

appropriate forum before the FCC could implement any changes to those rules. My amendment, therefore, would have delayed until the end of the year the implementation of any proposed changes to the rules addressed in media cross-ownership and concentration.

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

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

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

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

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

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

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

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

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

I will assure the gentleman from Wisconsin that I will continue to work within the legislative committee. It will be my intent to work with my good friend from Wisconsin to assure

that existing constraints on excessive media concentration are maintained. To that end, I am going to be requesting the chairman of the Committee on Energy and Commerce to hold hearings on that topic so that we can make better informed judgment as to how we might best protect the American public from the very real dangers that media concentration and media ownership concentration issues present.

Mr. Chairman, I want to thank the gentleman for yielding to me, and I want to commend him for what he has had to say today, and I wish to say to him again, I agree with him.

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

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

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REYNOLDS) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

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

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

ly, amendment numbered 12 shall be debatable only for 60 minutes equally divided and controlled by the proponent and an opponent.

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

Mr. SERRANO. Mr. Speaker, reserving my right to object, and I will not object, but I just wanted to know, does our agreement now leave, to the gentleman's understanding, any amendments that are not covered by time limits?

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

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

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

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

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2500.

□ 1712

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, the bill was open for amendment from page 108, line 17, through page 108, line 22.

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

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

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

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

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

□ 1715

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

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

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

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

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

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

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

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

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

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

Mr. Chairman, I would like to continue the discussion. For the last 9 years, the member colleges and universities of the National Textile Center have been doing research and outreach and support of the textile industry. Its research goals have been to discover, design, and develop new materials and innovative and improved manufacturing and integrated systems essential to the success of modern United States textile enterprises.

While the National Textile Center has been doing good work, they have neglected the research programs of two of the Nation's top textile-producing States, New York and California. Both Cornell University and the University of California at Davis, New York's and California's respective land grant universities, should be a part of this important research consortium.

New York is the number two State in apparel manufacturing based on annual gross State product. Apparel manufacturing is the largest manufacturing sector in New York City, and constitutes about one-third of all of New York City's manufacturing.

New York State employs the second-highest number of people in apparel manufacturing, after California. The apparel industry contributed \$4.47 billion in value-added manufacturing and \$9.64 billion in shipments to the 1997 New York State annual gross product.

At Cornell University, the Department of Textiles and Apparel is nationally recognized for its research and outreach that focus on apparel design, apparel technology, and fiber science. Beyond that, there are some extraordinarily innovative research and design programs that are going on at these institutions.

The research involved not only will impact what we traditionally recognize as apparel and textiles, but also has implications for public health, public safety, and even public works.

For example, Cornell researcher Anil Netravali has evaluated the use of epoxy lining for gas service pipes. Many of the service pipes that connect homes and businesses with the main gas lines are old and corroded, and are expensive to replace because of the extensive digging and disruption that is required.

I urge that these two schools be taken into consideration in this program. It is essential for the future of the textile industry in America.

Mr. Chairman, Professor C.C. Chu is working on biodegradable hydrogels that can be used in the medical sciences. The potential products from hydrogel textiles can be used in tissue engineering and could include skin, cartilage and even blood vessel replacement options. The availability of these tissue-engineered products could have significant implications for our health-care needs.

The National Textile Center is the primary federal funding source for university-based textile and apparel research. Cornell University and the University of California at Davis should be able to compete for the funds that are made available through this important De-

partment of Commerce program. There is no justifiable reason for excluding these two esteemed institutions from participating in this research consortium.

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

Mr. Chairman, I would just share the gentlewoman's interest in supporting our domestic textile and apparel industry. I understand the importance of up-to-date research for the manufacturers in her district and many other districts in the country. As a matter of fact, my congressional district has lost several textile facilities.

As the gentlewoman knows, we had to restore \$13 million from the President's request for this very program. To add additional centers without providing additional funding would be inappropriate, but I would be pleased to work with the gentlewoman as we move to conference to try to ensure that California's and New York's concerns relating to the National Textile Center are given proper consideration.

AMENDMENT NO. 35 OFFERED BY MR. ROHRABACHER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. ROHRABACHER:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

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

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

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

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) reserves a point of order.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 5 minutes.

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

Mr. Chairman, I am offering an amendment in support of former American prisoners of war who were used by slave labor by Japanese corporations during the Second World War. These heroes survived the Bataan Death March, only to be transported to Japan and elsewhere in infamous death ships and then forced to work for Japanese companies under the most horrendous circumstances and conditions.

Private employees in these corporations tortured and physically abused these American POWs while the corporations withheld essential medical

care and even the most minimal amount of food.

My amendment to H.R. 2500 would prohibit any funds in the act from being used by the United States government to prevent the former POWs from seeking a fair hearing against the Japanese companies who used them as slave labor in civil court.

This amendment is supportive of H.R. 1198, which is a bill that I have authored and put into the hopper which has over 160 cosponsors which calls for the United States government not to interfere with the efforts of former World War II POWs to have their day in court. This provision now, as I say, has over 160 bipartisan cosponsors.

After the war, approximately 16,000 POWs returned all battered and nearly starved from their terrible ordeal, many permanently disabled; their lives changed forever. Many of them had died during the war; 11,000 POWs died at the hand of the Japanese corporate controllers. The Japanese, by the way, had the worst record of physical abuse for POWs in recorded history.

Some 4,500 of the former POWs are still alive. Now, like many other victims of World War II and the atrocities of that war, the remaining survivors, our POWs, our most heroic defenders, are looking to try to seek justice and recognition for the ordeal they suffered.

They do not seek action or retaliation against the current Japanese government or the current Japanese people, nor do they seek to portray Asian-Americans or the Japanese people in a negative light. Rather, our former POWs, these brave heroes, seek the opportunity to bring their case against Japanese corporations who used them as slave labor, to bring their case to civil court.

Japan has extended favorable reparation terms to many other victims of other countries, and they continue to settle war claims by other nationals of other countries. Unfortunately, to date our own State Department has asserted that our American POWs who were held by the Japanese have no claim against the Japanese corporations who worked them as slave labor.

Our State Department has stood in the way of these American heroes, these POWs, in their struggle to obtain justice by restricting their ability to go to court. They have a very restrictive reading of the peace treaty between the United States and Japan, and are thus betraying our own POWs in order to protect Japanese corporations from our POWs seeking legal redress against them.

It is, therefore, up to this Congress to pass this bill and to force our State Department to get out of the way and let our POWs have their day in court.

This is a balanced and fair response to the situation. Many of the companies, the Japanese companies in question, are household names in the United States. As an ethical and moral matter, they should have voluntarily

sought to close the book on this injustice a long time ago.

I would hope that we can put this type of restriction into this bill that would prevent the State Department from using any funds that we authorize and appropriate today in order to prevent our POWs from suing the Japanese corporations that used them as slave labor in the Second World War.

Mr. WOLF. Mr. Chairman, I continue to reserve a point of order, and I move to strike the last word.

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

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

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

Mr. Chairman, I just want to say to my dear friend, the gentleman from California (Mr. ROHRBACHER), I am entirely sympathetic with what he is seeking to do. I just think it is inartfully done in the gentleman's amendment.

He seeks to inhibit the government from filing any motion. There are lots of other pleadings and litigation besides a motion. There is an answer, there are interrogatories. There are all sorts of documents that could circumvent what the gentleman is attempting to do. It is too narrow.

Secondly, fraud, it is an open door to fraud. If the gentleman stops the government from denying that some plaintiff was not a POW, is a phony, that can happen easily. All kinds of people claim war records. The gentleman opened the door for that.

I think what the gentleman wants to do is meritorious, but it is going to require a lot more attention. I would prefer the gentleman to have a bill, and we have some hearings and have some scholarship look at this and do it right.

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

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

Mr. ROHRBACHER. Mr. Chairman, does the gentleman not believe it would be better to have those very objections that he mentioned settled by a judge rather than settled in the bureaucracy, with all the political pulls that are on our bureaucracy?

Mr. HYDE. Access to the courts is a legal element. Sometimes there is standing, sometimes there is not. I think that there is an issue here to be looked at.

There is some law here, law of treaties, but I have no problem with the court adjudicating these, because I want the people who are going into court to be there under proper pleadings, not just inhibit the motion by the government. That does nothing. I do not want to invite fraud, which I think the gentleman's amendment does.

Mr. ROHRBACHER. If the gentleman will continue to yield, I would say to the gentleman from Illinois, we obviously have a disagreement.

Mr. HYDE. Surely, Mr. Chairman, if the gentleman will yield further, I ad-

mire what the gentleman from California is trying to do. I just do not think it is done properly in the gentleman's amendment.

Mr. WOLF. Reclaiming my time, Mr. Chairman, perhaps we can work with the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. ROHRBACHER) as we get to the point. But I think the gentleman makes a valid point.

If the gentleman could sit down with them, maybe we could work something out by the time we finish up the bill.

POINT OF ORDER

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

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

Mr. ROHRBACHER. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear any argument on the point of order. The gentleman from California is recognized.

Mr. ROHRBACHER. Let me just note, Mr. Chairman, that many of the objections that my good friend and the chairman have made I believe frankly could be taken care of easily by simply letting the POWs that we are referring to take their case to court, because then the court would determine whether or not there had been fraud, whether or not the people have a just claim, whether or not the records were sufficient in order to prove their case.

All of the objections that the good chairman just made can easily be determined by a judge, and that is my intent. That is the intent of this legislation.

Instead, by letting our State Department use our money, the taxpayers' money, to block our POWs, the survivors of the Bataan Death March, from going to court, what we are doing is we are getting in the way of having a judicial decision on those very issues.

□ 1730

No, what we should be doing now is not abandoning the Bataan Death March survivors again.

Let us remind ourselves that in World War II these men, and a few women, yes, were abandoned by the United States Government on the Bataan Peninsula. And when it was determined that they could not go back to save them without risking further American lives in a defeat, we abandoned them. And then after the war, when they were finally freed from Japanese captivity, our State Department abandoned them again.

They need their day in court. That is where those determinations should be made.

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

Mr. ROHRBACHER. I yield to the gentleman from Illinois.

The CHAIRMAN. The gentleman cannot yield under a point of order.

Mr. HYDE. May I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman if he wishes to speak on the point of order.

Mr. HYDE. I wish to speak, if I may.

I agree with everything my friend said, except he wants them to have a day in court, but he also does not want the Government to be permitted to participate. The gentleman's amendment says no motion denying this or that; an open door to fraud. But the gentleman cannot have a court hearing unless there are two parties.

Mr. ROHRABACHER. The parties are the corporations that worked them as slave laborers and our POWs. The United States Government should not be getting in the way.

The CHAIRMAN. The gentleman will suspend. The Chair will endeavor to hear arguments on both sides and not a colloquy between Members.

Mr. ROHRABACHER. Yes, sir.

Mr. HYDE. The Chair is right.

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

If not, the Chair is prepared to rule. The gentleman from Virginia makes a point of order that the amendment offered by the gentleman from California proposes to change existing law, in violation of clause 2(c) of rule XXI.

The amendment is in the form of a limitation. The limitation is properly confined to the funds in the pending bill and to the fiscal year covered by the pending bill. The limitation proposes a negative restriction on those funds by objectively identifying a purpose to which they may not be put.

The Chair finds that the amendment refrains from imposing new duties or requiring new determinations. It only requires an intervenor to take cognizance of the action, all of which would already be a matter of public record in the courts, in which he would intervene. By simply denying funds for a specified object, the amendment refrains from legislative prescription. The Chair therefore holds that the amendment proposes a proper limitation. The point of order is overruled.

The gentleman from California (Mr. ROHRABACHER) is recognized for 30 seconds on his amendment.

Mr. ROHRABACHER. Mr. Chairman, I would hope that my colleagues support my amendment, and I am very grateful to the Chair for ruling it in order.

All we are suggesting is that the money that we are appropriating here not be used to thwart the right of some of the greatest heroes in American history who were betrayed by their own government during World War II. This will prevent our State Department from continuing their policy of thwarting the legal suits by American POWs, the Bataan Death March survivors, against the Japanese corporations that worked them as slave laborers.

