives of those of us in the Congress on this very important issue of the future prosecution of the war against terrorism.

This bill leaves intact the law that exists as of today with respect to the future prosecution of the global war against terrorism. That law contemplates three circumstances. The first would be an emergency urgent circumstance where the President, consistent with his constitutional authority, could act to defend the country. This bill in no way limits, nor should it limit, that prerogative.

The second circumstance that the present law contemplates is a circumstance where there is clear and compelling evidence of a connection between any other state or organization and the events of September 11 in fostering, harboring, planning, aiding and abetting the actions of September 11. Under those circumstances, under the law, the President is already authorized to take steps to defend the country and this bill leaves that intact.

The third circumstance contemplated by the law would be a circumstance that is not emergency, where there is not a demonstration of a clear and compelling link between the actions of another state and the activities of September 11, and it is contemplated that under those circumstances the President, consistent with the Constitution, would be required to come to the House and to the Senate and seek authority to further prosecute activities in defense of the country.

□ 2350

That is the law, and that is the balance that is struck, and this bill leaves that balance intact. For that and for many other reasons, I would urge both Republican and Democratic Members to vote in favor of this very necessary funding to continue to prosecute our very successful efforts in this field.

Mr. KUCINICH. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, we approach the midnight hour here in Washington, in our Nation's Capital. This bill was first noticed for consideration by the House less than 3 hours ago. One hour ago copies of the bill were not available for Members to review, and, in the time since then, there are fewer Members present here tonight than there are members of the National Security Committee.

Any bill that authorizes the expenditure of $10 billion of taxpayer money for any purpose, no matter how worthy or important to the Nation, deserves better consideration than this. It is outrageous to be taking up such a matter under these conditions.

Seldom has a day in recent weeks gone by without some administration official or commentator suggesting that the salvation for our Nation's security lies in expanding use of nuclear weapons, or that our Nation should alter its traditions by launching a surprise attack, or just a simple but dangerous cry, ''on to Baghdad.''

Each of these alternatives would do more to undermine the security of American families than to assure that security. We need a full and complete debate about such a major change in

our national defense policy. No administration official has been able to connect a regime in Iraq, that all of us despise, to the terrorism of September 11. If they could, they surely would have done so by now.

I am pleased that no one here tonight speaking in support of this bill claims that this bill is anything more than what I would term an attempt to put some limits, however modest they may be, on what otherwise would have been a $10 billion slush fund that the administration requested. If the administration wishes to make the case that it should invade Iraq, or any other country, for that matter, not connected to the events directly of September 11, it needs to come to this Congress and come to this country and make its case, not at midnight, but in the full light of day.

Mr. KUCINICH. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was on the floor to pay tribute to a fallen hero in our community, Judge Carl Walker, but I realize that the time will not allow us to do that tribute this evening.

I want to acknowledge the concern that I have, but expressing as well the support I have for the ranking member's explanation about the limitation on this allocation. I think it would be important to enunciate the fears of the American people and the responsibility of the United States Congress as relates to the oversight over the determination of a country going to war.

I would hope as this legislation moves through the House that we make it very clear that there can be no precipitous attack on Iraq without the oversight, the Constitutional oversight, of the United States Congress.

There are three branches of government, the executive, the Congress and as well the judiciary. A venture or advance, if you will, into Iraq, without any participation by this Congress I believe would be an illegal act and would cause devastation in our relations with our allies around the world.

This is not the direction to take, and I would hope this funding does not point us in that direction.

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

Mr. Speaker, I thank the gentleman from California and thank the gentleman from Ohio for their thoughtful presentation this evening. I think this is a very important bill that we should pass. It received very thorough discussion in the Committee on Armed Services and passed by a nearly unanimous vote out of that committee.

Mr. Speaker, I urge the House to pass this bill.

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

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

Mr. Speaker, let us suppose for a moment that these funds that were we are appropriating tonight are only for Afghanistan, that the half a billion dollars listed in this report for combat air patrols would in fact be used in Afghanistan.

I would like to call to the attention of this House recent news accounts that indicate that hundreds and hundreds of innocent civilians of Afghanistan have been killed accidentally in bombings by U.S. warplanes. I say that in an appeal to the administration to stop the bombing, because we have no quarrel with the Afghan people. The Taliban are overthrown, al Qaeda has fled, bin Laden has vanished, and yet, with this document, we see that the bombs will continue to drop indiscriminately.

Is there any American who has not been shaken at the mere thought of the horrors of U.S. warplanes bombing a wedding celebration in the village of Bal Khel killing dozens of innocent civilians? Whatever moral authority our Nation had at the beginning of the conflict is being lost in such bombings.