I would ask all of my colleagues to support my amendment.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of my colleague's amendment, prohibiting the use of government funds to oppose civil actions brought by U.S. veterans who were victims of Japanese forced or slave labor during World War II. It is our responsibility to ensure that these veterans who served in the Pacific Theater and then were victimized as prisoners of war in Japan can pursue justice.

Many of these soldiers survived the Bataan Death March which required them to march over 60 miles with little or no food or water. Hundreds of U.S. soldiers died of dehydration, starvation, and worse on this march. When they arrived in Japan, the American prisoners of war were turned over to private Japanese companies to serve as slave laborers. Thousands of soldiers perished laboring for these private companies.

These American prisoners of war have been seeking an apology and adequate compensation from the Japanese companies for the hard labor and atrocities they were forced to endure during their time in the slave labor camps. I was appalled to learn that the U.S. Government has opposed the veterans' efforts to recover compensation from the Japanese companies, instead of helping them resolve their claims.

This is especially tragic given the U.S.-German agreement signed on July 17, 2000, that established the German Foundation, "Remembrance, Responsibility and the Future," which is charged with resolving similar claims by civilian slave laborers against German companies. Last month, these long-awaited compensation payments went out to some 10,000 Holocaust survivors who performed slave and forced labor.

Our veterans should not be denied their day in court. It would be unconscionable for our veterans, who fought for their country and performed slave labor under the most brutal of conditions, to be further denied their right to pursue the apology and compensation they have long deserved. I urge my colleagues to join me in supporting this amendment calling attention to this egregious situation.

Mr. COX. Mr. Chairman, I oppose the amendment. The effect of this amendment is to abrogate our post-World War II agreement with Japan on reparations to U.S. citizens injured by Japan during World War II. It would bar the Justice Department and the State Department from using appropriated funds "to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II he or she was used as slave or forced labor."

Although U.S. POWs used as slave laborers deserve redress, this amendment may raise serious constitutional concerns. During the Reagan Administration, the Department of Justice regularly advised Congress of its constitutional concerns over the so-called Rudman Amendment, a funding bar annually added by Congress that purported to bar the President from spending appropriated funds to advocate in court the view that the antitrust laws did not bar vertical non-price restraints. The Justice Department believed that the Rudman Amendment represented an attempt to accomplish indirectly through the appropriations power that Congress could not, consistent with the Constitution, accomplish di-

rectly through legislation—namely, to tell the President how to "take Care that the laws [in this case, the antitrust laws] be faithfully executed." The Justice Department took this view even though the legal question was simply one of statutory construction, i.e., the proper interpretation of a law wholly within Congress's legislative domain, because it also implicated the Take Care Clause—a grant of power to the President directly under the Constitution, and not a grant of delegated legislative authority. If accordingly represented an unconstitutional condition.

This amendment appears to raise a still more serious constitutional question, because in addition to attempting to use the appropriations power indirectly to control the executive branch's interpretation of statutes pursuant to the Take Care Clause, it also attempts indirectly to use the appropriations power to control the President's exercise of the Foreign Affairs Power—a power he also enjoys directly under the Constitution, and not by grant of delegated legislative authority. This is so because the executive branch's position in such litigation could rest directly on the President's foreign affairs power.

As a result, it would be better to pursue any appropriate redress through direct executive-branch negotiations with the Government of Japan.

Mr. Chairman, the Bush administration opposes this amendment. Moreover, Mr. Chairman, there are several additional reasons to oppose this amendment, despite its noble purpose of assisting former prisoners of war. These reasons are eloquently set forth in the following correspondence from the Honorable George P. Schultz, former U.S. Secretary of State:

JUNE 1, 2001.

DEAR MR. CHAIRMAN: I am writing to you to express my deep reservations about H.R. 1198—The Justice for the U.S. Prisoners of War Act of 2001. I believe the passage of this act would be a direct challenge to the ability of the United States to make and execute treaties.

I express my opposition to the bill against the background of tremendous sympathy for the problems of the United States' citizens who have in one way or another been harmed, many severely, in the course of war and its sometimes dehumanizing impact.

But the bill in question would have the effect of voiding the bargain made and explicitly set out in the Treaty of Peace between Japan, the United States and forty-seven other countries. President Truman with the advice and consent of the Senate ratified the Treaty and it became effective April 28, 1952. The Treaty has served us well in providing the fundamental underpinning for the peace and prosperity we have seen, for the most part, in the Asia Pacific region over the past half-century.

The treaty addresses squarely the issue of compensation for damages suffered at the hands of the Japanese. Article 14 in the Treaty sets out the terms of Japanese payment "for the damage and suffering caused by it during the war." The agreement provides:

1. a grant of authority to Allied powers to seize Japanese property within their jurisdiction at the time of the Treaty's effective date;
2. an obligation of Japan to assist in the rebuilding of territory occupied by Japanese forces during the war; and
3. waiver of all "other claims of the Allied Powers and their nationals arising out of any action taken by Japan and its nationals of the war."

The interests of Allied prisoners of war are addressed in Article 16, which provides for transfer of Japanese assets in neutral or enemy jurisdictions to the International Red Cross for distribution to former prisoners and their families.

H.R. 1198 challenges these undertakings head on, as it says, "In any action in a Federal court, . . . the court . . . shall not construe section 14 (b) of the Treaty of Peace with Japan as constituting a waiver by the United States of claims by nationals of the United States, including claims by members of the United States Armed Forces, so as to preclude the pending action."

I have read carefully an opinion of Judge Vaughn R. Walker of the U.S. District Court in California rendered on September 21, 2000, dealing with claims, many of a heart-rending nature. His reasoning and his citations are incisive and persuasive to me. He writes, "The cases implicate the uniquely federal interests of the United States to make peace and enter treaties with foreign nations. As the United States has argued as *amicus curiae*, there cases carry potential to unsettle half a century of diplomacy." Just as Judge Walker ruled against claims not compatible with the Treaty, I urge that Congress should take no action that would, in effect, abrogate the Treaty.

The chief negotiator of the Treaty on behalf of President Truman was the clear-eyed and tough-minded John Foster Dulles, who later became Secretary of State for President Eisenhower. He and other giants from the post World War II period saw the folly of what happened after World War I, when a vindictive peace treaty, that called upon the defeated states to pay huge reparations, helped lead to World War II. They chose otherwise: to do everything possible to cause Germany and Japan to become democratic partners and, as the Cold War with the Soviet Union emerged, allies in that struggle.

As Judge Walker notes in his opinion, "the importance of a stable, democratic Japan as a bulwark to communism in the region increased." He says, "that this policy was embodied in the Treaty is clear not only from the negotiations history, but also from the Senate Foreign Relations Committee report recommending approval of the Treaty by the Senate . . . and history has vindicated the wisdom of that bargain."

I served during World War II as a Marine in the Pacific. I took part in combat operations. I had friends—friends close to me—friendships derived from the closeness that comes from taking part in combat together, killed practically beside me. I do not exaggerate at all in saying that the people who suffered the most are the ones who did not make it at all. I have always supported the best of treatment for our veterans, especially those who were involved in combat. If they are not being adequately taken care of, it should always be ready to do more.

If you have fought in combat, you know the horrors of war and the destructive impact it can have on decent people. You also know how fragile your own life is. I recall being the senior Marine on a ship full of Marines on our way back from the Pacific Theatre after three years overseas. We all knew that we would reassemble into assorted forces for the invasion of the Japanese home islands. As Marines, we knew all about the bloody invasions of Tarawa, the Palaus, Okinawa, Iwo Jima, and many other islands. So we knew what the invasion of the Japanese home islands would be like.

Not long after we left port, an atomic bomb was dropped on Japan. None of us knew what that was, but we sensed it must be important since the event was newsworthy enough to get to our ships at sea. Then we heard of a second one. Before our ship reached the States, the war was over.

I have visited Japan a number of times and I have been exposed to Hiroshima and Nagasaki. Civilians there were caught up in the war. I am sympathetic towards them. I have heard a lot of criticism of President Truman for dropping those bombs, but everyone on that ship was convinced that President Truman saved our lives. Yes, war is terrible, but the Treaty brought it to an end.

The Bill would fundamentally abrogate a central provision of a fifty-year-old treaty, reversing a long-standing foreign policy stance. The Treaty signed in San Francisco nearly fifty years ago and involving forty-nine nations could unravel. A dangerous legal precedent would be set.

Once again I would say to you, where we have veterans, especially veterans of combat who are not being adequately supported, we must step up to their problems without hesitation. But let us not unravel confidence in the commitment of the United States to a Treaty properly negotiated and solemnly ratified with the advice and consent of the U.S. Senate.

I submit this letter to you and other members of the House of Representatives with my deep respect for the wisdom of the congressional process, and for the vision embodied in the past World War II policies that have served our country and the world so well.

Sincerely yours,

GEORGE P. SHULTZ.

The CHAIRMAN. The time of the gentleman from California has expired.

The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

Mr. COX. Mr. Chairman, I was seeking to be recognized on the amendment.

The CHAIRMAN. There is no time on either side. Under the order of the House, there is prescribed time on both sides, and that time has expired.

Mr. COX. I thank the Chairman.

The CHAIRMAN. The Chair will put the question again.

The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Chairman announced that the noes 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 California (Mr. ROHRABACHER) will be postponed.

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

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

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

Mr. MCGOVERN. I thank the chairman for yielding to me, and I rise to enter into a colloquy with the chairman as well as with the gentlewoman from Maryland (Mrs. MORELLA) with regard to funding for the Small Business Administration's Women's Business Centers program.

Mr. Chairman, the SBA's Women's Business Centers provide valuable education, training, consulting and access to capital services to women entrepreneurs. There are 93 Women's Business Centers in 46 States serving tens

of thousands of entrepreneurs each year. A large percentage of Women's Business Centers clients are women from low-income or disadvantaged backgrounds who would be unable to start their own businesses without the assistance of a women's business center. These centers strengthen our economy by creating businesses and jobs and by reaching out to new markets and new entrepreneurs.

Last year, the House approved a bipartisan amendment that I offered to this bill, along with several other representatives, to increase funding for this program from \$9 million to \$13 million. Earlier this year, I sent the chairman a letter signed by six of our colleagues requesting the fully authorized \$13.7 million for the SBA's Women's Business Centers program.

In large part, the gentleman has been responsive to our request by level-funding the Women's Business Centers program at \$12 million. Funding for the Women's Business Centers program in the FY 2002 House Commerce, Justice, State bill is \$3 million more than it was at this point in our discussions in the FY 2001 bill, and I thank the gentleman very much for that. Nevertheless, I feel passionately about this program, and I would like to work with the chairman through conference to further increase fiscal year 2002 funding to the authorized level of \$13.7 million.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I rise in support of the remarks of the gentleman from Massachusetts regarding the invaluable service of Women's Business Centers and the need to fund the program at the authorized levels of \$13.7 million.

As of 1999, there were 9.1 million women-owned businesses in the United States, generating sales in excess of \$3.6 trillion and employing 27.5 million workers. Furthermore, one in eight of these businesses is owned by a woman of color, making women of color the fastest-growing segment of women-owned businesses.

In Maryland alone, there are now over 193,000 women-owned businesses, accounting for 40 percent of all the firms in the State of Maryland. In fact, my district, Montgomery County, Maryland, is actually ranked the top county for women business ownership in Maryland.

Unfortunately, even with this tremendous growth, women entrepreneurs still face barriers in the marketplace. With the current rate of government contract procurement for women-owned businesses at a mere 2.4 percent, there is an ever-growing need for women-owned business assistance in every congressional district.

It was a great victory for women when the House was able to approve the bipartisan amendment that the gentleman from Massachusetts (Mr.

McGOVERN) offered and that we cosponsored to increase funding for the Women's Business Centers last year. It is an even greater victory, however, that the Committee on Appropriations today was able to recognize the need for the \$3 million increase and fund it at that fiscal year 2001 level.

But even still, I share the concern of the gentleman from Massachusetts that without increased funding this program may begin to stagnate. I would like to work through conference with the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from Virginia (Mr. WOLF), and many of our colleagues on both sides of the aisle to search for additional funding for the Women's Business Centers.

Mr. WOLF. Mr. Chairman, reclaiming my time, I just wish to say that I agree with the gentlewoman that the Women's Business Center Program is valuable, and I appreciate the gentlewoman's acknowledgment that we were able to, in large part, respond to her funding request.

We would be happy to work with the gentlewoman and the gentleman from Massachusetts (Mr. MCGOVERN) and others to see if we can identify additional resources for the program.

Mrs. MORELLA. We appreciate that very much, Mr. Chairman.

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

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

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

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF) for yielding to me, and I would like to engage in a short dialogue with the subcommittee chairman.

First, let me thank the subcommittee chairman and ranking member, the gentleman from New York (Mr. SERRANO), as well as the entire subcommittee and the full committee, for their work on this bill. It is a good bill.

However, I would like to talk about the Maritime Administration funding for the six State maritime training academies. The funding for all six schools in this year's bill is roughly the same as last year. Great Lakes Maritime Academy in Traverse City, Michigan, is the only one of the six State schools that trains marine pilots as well as deck and engine officers.

As the gentleman from the coastal State of Virginia is well aware, our Nation is dependent upon waterborne commerce. Great Lakes shipping is vital to our country's industrial economy. I believe that each of these State academies should receive a minimum of \$500,000 for their base funding. I would like to know whether the chairman will support conference language that would direct a minimum allocation of at least \$500,000 to each State maritime academy.

I appreciate the chairman's interest in this matter, and I look forward to working together to ensure that all the

State maritime academies receive the support they deserve to fulfill their critical mission.

Mr. WOLF. Mr. Chairman, reclaiming my time, I thank the gentleman for his interest in this important maritime education program.

The recommended funding level in the bill assumes equal direct payments of \$200,000 to each of the six State academies. The remaining funds in the program are allocated based on enrollment in the Student Incentive Program, and on scheduled school ship maintenance and repair.

We look forward to working with the gentleman to ensure that this additional funding is allocated in an equitable fashion.

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

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. RYAN of Wisconsin. Mr. Chairman, I would like to express my concerns about the Organization for Economic Cooperation and Development. This group has recently begun promoting tax harmonization among nations. The OECD believes developing nations, like Liberia or Grenada, should not be allowed to set their own tax rates to attract needed capital to their economies. Instead, the OECD says that nations should adopt all higher tax rates more among the lines of those in Europe. This is unfair to the nations who need foreign capital to promote economic growth, and it also goes against the free market concept that tax competition keeps taxes lower worldwide.

As the chairman knows, the United States contributions to the OECD, which are distributed through the State Department, constitutes roughly 25 percent of its budget. I do not think that our tax dollars should be used to promote an idea so contrary to the kinds of policies that have historically made our economy so strong. I think we should be ready to reconsider future funding of the OECD if they continue with their support of tax harmonization.

Mr. WOLF. Mr. Chairman, reclaiming my time, I thank the gentleman for sharing his concerns about the OECD and its policies on tax harmonization. I can assure the gentleman that we will keep an eye on the situation and will be happy to work further with the gentleman as our process moves forward.

I just might say, though, that any hope of dealing with a country like Liberia is almost hopeless. Charles Taylor is abandoned. They are cutting off the arms of individuals. It is the conflict diamond. We were there with the gentleman from Ohio (Mr. HALL) a year ago December.

So, frankly, until Charles Taylor is removed from that government, I am not hopeful that anything good will happen. But with that, I will be glad to work with the gentleman.

Mr. RYAN of Wisconsin. Mr. Chairman, if the gentleman will continue to yield, I think Liberia is probably a poor example. But, nevertheless, to promote an institution that promotes higher taxes worldwide rather than lower taxes worldwide is an institution that is probably not worthy of our support. And I thank the chairman for engaging in this dialogue.

AMENDMENT NO. 30 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. MORAN of Virginia:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to destroy any record of the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act, within 90 days after the date the record is created.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 10 minutes.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

This is an amendment which incorporates what the gentlewoman from New York (Mrs. MCCARTHY) has previously offered in freestanding legislation. For the last 3 years, the FBI has kept records of the National Instant Criminal Background Check System for 6 months. Last month, the FBI reduced this retention period to 90 days.

What this amendment would do is to simply keep that 90-day retention period in place for the length of this appropriations period.

□ 1745

Last year the NRA sued the Justice Department to destroy the records immediately. The Justice Department of Attorney General Ashcroft argued before the Appeals Court and the Supreme Court that it was necessary to retain these records for a reasonable period of time to ensure that the information provided by the system is accurate and that people are not providing false information in order to evade the law.

Based on that argument, the Supreme Court upheld the lower court decision that the retention by the Department of Justice represented a permissible construction of the requirement to establish a system for preventing disqualified persons from purchasing firearms.

Now, the reason for this amendment is that 3 days after the Supreme Court

decision said this was the appropriate thing to do, Attorney General Ashcroft decided that they should be destroyed within 1 day. That seems to run counter to the Justice Department's own argument.

In fact, the Criminal Background Check Systems Operation Report, which was issued in April of this year, shows that over 5,000 people were able to slip through the NICS system last year alone. They received an approval which allowed them to purchase a gun that they legally should not have had. So the system is not perfect. To lower the time frame now seems at best unnecessary and, at worst, represents an attempt to frustrate the purpose of the act.

Even more troubling is that this year the Department of Justice published a rule in which they cited the fact that their own criminal justice advisory panel recommended increasing the retention period to 1 year. This amendment would only allow the 90 days.

The amendment seeks to prohibit the FBI from destroying records that they say are necessary to be kept. So we do not think that this is any kind of radical amendment. It allows for quality control audits. It makes sure that the straw buyers, the bad apple dealers, are identified. Potential handgun purchasers or gun dealers who have stolen an identity in order evade the background check system can be caught. In other words, purchases for unauthorized purposes would be denied through this audit. That is why we think it is important.

Mr. Chairman, I will retain the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) claim the time in opposition?

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

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

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

Mr. Chairman, I rise in opposition to this amendment by the gentleman from Virginia (Mr. MORAN).

After the gentleman from Virginia raised concerns last week at the committee level about the FBI system for gun purchase background check information, I set up a meeting for him and the FBI to discuss the issue.

The FBI acting director, a career civil servant, not a political appointee, a career civil servant and a career FBI employee who works with the NICS program from the FBI call center in West Virginia travelled to answer questions. In fact, we specifically had the people that work on this program drive in from West Virginia to sit down and we said, give us all of the answers.

I believe that all the answers were met and the concerns were put to rest. I want my colleagues to know that the Office of the Attorney General was not at the meeting. No political appointees were at the meeting. This was a meet-

ing, as I promised, to look at the NICS system and hear from the professionals about its ability to ensure quality control within a 24-hour period for background checks.

I understand that the career staffer who has extensive experience with the system indicated that the FBI can perform the quality control within 24 hours. That is a fact. In fact, they say it is better to do the quality assurance immediately rather than wait a few days or weeks or up to 90 days because if the system is not working right, then you want to know immediately as the sale of the gun is approved.

It is important to note that the records that are kept now for 90 days are on approved gun sales. However, what the NICS system does not tell us is if the gun was sold. This information resides with the gun dealer, not the FBI.

The FBI keeps records indefinitely on people who were denied the ability to buy the gun because of a felony record, mental deficiencies or spousal abuse.

We want to strike the right balance between protecting the privacy of people and ensuring that law enforcement has adequate time to review and audit the information collected to make sure the system is working properly.

The Moran amendment is unnecessary. It is not needed, it is clear, after talking and listening to the career professionals at the FBI. Also, the amendment is highly controversial and not an issue that, quite frankly, we should be dealing with on the appropriations bill.

Mr. Chairman, I urge Members on all sides to defeat this unneeded amendment.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to myself to respond to the gentleman.

Mr. Chairman, it was career civil servants in the Justice Department that argued successfully before the Supreme Court that this retention period was necessary to be retained. When we asked with regard to the 90 days, they found that it would do no harm whatsoever. In fact, when we looked at the information that was prepared for the notice of proposed rulemaking, they said the only reason not to have 180 days was basically that gun-interest groups would object politically. The Justice Department's Criminal Justice Advisory Board in fact recommended one full year's retention of these records.

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

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

Mr. MURTHA. Mr. Chairman, I am concerned that the gentleman from Virginia (Mr. MORAN) is getting into an area that has always caused a controversy in the Congress. I thought we spoke clearly a few years ago when we said 24 hours is what the check should

be. I get very nervous when the FBI retains weapons and/or other material. I understand they lost 100 computers. They mislaid a number of weapons, and one of those weapons was used in a murder. The longer they retain records, the more chance there is for abuse.

Most of the people, the majority of the people, a vast majority of the people that work for the Department of Justice and the FBI are qualified, highly competent people. But the longer we retain any kind of records about any of these things, the more mischief it can cause.

Mr. Chairman, I am an advocate of privacy; and the government has enough records. I would urge Members to vote against the Moran amendment because I believe it does not improve the privacy system. As a matter of fact, it is detrimental to the privacy system. I appreciate what the gentleman is trying to do, but I am very nervous when the government maintains records for any period of time.

Mr. Chairman, I think we ought to wait and see how it is working. If it is not working, maybe we ought to make a change. But I feel very strongly about it, and I urge Members to vote against the Moran amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, in response to the gentleman from Pennsylvania, number one, there are no names on the retentions. Only where the person buys the gun are the records maintained. When it goes into the NICS system, that is the backup for making sure that people are not using the system wrongly.

So, again, we come up to this debate, and this is not what the debate should be about. The debate should be that we have to make sure that criminals, which certainly we know can use an instant and positive check, can use false identification and buy guns throughout this country.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, earlier this week and last week I spent a little bit of time at the United Nations in New York. They are involved in a conference on arms control, not global arms control, not military arm controls, but arms control of the variety that the gentleman from Virginia (Mr. MORAN) is referring to; that is, the control of lawful firearms in this country.

Mr. Chairman, the fact of the matter is that U.S. law prohibits this by its explicit terms, as well as the intent of at least two acts of Congress signed by at least two Presidents. The Congress and the people of this country have spoken out that we do not want and we will not allow the Federal Government to retain and maintain, manipulate and utilize a system of keeping track of

law-abiding citizens who possess, purchase or transfer a lawful firearm in this country.

As a matter of fact, one of the first acts that he engaged in as attorney general, Mr. Ashcroft said we need to look at this. We have had abuses in the past. He has done the right thing. He has come forward and said to the American people and to this Congress, and the FBI has backed him up, there is no need to retain records on citizens who are not disabled from or otherwise prohibited from purchasing or possessing a firearm. There is no need for the government, once the government has determined through the instant, I repeat, instant, background check that that person is a legitimate person to possess a firearm or purchase a firearm, there is no reason whatsoever for the government to retain those records. It is prohibited by existing law, and the gentleman is trying to reopen this wound even though there was testimony before his committee and his subcommittee by the FBI that this is not necessary.

The gentleman ought to take his concern to the United Nations. They are very concerned and are moving in this direction, but we ought not to in the United States of America.

Mr. MORAN of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mrs. MCCARTHY), who has fought this issue for many years and has personal experience that we should all listen to.

Mrs. MCCARTHY of New York. Mr. Chairman, I thank the chairman and distinguished ranking member for including language in this bill for a child safety lock measure that also recognizes that we need standards on these locks. I think it is extremely important that Congress start to listen to the American people.

However, while this body takes a positive step in reducing senseless acts of gun violence, the Department of Justice takes two steps back by proposing regulations that tie the hands of law enforcement officials. That is why I express my strong support for this amendment.

While the Brady Act passed, its intent was to keep guns out of the hands of criminals. It has done an outstanding job with that.

Congress relied on the Department of Justice and the FBI to operate a national instant check system which screens buyers for criminal activity before they are allowed to obtain a firearm. As part of this system, the Department of Justice has retained the gun purchase records for 120 days in order to perform audits and identify potential violations of the national gun laws. This retention period has recently been reduced to 90 days. Eventually, it should be reduced to 40 days. Eventually, we will see the day when we can get rid of all of these checks but not until the States have the full records that they need to get the information out there.