These types of acts do not represent America. Democracy does not wed terror. These acts must not be cloaked in the irresponsible and inhuman euphemism of collateral damage.

I appeal to the administration to stop the bombing, let an international police force continue in Afghanistan, and let the humble people of Afghanistan be spared the friendly fire from the skies. Enough of bombing the villages to save the villages. Stop the bombing, I appeal to the administration.

Mr. Speaker, I took this floor this evening so that questions which need to be asked in this House are in fact asked at a time when an administration is widely publicized to be preparing for a preemptive strike in Iraq. The administration sought and received an amount of money that is a virtual blank check to spend $10 billion any way they see fit.

□ 2400

Now, this idea, of course, has met resistance from members of the committee, and I will acknowledge that, ever since it was proposed. Legislators have said that they did not want to give the administration a blank check. But everyone who has looked at this knows that the administration request has been vague and, yet, with the breakdown that we have here, money for combat air patrols, money for chemical and biological defense, money for the conversion of Tomahawk missiles, in truth, this does not sound much like Afghanistan; it begins to sound like Iraq.

When we take that in the context of the New York Times' discovery of the Pentagon preliminary planning document which talks about a large-scale invasion, my concern, Mr. Speaker, is that notwithstanding the fine work of the men and women of our committee, that it is quite possible this administration will go in that direction. Indeed, the gentleman from New Jersey identified three specific areas where a President could proceed, and his comments were, frankly, quite in line with the assessments of other Members of Congress, not precluding the possibility of the use of these funds for something other than Afghanistan, notwithstanding the fine work of our committee.

I think it is noteworthy, at a time when an administration is essentially abandoning multilateralists and articulating a first-strike approach in Afghanistan, I think it is noteworthy that this Congress has yet to have the kind of full debate that Members of both Houses of Congress are beginning to call for. I think it is important that when we see this cavalcade of headlines talking about massive invasions, a quarter of a million troops, policies of hitting first, anticipating that Iraq would target our troops; well, if there is an anticipation of that, then we are talking about an invasion and, above all that, doing this before the November elections.

In previous legislation tonight, this House took action on a conference report on Defense and Homeland Security Supplemental Appropriations in providing an additional $14.5 billion in funding related to the U.S. military. Now, I think that the people of this country have a right to know if the administration is, in fact, planning to go into Iraq, and this Congress has a right to know and a right to participate fully in a full-fledged debate. As a matter of fact, even though myself and our esteemed ranking member may have a difference of opinion on that, whether or not we should do it, I think we agree that certainly Congress has a role.

Essentially, I would say to the chairman that is what I am here to affirm, that Congress does have a role to play. Of course, I am opposed to any such invasion for reasons I do not need to get into right now. But even more important is that this Congress affirms its position with respect to its power to send men and women from our country into combat against Iraq or any other country.

So I want to thank the distinguished chairman and ranking member for their diligence on this bill, but I also want to express my reservations, serious reservations about the symmetry between the contents of this bill and the planning document which The New York Times covered in full detail.

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

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

I want to address just one point from my friend from Ohio, and that is that the combat air patrols that are listed in the bill and in the report are listed as Operation Noble Eagle, which is combat air patrols over the United States, over American cities, which have been ongoing, and I believe there are some $500-plus-million in the bill for that.

I would further say that this bill came up in two pieces, which is extremely unusual for our system. One reason it came up in two pieces was because we were undertaking continuing military operations and, because of that, the chairman of the full committee, the gentleman from Arizona (Mr. STUMP), at whose direction I am acting today, worked with the gentleman from Missouri (Mr. SKELTON), and we put together a bipartisan bill that did give some direction to where some of this money went.

Let me just describe for the Members where some of the money went. Some of it went to what is known as combat pay enhancements. That includes increasing family separation allowance, increasing flight pay for crew members, increasing the death gratuity given to survivors, increasing career enlistment flying incentive, increasing diving pay, increasing hazardous duty pay.

We also put in a number of required items that, in fact, the administration had requested that had been early on in the base bill. They include the chemical and biological antiterrorism program for homeland defense, $480 million; command and control, computers and intelligence, KC–135 tanker aircraft, linguists, military construction, war pay, and the list goes on.

So we did leave some flexibility with the administration and we did give some direction. I would simply say that it was because of the hard work of the gentleman from Arizona (Mr. STUMP) and the hard work of the gentleman from Missouri (Mr. SKELTON) and all of the members on our committee, and I think we have heard from several of our very thoughtful Members today on the Democrat side who participated very fully, such as the gentleman from Maine (Mr. ALLEN), I think, and the gentleman from New Jersey (Mr. ANDREWS) gave a very full evaluation of what this did.