Mr. Chairman, we know that short-term retention of gun purchase records enables law enforcement to identify multiple cases of unauthorized or illegal use of the NICS system. We also know that 1 percent of bad dealers are the source of 50 percent of the Nation's gun traces.

When ATF conducted a specific audit of the NICS system by dealers in New Orleans, it found 12 of 17 of those dealers either abused or misused the NICS system. Some guns were sold to felons, while another dealer permitted a background check to be run on a family member not involved in the gun purchase.

Yes, the Justice Department has recently proposed to reduce the current period allowed to retain gun purchase records for 24 hours. I find this completely illogical. In January of this year, the FBI advisory board actually recommended increasing the temporary retention of these records from 6 months to 1 year. Yet 6 months later the Department of Justice is proposing to reduce the time period to 24 hours. What is equally disturbing is that the courts have sided with the Department of Justice's need to retain these records.

□ 1800

The NRA sued the Federal Government in a case that was recently denied by the Supreme Court, arguing that Federal law enforcement officers had no right to detain purchase records in the NICS system. The Justice Department argued against the NRA in this lawsuit and they won. In their legal briefs, they actually argued that keeping records for a reasonable time after purchase helps in numerous ways.

This is not a gun debate. This is a safety debate again, so felons and criminals cannot get their guns.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

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

Mr. Chairman, I rise in opposition to the gentleman from Virginia's amendment because it undermines one of the most important principles underlying and underpinning Brady, and that is the protection of gun purchasers' privacy rights.

Mr. Chairman, everyone supports the purpose of the Brady Act, instant check. But the act itself did not contemplate and specifically prohibit retention of records.

May I read from it. It says that no officer of the United States Government could require, and I quote, "that any record or portion thereof generated by the system established under this section be recorded at or transferred to a facility owned, managed or controlled by the United States."

We specifically talked to the principle of protecting gun owners' privacy rights. Legitimate purchasers, instant check, get their guns, should not be on a list kept by the United States Gov-

ernment. Criminal purchasers, they are already on a list because they are prosecuted. This is about the privacy rights of honest, law-abiding citizens.

Oppose the Moran amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 10 seconds just to remind my very good friend from West Virginia that these records do not retain any names, and so privacy is scrupulously maintained.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman very much for yielding me this time.

Mr. Chairman, it is important to have the background check system function efficiently, and to do that we need to preserve records so that law enforcement officials can investigate corrupt dealers who traffic guns illegally and sell firearms off the books. It also assists authorities to track down straw purchasers who buy guns illegally for felons, fugitives, children and others. Preserving these records also helps in the fight against criminals who buy guns with fake IDs. The General Accounting Office went undercover in five States and they demonstrated how easy it is to use fake IDs to obtain firearms. The conclusion was that although there are few ways to detect fake IDs, one option is for police to monitor criminal background check records. The Attorney General now wants to eliminate even this limited but valuable tool.

The Attorney General's proposal I think is a horrible mistake for public safety. It will seriously jeopardize legitimate law enforcement activities. It does not make law enforcement easier. It does not help cops on the street. It does not increase deterrence. And it does not provide police any additional resources in their fight. It seems to be nothing more than an outright gift to the gun lobby. That is why I support the Moran-McCarthy-Waxman amendment to this bill. I think it is an important one if we are going to have the integrity preserved of the original Brady Act.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. KERNS).

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

Mr. Chairman, the Moran amendment would keep records of law-abiding citizens for 90 days. I understand that records of felons and others that are not allowed to buy guns are kept indefinitely. While I believe that we should enforce existing gun laws and prosecute criminals who violate these laws, we also must protect the rights of law-abiding gun owners. I believe that once a firearm purchase is approved, the Federal Government should destroy personal identification records that have been collected in connection with background checks.

While I was prepared to offer two amendments today, I will not do so at

this time, but I urge my colleagues to vote against the Moran amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). Each side has 1 minute remaining, and the gentleman from Virginia (Mr. WOLF) has the right to close.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, we would not entertain in this body for 5 seconds the idea of suspending any other constitutionally protected right in this country. Yet we seem to advise ourselves constantly that the second amendment does not deserve the same protection from this body as freedom of speech or freedom of assembly or freedom to practice whatever religion we would.

Why do we not take and spend some time, spend our limited talents, our limited resources and our constitutional mandate to protect the peaceful citizens of this country and to punish the bad ones instead of the other way around?

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

In the first place, the Court has clarified time and again the interpretation of the second amendment, and it is for the purpose of a well-regulated militia. Chief Justice Warren Burger is a good person to consult on that. He was a gun collector himself, and he made that unquestionably clear.

We are not talking about compromising in any way the Constitution. What we are talking about is the ability of law enforcement to carry out its responsibilities. Currently a 90-day retention period is maintained so that you can audit the system, so that you can weed out those who are using straw purchases, so that you can identify people that are not supposed to be getting a gun, and to determine whether, in fact, the system is working. The FBI will tell you that privacy is scrupulously maintained. They are not keeping the names. There is no way that people's privacy is going to be violated. But if we do not have a reasonable retention period, this system is not going to work and we will go back to a waiting period. Maybe that is for the best.

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

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

Mr. BUYER. Mr. Chairman, I rise in opposition to the Moran amendment.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I hope it will be the pleasure of this body to overwhelmingly reject the Moran amendment. I heartily disagree with his assessment that law enforcement personnel need a 90-day rule to carry out their responsibilities. We are talk-

ing about law-abiding gun owners whose purchase was approved. Those records should be destroyed immediately.

Please vote against the Moran amendment.

Mr. BUYER. Mr. Chairman, I rise in opposition to the Moran amendment.

I support an instant check system for the purchase of a firearm. But instant should mean instant. Legal purchasers of firearms should not have their names and addresses floating around in some government computer.

The Attorney General has underway efforts to make improvements in the National Instant Check System. The check system is only as good as the records it contains. The Attorney General is seeking to make the records in the system more complete and to increase the response level of the system. The Attorney General is directing the Justice Department to conduct a comprehensive, state-by-state review of missing or incomplete criminal history records, including adjudication records of cases of mental illness and domestic violence. This is appropriate.

The Attorney General has also pledged to increase the enforcement of the law for those who falsify information in order to obtain a firearm. From 1994 through June 5th of this year, the FBI referred 217,000 attempted illegal gun purchases for investigation. Of these only 294 people have been convicted. I applaud the Attorney General's pledge to enforce our gun laws aggressively.

But law abiding firearms purchasers should also be convinced of the background check system's integrity. Once a legal purchaser has cleared the instant check system, that should be the end of it. The Attorney General seeks improvements in the system so that the records of lawful approved gun purchases will be kept until the next business day after the transfer is approved to allow for real-time audits to ensure the accuracy and integrity of the results, a standard recommended by the computer industry.

The Moran amendment seeks to reverse the improvements the Attorney General is seeking to make. Oppose the Moran amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

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

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 6 OFFERED BY MR. PAUL

Mr. PAUL. 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. 6 offered by Mr. PAUL:
Page 108, after line 22, insert the following:
TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be used for any United States contribution to the United Nations or any affiliated agency of the United Nations.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and the gentleman from Virginia (Mr. WOLF) each will control 10 minutes.

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

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

Let me just read the amendment because it is just three lines. It says, "None of the funds appropriated in this act may be used for any United States contribution to the United Nations or any affiliated agency of the United Nations." It would defund the United Nations. It would take away the dues that we pay the United Nations as well as the amount of money that we are paying to pay our back dues.

I think this is an appropriate time to discuss the reasonableness for our support for the United Nations. The government of the United States has continued to grow as our state sovereignty has gotten much smaller, but now we are losing a lot of sovereignty to an international government which is the United Nations. Just recently, the United States was humiliated by being voted off by secret ballot from the U.N. Human Rights Commission and Sudan was appointed in our place. How could anything be more humiliating. So democracy ruled, our vote counted as one, the same value as the vote of Red China or Sudan. But the whole notion that we would be put off the Human Rights Commission and Sudan, where there is a practice of slavery, is put on the Human Rights Commission should be an insult to all of us.

In committee, we dealt with this problem and we said, "Well, if the U.N. straightens up, then we'll pay our dues this year; but maybe we'll withhold our dues next year." That is very, very weak; and it does not show any intent or show any rejection of what is going on in the United Nations.

It was mentioned earlier in debate on the gun issue that the U.N. is currently meeting up in New York dealing with the gun issue. There have been explicit proposals made at the United Nations to have worldwide gun control. No, they are not taking guns away from the government. They are taking guns away from civilians.

If anybody understands our history, they will know that taking guns from civilians is exactly opposite of what the Founders intended. In a nation like Afghanistan, they were able to defend the invasion of the Soviet Union because individuals had guns. Likewise, when the Nazis were murdering the Jews, the Jews had been denied the right to own guns. Now we are talking about the United Nations having international gun laws. There have been proposals made for an international tax on all financial transactions. Yes, it is true, it has not been passed, but these are the plans that have been laid and they are continued to be discussed and they are moving in that direction.

Today we have international government that manages trade through the

WTO. We have international government that manages all international financial transactions through the IMF. We have an international government that manages welfare through the World Bank. Do these institutions really help the poor people of the world? Hardly. They help the people who control the hands of power in these international institutions and generally they help the very wealthy, the bankers, and the international corporations.

It was said the United Nations may have been set up to help preserve peace and help poor people, but it just does not happen. The poor pay the taxes and the international corporations gain the benefit.

The U.S. has taken a very strong position against endorsing the International Criminal Court. The argument is legitimate. It says that, oh, someday the International Criminal Court may arrest Americans because it just may be that Americans may pursue illegal acts of war, like bombing other countries and killing innocent people.

No, we do not want the international court to apply to us, but it is okay with our money, our prestige and our pressure to endorse the International Criminal Tribunal for Yugoslavia, so that we can go in there and arrest the leaders that we have decided were the bad guys and leave the good guys alone, as if there were not bad guys on both sides in Yugoslavia.

But this presumption on our part that we can control the United Nations and arrest only those individuals that we do not like and allow the other ones to go free and that this will never apply to us, I think we are missing the point and it is a dangerous trend. Because you say, well, yes, we are powerful, we have the money and we have the weapons and we can dictate to the United Nations. They will not arrest us or play havoc with us. Yet at the same time we have already recognized that the U.N. Human Rights Commission which was voted on by a democratic vote kicked us in the face and kicked us off.

I think this is a time to think very seriously about whether this is wise to continue the funding of the United Nations. I think that a statement ought to be made. We should say, and the American people, I think, agree overwhelmingly that it is about time that we quit policing the world and paying the bills at the United Nations way out of proportion to our representation and at the same time being humiliated by being kicked off these commissions by majority vote.

□ 1815

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

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

Mr. Chairman, I rise in opposition to the gentleman's amendment. I was in Kosovo and in Albania during this case; and I will tell you, Mladic is a war criminal, and Karadzic, he is a war

criminal, and Milosevic is a war criminal. So, without this, there would be no way to deal with it.

Secondly, I have been in Sudan and Southern Sudan four times, the last time in January of this year. Whether you like it or not, the World Food Program is feeding the people of Sudan. As many people know, there have been 2.2 million Christians who have been killed in Sudan by the Khartoum Government, and if the World Food Program was not sending food in there, and Andrew Natsios and Roger Winter from the State Department are in Sudan as we now speak, this would just devastate that whole operation.

I understand what the gentleman said with regard to the vote. We have language on page 112 of the report that says, "The committee is deeply concerned by the secret ballot of the U.N. Member nations to keep the United States off the U.N. Human Rights Commission. The exit of the United States and the election at the same time of the government of Sudan," the barbaric government of Sudan, which is sponsoring state-sponsored terrorism, slavery and has been responsible for the death of 2.2 million people, "effectively cancels the ability of the United Nations to speak out or act with credibility on this issue."

We have been very, very forthright with regard to that. But the U.N. has been responsible for calls with regard to getting its financial house in order.

In the Book of Luke, in the New Testament, it says to whom much is given, much is required. The King James version says "required." For us not to be helping the starving people of Sudan through the U.N., the World Food Program, I think it would not be good for this country.

This country has been blessed. We have been blessed because the American people are good and decent and honest and caring; and for us not to be participating to help to feed those in the South, particularly those who are Christian and Animists, who are being persecuted by the Khartoum Government, frankly would just have us walking away.

So I think this is a bad, bad amendment. I understand what the gentleman is trying to get to. It is a bad, bad amendment; and I urge a no vote by Members on both sides of the aisle.

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

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

Mr. Chairman, I would like to point out that the case of Milosevic is a case that will come back to haunt us for two reasons: one, we are setting a precedent. This has never happened before. He was democratically elected in a country and democratically disposed. The country there was willing to prosecute him.

The second part is that this stirs up tremendous anti-American sentiment. This is the reason why we are the greatest target in the world for ter-

rorism, because of our intrusion into these areas, pretending that we always know best and that we will trample the law because it serves our self-interests. But I believe our national security and our interests are not best served in this manner. This policy is very dangerous.

Likewise, we have had many examples of U.N. intervention. Rwanda, can we be proud of that? Can we be proud of what the U.N. and what our troops had to go through with the humiliation in Mogadishu in Somalia? I mean, this was horrible, what happened there. So good intentions will not suffice. Just because there are good intentions, it does not mean that good will come of it.

There is an alternative to a single world government, and that is individual governments willing to get along; open and free trade as much as possible, free travel, people having a unified free market currency where we do not have currency devaluations and poverty throughout the world. There is a lot that can be done with freedom, rather than always depending, whether it is here in the United States or at the international level, on more government.

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

Mr. Chairman, I rise in opposition to the Paul amendment to prohibit funding for U.S. contributions. In my opinion, this would be not in the national interests of our country. With the support of the U.S., the U.N. and its agencies contribute dramatically in promoting international peace and security, nonproliferation, nuclear safety guards, human rights, reduction of health problems, humanitarian assistance, cooperation against international crime and sustainable development. In addition, the U.N. is leading the fight against HIV-AIDS.

The U.S. contribution to the U.N. and its affiliated agencies allows the United States to support these many important efforts without bearing the burden ourselves. The U.N. and its affiliated agencies have been responsive to our calls to incorporate financial and other reforms into their overall management practices, and we are continuing to press for even further improvements.

At the urging of the U.S., the U.N. has streamlined its bureaucracy and cut waste from its budget. The Secretary General has been leading the fight and the U.N. has chartered a path of reform which has included the reduction of over 1,000 positions and maintenance of a no-growth budget, not even to keep up with inflation for 8 years.

The U.S. should recognize these achievements by paying our full share. The administration has been working hard to achieve the benchmarks contained in the Helms-Biden arrears authorization. It would be a tremendous setback to incur new arrears, just as we are working effectively with various U.S. organizations to allow us to pay those we already owe.

Now, I recognize, Mr. Chairman, that on this House floor on many occasions people rise up with great anger towards the U.N. and what they perceive to be this fear of creating a separate world government that will somehow rule the whole world.

The U.N. is far from that. But it is a group that works together to bring peace and to try to bring harmony throughout the world. There is a lot that needs to be done throughout this world, and the U.N. plays a major role; and therefore we should play a major role.

So, to pull out, which is basically what this does, would be a terrible mistake; and I would hope that we defeat this amendment.

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

Mr. Chairman, I am just going to end, I will not take the whole time, but there is so much going on in my mind. I kind of want to just say, America is a different country. We value the fundamental values that were in the Declaration of Independence: "We hold these truths to be self-evident, all men are created equal." Those words are known around the world.

The fact that America has been involved, when Ronald Reagan gave the speech in Orlando, where he called the Soviet Union the Evil Empire, it was one of the finest days, because he stood up for our fundamental values. And because of Ronald Reagan and the Pope and other people who spoke out for our values, we saw the Berlin Wall fall.

We cannot remove ourselves. I believe that God has blessed this country, a blessing on this country, for the goodness of what we have done; for the fact that we are trying to feed the poor and the hungry and the naked. In Matthew 25, Jesus talks about going in and feeding the poor and the hungry and the naked. And America is always there. It is mandate that Jesus talks about in the Bible. So for us to just pull out and say, the hunger, the starvation, the HIV, the sickness, the sleeping sickness in Sudan, we are not going to be involved in, I think would be a mistake.

I think this is a bad amendment. I understand what the gentleman says, and I know the U.N. has some serious problems. I have been very, very critical the U.N., and we will continue to watch over them, but we cannot adopt this amendment.

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

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. PAUL) has 2 minutes remaining.

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

Mr. Chairman, let me just go ahead and close and respond to the gentleman that just spoke about the values. I agree entirely that our values deserve to be spread. The disagreement here is whether you do that through volunteerism or through force; through

taxation and government guns and war; or whether you do this through demonstration by setting examples, setting the right tone in trade, setting the right tone in sound currencies, and sending our missionaries abroad.

But it has not worked in the past, it will not work in the future, and, besides, all the good intentions backfire and it turns hostility towards us, even with the goal of trying to spread our values across the world. It cannot be done by force. It has to be done by other means.

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

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

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

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

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

AMENDMENT NO. 7 OFFERED BY MR. PAUL

Mr. PAUL. 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. 7 offered by Mr. PAUL:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be used for any United States contribution for United Nations peacekeeping operations.

The CHAIRMAN pro tempore. Pursuant to the order of the House today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 10 minutes.

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

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. WOLF) will control 10 minutes in opposition.

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

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

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

Mr. Chairman, quite possibly we will not have to take a long time on this. In many ways this is a similar amendment, but different with respect to as how the money would be spent after we send it to the United Nations.

The amendment says, "None of the funds appropriated in this Act may be used for any United States contribution for the United Nations peacekeeping operations."

This is getting more specifically into the militarization of the United Nations and the unfairness of our bill that we get sent every year. We pay 31.7 percent of the peacekeeping missions. A

lot of times we pay up front and pay in advance, and we do not get reimbursed. Then we hear a lot of complaints when we do not pay our dues.

But back to what I said earlier, I just think the approach of using a United Nations standing army, which is what we are getting closer to, to go around and police the world in areas that we do not have justification based only on our national security, I see this money as being dangerously used and it invites trouble for us.

It is not beyond comprehension that one day in the not-too-distant future that we may be in a much hotter war in the Yugoslavia area. Things are not very peaceful in Macedonia, and they are actually demonstrating against Americans in Macedonia. The same people that we supported in Kosovo, the KLA, now they have changed their name and they are the radical Albanians playing havoc in Macedonia. And it is with our money.

And what do we do? We ask the American people to cough up. We tax them. We go over, and for 78 days, with the claim that we are bringing peace to the area, for 78 days we bombed that area, and now we are asking the American people to rebuild it. So first we tax them to bomb and destroy then we insist we rebuild the area.

We did not bring peace by 78 days of bombing. As matter of fact, most of the death and destruction and hostility toward America was developed during those 78 days. It did not occur prior to that. There were few deaths in comparison. And who were the people killed with our bombs dropping from 30,000 feet? Were they military people? No. Innocent people, as they are in Iraq as well.

It is out of control. It is out of our hands. We have lost control of our destiny when it comes to military operations. We now go to war under U.N. resolutions, rather than this Congress declaring war and fighting wars to win.

We have given up a tremendous amount, and I believe it is time we stood up for the American people and the American taxpayer and say we ought to defend America, but we can deal with the problems of the world in a much different manner; not by militarizing and controlling it the best we can, the military operations of the United Nations, but pursuing the spreading of our values and our beliefs and the free market in a much different manner than by further taxation of the American people.

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

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

Mr. Chairman, I am not going to take long. The U.N. is not in Macedonia; it is NATO in Macedonia. Quite frankly, if NATO had not been involved in Kosovo and Macedonia, Eastern Europe and the Balkans would have been inflamed. We know where World War II started and other wars which started there.

□ 1830

So, therefore, I think that has been in the best interests, by keeping peace, if you will.

Besides that, we could continue to debate, but in the interest of time, I would just say that the Bush Administration would be strongly opposed to this, as is Secretary Powell and the State Department.

Mr. Chairman, I urge a "no" vote.

Mr. SERRANO. Mr. Chairman, I move to strike the last word, and I rise in strong opposition to the gentleman's amendment.

In recognition of the importance that is placed on peacekeeping operations, the Bush administration requested and this subcommittee approved \$844 million for the U.S. share of the U.N. peacekeeping budget.

U.S. participation in U.N. peacekeeping missions means that the U.S. does not have to bear the human, financial, or political burden of keeping the peace on its own. Of over 34,000 U.N. peacekeepers, observers, and military police serving in missions as of July 1, only 661, or less than 2 percent, of these individuals are Americans.

The U.N. recently lowered the U.S. assessment rate for U.N. peacekeeping from 31 percent to 27 percent. The U.S. has a responsibility to U.N. peacekeeping as a permanent member of the U.S. Security Council, through which it can veto any mission.

U.N. peacekeeping missions are helping to maintain peace and stability in regions that are vital to U.S. interests such as the Middle East, Africa, and the Balkans. U.N. peacekeepers help to build peace in war-torn, unstable regions by providing humanitarian assistance, clearing mine fields, monitoring human rights and elections, and disarming the parties and allowing them to return to civilian society.

Again, as in the previous amendment, this is one that is misguided. I have stood, as many have on this floor throughout the years, and spoken against military intervention on our part. I, however, believe that the best way for us to participate throughout the world in these situations is in a peacekeeping effort, and that is why I support them. I support what the subcommittee has done with this appropriation, and I would hope that we defeat this amendment.

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

Let me just close by saying that I urge a "yes" vote to stop the funding for the peacekeeping missions of the United Nations, believing very sincerely that they do not do much good and they do harm and potentially a great deal of harm in the future. They do not serve our national self-interests. We have the United Nations now involved in the Middle East, Sierra Leone, East Timor, Cambodia, West Sahara, and Yugoslavia. It requires a lot of money. The most likely thing to come of all of this will be more hostility toward America and more likeli-

hood that we will be attacked by terrorists.

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

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

The CHAIRMAN. All time for debate having expired, the question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

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

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

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

AMENDMENT NO. 10 OFFERED BY MS. WATERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. WATERS: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading "OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE—SALARIES AND EXPENSES" may be used to initiate a proceeding in the World Trade Organization (WTO) challenging any law or policy of a developing country that promotes access to HIV/AIDS pharmaceuticals or medical technologies to the population of the country.

(b) In this section, the term "developing country" means a country that has a per capita income which does not exceed that of an upper middle income country, as defined in the World Development Report published by the International Bank for Reconstruction and Development.

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

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

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

The purpose of this amendment is to prohibit the use of funds to initiate proceedings in the World Trade Organization challenging policies in developing countries that promote access to HIV/AIDS.

The Waters-Kucinich-Crowley-Lee amendment would restore the ability of developing countries to pass laws for the purpose of making HIV/AIDS drugs available to their citizens. The amendment would prevent WTO challenges to HIV/AIDS drugs laws by the United States.

Passage of the amendment would reduce a substantial obstacle imposed by the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, also known as the TRIPS Agreement.

The threat of WTO sanctions against a country for its policies on HIV/AIDS

drugs and the uncertainty of the scope of the WTO rules significantly reduces the flexibility of countries to address the HIV/AIDS epidemic. Developing countries cannot afford the expensive, brand-name, anti-retroviral drugs that sell for over \$10,000 per patient per year in industrialized countries.

Zambia, for example, has an AIDS infection rate of almost 10 percent and a per capita income of only \$330. Nevertheless, the WTO has been used to prevent developing countries from making HIV/AIDS drugs available to their populations at affordable prices.

Brazil has developed an HIV/AIDS program that is a model for developing countries. The World Bank and the United Nations cite Brazil's program as one of the best in the world.

In 1998, the government of Brazil began manufacturing and distributing generic anti-retroviral drugs for the treatment of HIV/AIDS; and the prices of these drugs fell by an average of 79 percent. Brazil now distributes free anti-retroviral drugs to 90,000 Brazilians, ensuring that all citizens who need HIV/AIDS drugs have access to them.