Once again, the key point that they reiterated was that this money can only go to the military programs that are allowed under the September 14 resolution, and, once again, I want to read that resolution, because this is a base resolution that these dollars are expended under.

The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons in order to prevent any future acts of international terrorism against the United States by such nations or organizations or persons.

So this money is expended only in a manner, and can be expended only in a manner, consistent with that resolution of September 14. I might add, it is simply the last piece of the President's defense budget.

Now, on the other side, the Senate passed the full $393 billion authorized or requested by the President. So they go to conference with a full budget, so to speak, and until tonight, we only go to conference with 383; that is, the budget less the $10 billion piece.

So it was important for us to act quickly. We just got the details on this plan several weeks ago, we marked it up in the Committee on Armed Services in a bipartisan way, and it was important to get this second piece in place to be able to go to conference and do an effective job.

So I want to thank all of the Members that participated in the debate.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 4547, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KUCINICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 0010

COMMUNICATION FROM THE HON. KAREN L. THURMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. TERRY) laid before the House the following communication from the Honorable KAREN L. THURMAN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 22, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents and testimony issued by the United States District Court for the District of Columbia.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KAREN L. THURMAN,
Member of Congress.

COMMUNICATION FROM LEGISLATIVE CORRESPONDENT FOR THE HON. MIKE FERGUSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Rogan Kelly, Legislative Correspondent for the Hon. MIKE FERGUSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 10, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have been served with a grand jury subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ROGAN KELLY,
Legislative Correspondent.

OMISSION FROM THE CONGRESSIONAL RECORD OF JULY 22, 2002 AT PAGE H5027

A portion of the following concurrent resolution was inadvertently omitted from the RECORD:

HONORING CORINNE ''LINDY'' CLAIBORNE BOGGS ON OCCASION OF 25TH ANNIVERSARY OF FOUNDING OF CONGRESSIONAL WOMEN'S CAUCUS

Mr. LINDER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 439) honoring Corinne ''Lindy'' Claiborne Boggs on the occasion of the 25th anniversary of the founding of the Congressional Women's Caucus.

The Clerk read as follows:

Honoring Corinne ''Lindy'' Claiborne Boggs on the occasion of the 25th anniversary of the founding of the Congressional Women's Caucus.

Whereas in 1977, Lindy Boggs helped found the Congressional Women's Caucus and served as longtime Caucus Secretary;

Whereas the Congressional Women's Caucus is committed to improving the lives of women and families through legislation and leadership roles;

Whereas the continued success of the Congressional Women's Caucus is due to the bipartisan spirit that Lindy Boggs established;

Whereas Lindy Boggs represented the 2nd district of Louisiana from March 20, 1973, to January 3, 1991;

Whereas Lindy Boggs was the first woman elected to the United States House of Representatives from Louisiana and was the first woman to chair a national political convention, leading the convention of 1976 that nominated former United States President Jimmy Carter;

Whereas Lindy Boggs served on the Committee on Appropriations, was instrumental in creating the Select Committee on Children, Youth, and Families, and chaired the Crisis Intervention Task Force; and

Whereas Lindy Boggs served as United States Ambassador to the Holy See from December 16, 1997, to March 1, 2001: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress honors Corinne ''Lindy'' Claiborne Boggs for her extraordinary service to the people of Louisiana and the United States, recognizes that her role in founding the Congressional Women's Caucus has improved the lives of families throughout the United States, and commends her bipartisan spirit as an example to all elected officials.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Mr. GEPHARDT) for after 10:00 p.m. today on account of personal reasons.

Mr. GOSS (at the request of Mr. ARMEY) for between 6:00 and 9:00 p.m. on account of personal reasons.

Mrs. JONES of Ohio (at the request of Mr. GEPHARDT) for today on account of adverse weather conditions and subsequent flight cancellations.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for Monday, July 22 on account of official business in the district.

Mr. STEARNS (at the request of Mr Armey) for after 1:00 p.m. today through July 25 on account of a family medical procedure.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and tomorrow July 24th.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KUCINICH) to revise and extend their remarks and include extraneous material:)

Ms. THURMAN, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. HAYES) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, July 25.

Mr. JONES of North Carolina, for 5 minutes, July 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JACKSON of Illinois and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $9,630.

Mr. JACKSON of Illinois and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $8,588.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1209. An act to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

H.R. 2175. An act to protect infants who are born alive.

H.R. 3487. An act to amend the Public Health Service Act with respect to health professions regarding the field of nursing.