The Brazilian Health Ministry spent \$444 million on AIDS drugs in 2000, a total of 4 percent of its budget. Yet Brazil's program most certainly pays for itself. The decline in hospitalizations from opportunistic infections between 1997 and 1999 saved the health ministry \$422 million. The program has also increased the productivity of infected individuals who can now lead active lives and family members who no longer need to care for the sick.

Despite the success of Brazil's program, the United States Trade Representative challenged Brazil for violating WTO intellectual property laws; and the WTO agreed to establish a panel to rule on the case.

If the United States had won the case, the WTO would have authorized the United States to impose punitive economic sanctions on Brazil. Fortunately, the United States withdrew its case against Brazil on June 25, 2001, in response to tremendous public pressure.

The Waters-Kucinich-Crowley-Lee amendment would enable developing countries to provide cost-effective treatment for people with HIV/AIDS through the production and distribution of generic HIV/AIDS drugs. If this amendment had been long, the United States would not have initiated a WTO case against Brazil to overturn its award-winning and effective HIV/AIDS policies.

The Waters-Kucinich-Crowley-Lee amendment has been endorsed by OXFAM America, the AFL-CIO, Jubilee USA Network, the Global AIDS Alliance, the Washington Alliance on Africa, Result and Health Gap. I urge my colleagues to support our amendment.

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

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

POINT OF ORDER

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

The CHAIRMAN. The gentleman will state it.

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

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

Ms. WATERS. Mr. Chairman, I would like to ask my colleagues to examine the opposition to our ability to take up this important amendment. It is not driven by any conflict. It is not driven by any letter of the law that would not allow this amendment to be taken up. I know the tremendous pressures that are being presented, but I do not think that anybody on either side of the aisle can look the world in the face and support policies that would allow our United States Trade Representative to create a case in the WTO against countries that are literally dying, with its citizens dying in record numbers day in and day out.

Mr. Chairman, I would ask the gentleman from Virginia not to proceed with this parliamentary maneuver in order to stop this amendment. The world is watching.

Mr. WOLF. Mr. Chairman, reclaiming my time under my point of order, I would like to comment before the Chair rules, if I may.

This is not a parliamentary maneuver. The gentlewoman is not the only person who is interested in these issues.

I was in the Congo in January. We were in Rwanda and Burundi and up in the Sudan. The gentlewoman is not the only person interested in this. The fact that we asked for a point of order does not mean it is a parliamentary maneuver.

Also, if the gentlewoman takes the time to go to page 100, we asked for the Africa policy. The committee is concerned about their lack of sufficient attention to foreign policy issues regarding Africa and supports the Department's efforts to improve the effectiveness, and we go on and on. We also say this amendment goes far beyond what is necessary.

In February, the Bush administration, and I want to put this on the record, because it sounds like the gentlewoman from California is the only one that cares about this, the Bush administration affirmed that it would not object to developing countries using the proficiencies of WTO to improve access to HIV/AIDS pharmaceuticals. In June, the administration decided to terminate its WTO patent dispute with Brazil, in part because some people believe that this dispute interferes with Brazil's effective AIDS program. The FDA office is committed to ensuring that the WTO members are able to use the flexibility built into the WTO to

address the emergency and health care needs.

It goes beyond that. So it is not a maneuver. It is just a point of order, and it is subject to a decision.

The CHAIRMAN. Does the gentleman wish to be heard further?

Ms. WATERS. I do, Mr. Chairman.

This is not about I am the only one who cares about this issue. I am the only one offering this amendment today.

I am pleased that the gentleman has gone to the Congo and Rwanda. I am pleased that the gentleman knows something about Africa. Let me ask the gentleman if he knows that 36 million people are currently living with HIV/AIDS and 95 percent of them are living in developing countries. In sub-Saharan Africa alone, over 25 million people are living with HIV/AIDS, and 6,000 people die of AIDS-related diseases every day.

This has nothing to do with whether or not I care or I am the only one that cares. It is time to put our public policy and our money where our mouths are. People are dying in unprecedented and shameful numbers. I would say to the gentleman, it is not about whether or not the gentleman challenges whether I care more than he. It is not about whether or not we have traveled to Africa. It is whether or not we saw what was happening in Africa, that we feel it in our hearts, and we are ready to do the right thing by people who need our help.

This is simply about public policy. This is not even about money. This is about whether or not the gentleman is going to allow our United States Trade Representative to represent all of us and comply with rules that have been described by some on this floor as rules that are developed outside of government to protect the interests of the pharmaceuticals or other private companies who do not have it in their hearts to make sure that people are able to afford drugs that will save their lives. Are we going to sit here in the United States of America and watch people die day in and day out and not have it in our hearts to simply say, WTO, back off? That is what this is all about, Mr. Chairman.

I would ask that the gentleman from Virginia (Mr. WOLF) not use this parliamentary maneuver and back off from trying to use this as a way to oppose what I think is excellent public policy that we can all be proud of.

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

If not, the Chair is prepared to rule.

The amendment offered by the gentlewoman from California proposes to limit funding for certain proceedings in the World Trade Organization by the United States Trade Representative to challenge laws if those laws bear a certain relationship to HIV/AIDS pharmaceuticals. By requiring the United States Trade Representative to discover the effect of foreign laws, the

amendment imposes new duties in violation of clause 2 of Rule XXI.

The point of order is sustained.

□ 1845

AMENDMENT NO. 11 OFFERED BY MR. KUCINICH

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

THE CHAIRMAN pro tempore (Mr. LATOURETTE). Does the gentleman from Ohio (Mr. KUCINICH) offer the amendment as the designee of the gentlewoman from California (Ms. WATERS)?

Mr. KUCINICH. Yes, I rise as the designee of the gentlewoman from California, Mr. Chairman.

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

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. KUCINICH: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading "OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE—SALARIES AND EXPENSES" may be used to initiate a proceeding in the World Trade Organization (WTO) pursuant to any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))) challenging any law of a country that is not a member of the Organization for Economic Cooperation and Development (OECD) relating to HIV/AIDS pharmaceuticals.

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

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

The CHAIRMAN pro tempore. The gentleman from Virginia reserves a point of order against the amendment.

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

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. WOLF) will be recognized to claim the time in opposition.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH) for 5 minutes.

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

Mr. Chairman, since 1998, every AIDS patient in Brazil for whom it is medically indicated gets for free the AIDS triple cocktail drug treatment. This is extraordinary because, according to U.N.-AID, in developing countries less than 10 percent of people with HIV/AIDS have access to the anti-retroviral therapy.

The high price of many AIDS drugs, especially anti-retroviral drugs, is one of the main barriers to their availability in developing countries. Brazil can afford to treat AIDS because it does not pay market prices for anti-retroviral drugs.

In 1998, the Brazilian government began making copies of brand name drugs, and the price of those medicines has fallen by an average of 79 percent.

The U.N. and the World Bank have praised Brazil's AIDS drug program, but what did the U.S. do? The U.S. lodged a complaint with the WTO alleging that Brazil's program violated the agreement on intellectual property.

Mr. Chairman, the people of America know that our country is a country with a big heart, but where is the heart here? USTR was wrong and offensive when it brought a WTO challenge against Brazil.

There are those who say that pharmaceutical companies can voluntarily and effectively take care of the shortage of HIV/AIDS drugs. In only one developing country, Brazil, do 100 percent of the people with HIV/AIDS get anti-retroviral drugs. No other developing country could say the same thing, even though a couple have concluded charity agreements with pharmaceutical companies.

In other words, this is the most effective way to address the AIDS epidemic in developing countries, the way Brazil did it. Yet the U.S. brought a WTO case against Brazil.

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

Mr. WOLF. Mr. Chairman, I reserve the point of order on the amendment, and I yield 2 minutes to the gentleman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I rise in opposition to the Waters amendment. There are many of us who share her concerns for the need to provide access to affordable HIV/AIDS drugs in developing nations. I myself have traveled to nations in Africa three times in the last year and a half, and have obviously witnessed firsthand the devastating effects of this disease on individuals.

For many developing countries in Africa, the problem is not access to drugs, but it is lack of an infrastructure in place to distribute drugs to those who are in need, and it is cultural differences that continue to stigmatize those who have HIV/AIDS.

But the Waters amendment goes beyond providing affordable drugs in developing countries. It will have a negative effect in other industries like software, music, literature, movies. In essence, it prevents the United States Trade Representative from protecting American innovation from counterfeits or piracy against countries most likely to be involved in violations.

Piracy continues to be a problem in many countries, such as China. Once China enters the WTO, it must comply with international intellectual property rights standards. It simply does not make sense for us to negotiate China's WTO membership while simultaneously hindering our United States Trade Representative from ensuring that China comply with all the standards.

International intellectual property rights standards are important, and they are essential in preventing theft and piracy of American products. We

should do more, not less, to ensure compliance and enforcement of these standards.

Mr. Chairman, I come from the area of the United States where the largest private foundation contributes the largest amount of money to the solution of HIV/AIDS. It is the Gates Foundation. But I also come from the area of the country where we know how important it is to protect our intellectual property on all levels from piracy.

That is what I stand behind, sensitivity to solve a problem, but good, rational thinking in terms of what we allow our U.S. representative to negotiate on behalf of American business. This amendment is a step in the wrong direction, and I ask my colleagues to oppose this amendment.

Mr. KUCINICH. Mr. Chairman, I yield 1 minute to the gentleman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to say that the testimony that was just given by the gentleman spoke to another amendment, certainly not to the one that is on the floor. This amendment is tailored specifically to HIV/AIDS. It has nothing to do with intellectual property and any of the other areas that she described.

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

Mr. Chairman, the assertion that the amendment will lead to slowing new discoveries and discourage more pharmaceutical innovation has to be answered.

The argument is basically, I believe, a defense of high profits. Developing countries are so poor, however, that no pharmaceutical company can logically depend on profits earned in Africa to fund research.

It has been also mentioned that the WTO agreement on trade aspects of intellectual property already contains a humanitarian exception for health and other emergencies, so therefore, this amendment would not be needed. However, the United States brought a WTO case against Brazil, nonetheless. The TRIPS agreement was agreed to by the U.S. in 1995, while the U.S. case against Brazil was launched in June, 2000. Clearly, the exception is not enough, and congressional action is needed.

I know the gentleman from Virginia is a caring person, and we are all caring people here. We just hope that through bringing this debate forward today, we can have an opportunity to heighten the concern of this Congress about this issue, because it really is repugnant to morality to have people dying all over the world because of some trade squabble when the truth is that all trade agreements should exist to facilitate the human condition, and not to erode it through trying to engage in arguments about intellectual property when the fact of the matter is that people are suffering and they need help.

I know that the gentleman from Virginia is one of the champions on mak-

ing sure that the concerns of people who are suffering and who need help are heard. So I want to appeal to all Members of Congress that soon we must come to grips with this issue to help the suffering people of the world and those who are dealing with AIDS, and the United States should be the last country in the world to object to a nation's trying to find a way to deal with their own AIDS problems. We should be in support of Brazil, not trying to undermine Brazil's efforts to treat the people of their country who have AIDS.

I want to express my appreciation to the gentlewoman from California (Ms. WATERS) for giving me the opportunity to present this amendment.

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

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

Mr. Chairman, I want to congratulate the gentleman from Ohio for bringing this amendment and for bringing the issue to the floor. There will be, I believe, 40 million orphans in the year 2015 in Africa, and hopefully by putting pressure and raising these issues, I know Secretary Powell is very, very concerned. One of the first meetings I had when I got back is we met with Secretary Powell. We raised the issue of Sudan and AIDS. I will send the gentleman my report.

So I think it is good and healthy that it is out so people are forced to address it.

POINT OF ORDER

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

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. WOLF) will state his point of order.

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

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

If not, the Chair is prepared to rule.

Ms. WATERS. Mr. Chairman, I wish to be heard.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California (Ms. WATERS).

Ms. WATERS. On the point of order, Mr. Chairman, again, I make the same appeal. I see this as a parliamentary maneuver to avoid taking a vote on this legislation that I think a lot of Members on both sides of the aisle would support.

I do not think that the gentleman on the opposite side of the aisle could stand up and cite that there are 40 million orphans and talk about the devastation without knowing that he has it within his power, as he stands here today, to allow this amendment to be before this House. One does not have that kind of power and not use it when one absolutely cares about something.

The gentleman again, as with the gentlewoman, talked about their trips to Africa. What good does it do to keep going to Africa on these CODELs if one does not see the suffering of the people there, if one does not understand the dying that is going on in Africa?

What good is it to go there if one cannot come back and put that into public policy that will save lives?

Now is the time to demonstrate what one cares about with regard to Africa, and what we have seen in Africa.

Again, this is not about an allocation of dollars, this is about allowing countries to take care of themselves. This is about saying to WTO, do not challenge these countries on their ability to produce generic drugs. Allow them to do what Brazil has done. They have done it and it has been cost-effective, and they are saving lives.

If a Member cares about Africa, if one has internalized what they have seen when they have traveled there on these CODELs, watching people die, watching the orphans, watching these countries falling apart, then now is the time to use the gentleman's power to do something about it.

If the power is in the hands of the gentleman on the other side of the aisle to remove his objection, his challenge to this amendment, then I would respectfully plead with him to please do that today, and demonstrate that he understands that devastation, he understands those 40 million children that he has identified, all without parents. Children are running around. They are going to die, too. There is nobody to care for them.

Mr. Chairman, I would say that this attempt to challenge the legality of this amendment to be on the floor is without merit, and I would ask the gentleman to withdraw it.

The CHAIRMAN pro tempore. Does anyone further wish to be heard on the point of order?

If not, the Chair is ready to rule. The amendment offered by the gentleman from Ohio (Mr. KUCINICH) proposes to limit funding for certain proceedings in the World Trade Organization by the United States Trade Representative to challenge laws if those laws bear a certain relationship to HIV/AIDS pharmaceuticals.

By requiring the United States Trade Representative to discover the effect of foreign laws, and based on the Chair's prior ruling, the amendment imposes new duties in violation of clause 2 of rule XXI, and the point of order is sustained.

AMENDMENT NO. 12 OFFERED BY MS. WATERS

Ms. WATERS. 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. 12 offered by Ms. WATERS: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading "OFFICE OF THE

UNITED STATES TRADE REPRESENTATIVE—SALARIES AND EXPENSES" may be used to initiate a proceeding in the World Trade Organization (WTO) pursuant to any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))) challenging any law of a country that is not a member of the Organization for Economic Cooperation and Development (OECD).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

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

Mr. Chairman, let me just say that we just saw the attempts to try and pass a very reasonable amendment. Both I and the gentleman from Ohio attempted to do that. We saw the parliamentary maneuver.

Mr. Chairman, this particular amendment does not face that challenge. However, I know that it is going to be opposed by the same forces.

Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise tonight to express my strong support as a cosponsor of the Waters-Kucinich-Crowley-Lee amendment. I want to thank the gentlewoman from California (Ms. WATERS) for her consistent leadership on each and every issue that affects the human family that we deal with here in this House.

This important amendment would restore the ability of developing countries to pass laws that make HIV and AIDS pharmaceuticals and medical technologies accessible to people living with HIV and AIDS.

The global AIDS crisis is the greatest humanitarian pandemic of our time. There are 36 million people worldwide living with AIDS. In sub-Saharan Africa alone, 6,000 people die each and every day from HIV and AIDS.

□ 1900

The United Nations estimates that without a comprehensive response to this crisis, by 2005, there will be 100 million people infected with HIV and AIDS. That is over 100 million people. That is mind-boggling.

This amendment will allow African nations and those in developing countries to close the gap in access to HIV and AIDS therapies for people living with AIDS. Existing World Trade Organization policies unduly restrict the flexibility of countries to address the HIV and AIDS pandemic. This results in lives being lost.

By supporting the Waters-Kucinich-Crowley-Lee amendment, we will reinforce our support for countries to address their own crisis. Of the 36 million people living with HIV and AIDS, 95 percent of them, that is 95 percent, live

in developing countries and really cannot afford any medication. They really do face a death sentence.

This is a moral outrage. We must not tolerate the current policy which dictates that life with a manageable illness is possible only, only if one has money, only if one is wealthy. However, death from AIDS is certain if one is poor.

For example, the continent of Africa accounts for only 1.3 percent of the global pharmaceutical market. That is because the average person lives on less than \$300 a year while the average AIDS treatment may cost as much as \$15,000 per year. Africans, poor people, people living in poverty, simply cannot afford drugs at the current price.

We have only just begun our battle with this global killer. So I strongly urge all my colleagues to do the right thing and vote for this amendment. We must not only talk about our moral concerns about this horrendous pandemic, but we must support public policies to solve it.

Finally, as Members of Congress in the most powerful country in the world, we must remember "to whom much is given, much is expected."

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman for yielding me this time and giving me an opportunity to work with her on this.

The amendment which is proposed by myself and the gentlewoman from California (Ms. WATERS) states that none of the funds appropriated in this act under the heading of the Office of the United States Trade Representative Salaries and Expenses may be used to initiate a proceeding in the World Trade Organization pursuant to any provision of the agreement on trade-related aspects of intellectual property rights.

It is really important for us to establish the context of why we are here. People are dying from AIDS all over the world; and we know that there are drugs, anti-retroviral drugs, which can be used to treat the people that can help save them. All over America, the people of America support the idea of helping others in need. The very thought that we can have these drugs in existence and have suffering people and them not being able to connect with suffering people has to cause everyone to be ashamed. Yet our own country has used the World Trade Organization as a vehicle to defeat the work of a nation that is trying to treat its own AIDS patients, saying it interferes with the intellectual property rights of pharmaceutical companies.

Since when do intellectual property rights become more important than human life? Since when? We need to get this in perspective. And the perspective is that we have a moral obligation to help those people who are suffering; that we have a moral obligation to challenge the WTO and not to

ask the WTO to impress on the backs of the sick people of the world a yoke of intellectual dishonesty in the name of protecting intellectual agreements.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

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

Mr. CROWLEY. Mr. Chairman, I rise today in strong support for the amendment offered by my colleagues, the gentlewoman from California (Ms. WATERS) and the gentleman from Ohio (Mr. KUCINICH).

I would also like to thank my colleagues for having the foresight to offer this amendment at a time when so many developing and undeveloped countries are seeing their societies, their very social infrastructures, decimated by the HIV/AIDS pandemic.

Mr. Chairman, last year I visited sub-Saharan Africa and saw firsthand what most Americans only read about. I saw a generation of kids growing up without parents, without teachers, and without health care providers because of HIV/AIDS. The decimation of these countries must stop.

HIV/AIDS drugs are not the only solution, but they are part of the solution. Our opponents in the multinational pharmaceutical companies point to their generosity in providing HIV/AIDS drugs to the developing world. While their philanthropy is certainly appreciated, there are other ways to solve this problem than to depend on multinational corporations for handouts. UNAIDS has stated that even with all the donation programs in place, only 10 percent of those infected by HIV/AIDS in the developing world will have access to these drugs.

The Waters-Kucinich-Lee amendment would restore the ability of developing countries to pass laws and produce HIV/AIDS drugs for their citizens. The amendment would prevent World Trade Organization challenges to HIV/AIDS drug laws by the United States related to HIV/AIDS drugs. In effect, this amendment would codify current administration policy supported by President Bush which has suspended any international copyright laws in the United States against countries in the developing world for producing HIV/AIDS drugs.

This amendment allows countries to institute policies and laws to facilitate provisions of sorely-needed pharmaceuticals to those suffering with HIV and AIDS. It is not, I repeat not, designed to undermine the World Trade Organization's intellectual property rights provisions.

Some have stated that pharmaceuticals used to treat and control HIV/AIDS are too toxic to be used by those in developing countries; that the infrastructure required to correctly use these drugs is lacking in these countries. Mr. Chairman, the people in these developing countries do have watches, they can tell time, and they

do know that time is running out. This amendment needs to be passed.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in strong support of this amendment. Frankly, I am disappointed that this amendment is even necessary. It should be obvious that the United States would support all efforts to provide affordable medicine to the people of developing nations who are suffering with AIDS. It should be a given that when a nation like Brazil develops an effective program to address the AIDS crisis threatening its people that the United States would stand up and salute its good work.

The developing world in particular has been devastated by the AIDS epidemic, with millions of people affected and millions of people dying and a generation of orphaned children left behind. The manufacturing of affordable generic drugs is a crucial element in finally getting control of this terrible disease. We should be encouraging more nations to do that, rather than threatening them with lawsuits at the World Trade Organization to protect the bottom line of multibillion dollar drug companies. It is unconscionable that we would put money over lives.

It was only because of the public pressure, led in large part by the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. LEE), and so many others in this body, that the United States finally dropped its lawsuit. But there is no assurance that the big drug companies will not pour their money into lobbying the United States Government to bring another lawsuit like it.

That is why we need this amendment today. With this amendment we would prevent the United States from shamefully pursuing commercial interests before the health and well-being of millions of people affected with this terrible disease. It would encourage developing nations to responsibly address the AIDS crisis and bring lifesaving treatment to their citizens.

The role of this Nation for several years in preventing people in southern Africa from having access to lifesaving drugs is shameful. I thank God that we are no longer doing that. This amendment will ensure that we will not even think about doing it again in the future. It is a very important amendment, and I urge its adoption.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding me this time and for her leadership on this issue.

Mr. Chairman, the crisis of AIDS in Africa and in developing countries around the globe demands our attention. We read of these devastating painful accounts of men and women and children dying without access to drugs that will sustain their lives. Last

year, the number of children who died from AIDS reached a staggering half a million. We hear of orphans, a generation of orphans, who are entering our world in some of the worst imaginable conditions. Right now, in Africa, 10 million young orphans are struggling to survive.

We know there are governments throughout the world, developing countries, I should say, straining to deal with this crisis. But instead of helping, our government is pursuing a path that could make the AIDS crisis even worse. Under a perverse rule within the World Trade Organization, the United States, as we have heard already on this floor, brought a suit, a case against Brazil and its AIDS policy. Brazil found a way to get HIV/AIDS drugs into the hands of anyone who needed them by manufacturing generic versions of these vital medicines and distributing them free of charge.

This policy has received praise from agencies and individuals who are intimately involved in this issue from around the world: the United Nations, the World Bank, and many other organizations. But our trade officials apparently thought that corporate intellectual property rights are more important than the lives of the people being saved by these drugs. After heavy public pressure from many of my colleagues here, the gentlewoman from California (Ms. WATERS), the gentlewoman from California (Ms. LEE), many of my colleagues in this body, after heavy pressure, the U.S. finally withdrew its case. But the next time, Mr. Chairman, it could be different.

Today, I join my colleagues, the gentlewoman from California (Ms. WATERS), the gentlewoman from California (Ms. LEE), the gentleman from Ohio (Mr. KUCINICH), the gentleman from New York (Mr. CROWLEY), and all the others, in offering an amendment to ensure this will never, ever happen again.

The United States should be supportive of efforts to help alleviate the tremendous suffering throughout the world from the AIDS epidemic. We should not be using international trade organizations like the WTO to undermine a developing country's ability to get HIV/AIDS medication into the hands of their own citizens who cannot live without them.

I urge my colleagues to support this amendment, and I thank my colleague from California and the others for their leadership in presenting it to us this evening.

Mr. MILLER of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

The CHAIRMAN. The gentleman from Florida (Mr. MILLER) claims the time in opposition, and yields such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding me this time; and, Mr. Chairman, I rise in the strongest possible opposition to this amendment.

We all are very concerned about the scourge of HIV/AIDS around the world. We just, upstairs in the Committee on Rules, reported out the very important rule on foreign operations, which we will be considering in this House. In it there is nearly a doubling, a doubling, of the level of funding for HIV/AIDS. We all are very concerned about it. We all want to do everything that we possibly can to bring this very, very serious problem to an end; and that is why we have doubled the level of funding.

But to proceed with language which undermines one of the most basic principles on which this country was founded, that being property rights, is something that I find extremely troubling. We know that intellectual property is important to our State of California. I see my colleague here, the author of this amendment, the gentlewoman from California (Ms. WATERS), who knows very well that in California we have a very important biotechnology industry. In California, we have the extremely important entertainment industry. We know that that property which our California constituents have must be recognized, and this amendment clearly undermines the opportunity that our U.S. Trade Representative has in dealing with so-called TRIPS challenges, the intellectual property challenges that exist.

□ 1915

Because there are people around the world who are stealing our property. It is wrong. The prospect of eliminating those methods that we have recourse to those who are stealing our property should not take place.

When I look at the tremendous innovation that is taking place in the area of medical research, we are right now in the midst of the debate of embryonic stem cell research. Very compelling evidence has come forward about the prospect in looking at ways in which we can deal with the very serious ailments out there such as, Alzheimer's, Parkinson's, hemophilia, AIDS, asthma, cancer, on and on and on.

Guess what? This innovation is being done right here in the United States, the idea of saying to those who are looking at new and innovative ways to deal with these diseases and others who are potentially going to have their private property stolen if we eliminate this very important power that exists with the U.S. Trade Representative.

We obviously all share very serious concerns about the spread of HIV and AIDS. I believe that we again have demonstrated our concern when we in this House vote out the foreign operations appropriations bill which will double the level of funding for dealing with that.

This is a very bad amendment. It seriously undermines the right to protect the important property rights that we as Americans cherish so.

Mr. Chairman, I urge my colleagues to vote against it.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding and for her leadership on this important issue.

Before I speak in support of the Waters-Kucinich-Crowley amendment I want to commend the distinguished chairman of the subcommittee for his unsurpassed leadership on helping to meet the needs of people throughout the world, people who are suffering.

I know that many of us travel as CODELs and visit countries and do not really see the real suffering, as my colleague so correctly pointed out. But the gentleman from Virginia (Mr. WOLF) is not in that category. In fact, he is known to visit very quietly by himself, whether it is those who are hungry in the Sudan or wherever suffering exists in our country. I want to recognize the compassion and leadership he has always demonstrated.

Mr. Chairman, I reluctantly rise. I do not know if you are supporting this amendment. I assume not from your comments. I do rise in support of the amendment to prevent our government from challenging the ability of developing countries to pass laws that make HIV/AIDS drugs available to their citizens.

Some have expressed concerns about the extent to which this bill goes. We all know what the heart of matter is, what we are trying to achieve.

International trade law allows countries to take action during a public health emergency. It would be absurd to claim that the AIDS crisis in the developed world is not a public health crisis. We have heard the staggering statistics: 36 million people infected with HIV, 22 million deaths from AIDS, and nearly 14 million children orphaned, over 95 percent of these cases found in the developing world. AIDS is the number one cause of death in Africa.

Not only is this a public health emergency, it is the worst public health crisis since the Middle Ages. As the world's wealthiest, most powerful country, the United States must be a leader in this fight, not a barrier to progress.

Archbishop Desmond Tutu has said, "AIDS in Africa is a plague of biblical proportions. It is holy war we must win."

It is indeed, and the battles in this war occur on many fronts.

Brazil is waging one of those battles, and it is winning. Despite prices that are well out of reach for most of its citizens, nearly every AIDS patient in Brazil in need of AIDS drugs receives treatment. This unprecedented access to therapy has been achieved through a government program that makes copies of brand name drugs. Compulsory licensing provisions in international trade law allow this practice, and the result for Brazil has been a 50 percent

reduction in the AIDS death rate, fewer HIV transmissions, the prevention of hundreds of thousands of hospital admissions, and significant savings to its healthcare system.

This amazing success was threatened when the U.S. brought a WTO case against Brazil for its HIV/AIDS policies. Earlier this year, this case was withdrawn in response to public pressure. If this effort had been successful, Brazil would have faced punitive economic sanctions, countless lives would have been lost unnecessarily and other poor nations would have been deterred from replicating Brazil's success.

AIDS can be treated in the developing world. U.S. Trade Representatives should not be standing in the way.

I know we will be hearing from the distinguished gentleman from California (Mr. BERMAN), who is an expert on copyright and international property laws, as to how we can all meet our goals and in a very, very productive way.

Mr. Chairman, I urge my colleagues in the meantime to support the Waters-Kucinich-Crowley amendment.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I appreciate the gentlewoman from California (Ms. WATERS) yielding me the time. I also appreciate very much the parliamentary predicament that she has been in.

The gentlewoman from California is trying to deal with a critical emergency affecting millions and millions of people. She is trying to ensure that HIV/AIDS pharmaceutical are available to the people in third world countries. Forced by the parliamentary maneuvering up to now, she has been required to present an amendment which goes far beyond HIV/AIDS pharmaceuticals. It goes far beyond pharmaceuticals. It covers all copyrighted material, patented material and creates this compulsory license mechanism. So she has been forced to present an amendment which I think a lot of people, certainly me, think is overbroad.

Mr. Chairman, I ask the gentlewoman in the time she has yielded to me whether she would consider a unanimous consent request to bring this language back to the whole purpose of her Herculean efforts here to make these pharmaceuticals accessible to people who desperately need them?

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I appreciate the gentleman from California (Mr. BERMAN) giving support to us on this issue. I know, too, how hard he has worked not only on this issue but other related issues.

As the gentleman knows, I was attempting simply to deal with the HIV/AIDS issue and not have this in a broader context. I know that the pharmaceuticals do not like this. But I also

know that the world pressure that was brought on them in the case of Brazil backed them down.

We do not want to have to continue to go that route. I would say to the gentleman that I would be happy to have a unanimous consent request to amend this amendment so that it would conform.

The CHAIRMAN. The gentlewoman's time has expired.

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

Mr. Chairman, I object, because it goes back to what we were faced with before. I commend the gentlewoman for trying to do what she wants to do.

POINT OF ORDER

Mr. BERMAN. Mr. Chairman, point of order.

Mr. WOLF. Mr. Chairman, I object.

Mr. BERMAN. Mr. Chairman, I do not believe that the unanimous consent request has been made.

The CHAIRMAN. The gentleman will suspend.

The gentleman from Virginia (Mr. WOLF) was recognized by the Chair, and he was stating his position for the gentleman's edification. There has been no request. He was stating his position.

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

Mr. Chairman, I am very sorry that we are being prevented from amending this bill in such a way that it will do what we started out to do, and relates specifically to HIV/AIDS. I think that the gentleman from California (Mr. BERMAN) made the case, and the case is one that we recognize.

MODIFICATION OF AMENDMENT NO. 12 OFFERED
BY MS. WATERS

Ms. WATERS. Mr. Chairman, I ask unanimous consent to amend the bill to comply with keeping this in line with dealing with HIV/AIDS in the WTO.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 12 offered by Ms. WATERS:

Add at the end the following: "that promotes access to HIV/AIDS, pharmaceuticals and essential medicines to the population of the country."

The CHAIRMAN. Is there objection to the modification offered by the gentlewoman from California?

Mr. WOLF. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, we have been through this debate and we have had objections from the opposite side of the aisle now on three occasions. Again, I thought we were able to make the case and to point out that it is within our power to move this amendment and to do something about the devastation of Africa, the dying that is going on.

I ask my colleagues to disregard all of the comments they hear about the culture does not know how to accommodate using medications.

Mr. Chairman, I ask my colleagues to disregard comments about the infra-

structure is such that it is better that we do not try to do something about presenting the people of Africa with this opportunity.

This is another parliamentary maneuver to block us from having an amendment that would deal directly with getting the WTO out of the business of making a case out of countries simply taking care of their AIDS patients who need medicine.

Mr. Chairman, I do not wish to talk a lot about the pharmaceuticals here this evening. We know how powerful they are, and we know that they are in opposition to this amendment. We know that the pharmaceuticals will hold out as long as we allow them to and watch people die, thousands of them by the day, to protect their intellectual property rights, to protect their patents, to protect their whatever.

Again, public policymakers should not allow any special interest to have that much power. It is within the power of the Members of this House to do something about it. We can simply move this amendment this evening and not allow our trade representative to take this case to the World Trade Organization. The people of Africa are watching. We know that it works when a country decides to provide generic drugs to its people because we have seen it work already, not only in Brazil but in India also. We know that it works. The pharmaceuticals know that it works.

But we are going to sit here and say somehow that this is improper, that this does not comport with the way that we do business. Those are simply flimsy obstacles that everybody can see through.

Mr. Chairman, I ask my colleague on the opposite side of the aisle who is leading the opposition to remove himself and to take the moral position of saving lives. It is within the gentleman's power by simply saying one or two words here this evening on the floor that he will support my amendment to amend this legislation so that it deals specifically with HIV/AIDS.

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

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

Mr. Chairman, I oppose the amendment. It is not a maneuver. There are rules in the House. The amendment goes far beyond what is necessary to addressing the countries' AIDS crisis.

The gentlewoman ought to take her energy and meet with Secretary Powell. The gentlewoman ought to take her energy and meet with the trade rep. The gentlewoman ought to take her energy and meet with President Bush at the White House. The gentlewoman ought to take her energy and advocate this up and down the country. We have rules. We have procedures.

□ 1930

It is interesting. I find myself in agreement with much of what she says,

but I do not find agreement in the approach that she has taken. And because I do not find myself in agreement with the approach that she has taken, we are going to oppose the amendment.

Why does she not take her energy and meet with the Secretary of State. Has she made a request to meet with Secretary Powell? Why does she not take her energy and make a request to meet with the Trade Rep? Has she asked to meet with the Trade Rep? Why does she not do that and then by bringing people together, trying to resolve it with people, good people of faith, there may be a greater opportunity.

Mr. Chairman, I oppose the amendment.

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

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

I resent the gentleman lecturing me about how I ought to use my time. I was elected by the people of my district to make public policy. They did not necessarily elect me to go and do any of the things he is instructing me to do. They elected me to come here, to identify the issues, to debate the issues, to work on the issues. I know how to use my time. And I use it effectively.

I would say to the gentleman, he should be more concerned about how he uses his time and his power rather than trying to instruct me on how I should use my time. I think that this amendment and the work that I am doing is the right thing to do. I think that it is the moral thing to do. I think that it is the spiritual thing to do. I think it is the religious thing to do. I do not know how anybody who has got the power in their hands, who work in this body, standing before the world, can oppose an amendment that would save the lives of millions of people. I do not know how anybody who can know intimately the devastation that is going on in Africa, who admits they have traveled there, who can talk eloquently about having gone to the Congo and other places, I do not know how they can take that information and somehow shape it into a result that says despite the fact I know all of this, I have seen all of this, I understand all of this and I am a faithful and upstanding person, but yet when it comes to the bottom line, I cannot do it.

I cannot do it because of what? I cannot do it because the pharmaceuticals do not want me to do it? I cannot do it because my caucus does not want me to do it? I cannot do it because of what?

I cannot do it because it is not important enough. It does not occupy priority on his agenda. He cannot do it because he does not have the will to do it.

I have listened to Members come to the floor and commend him for being a generous man, for being a caring man, for being someone who has traveled to Africa, but there is a contradiction in all of this. The contradiction is quite

clear. Mr. Chairman, you cannot know this story, you cannot have watched these babies die, you cannot watch these families where mother and father both are dead and children living without resources, in shacks and tents, you cannot say that you have seen all of that and somehow you cannot be moved to do whatever is necessary, to put your mark on making sure the people get the drugs that they need in order to live. Our United States Trade Representative was not elected by the people. It is an appointed position. We should be telling the United States Trade Representative what to do and how to represent us. We should be telling her, you are not to go to the World Trade Organization and take up this issue against the people. But since we are not willing to do that, we take an amendment like this and say, "You can't use our resources to do it."

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

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I rise in reluctant opposition to this amendment. I began my work against HIV in 1986. The first HIV test was produced in Deerfield, Illinois, in my district. It cost hundreds of millions of dollars to produce and alerted us to a crisis of AIDS in Africa. But if this amendment had become law in 1987, just when we realized the magnitude of the problem, all major AIDS drugs would have been shelved and there would have been no money for the production of those drugs.

AZT was developed, and it offers chronic care of HIV. Kaletra is now on the market, and it drives viral loads to zero. Both drugs were discovered without U.S. taxpayer funds, and these drugs are saving lives. Now over 50 new drugs are under development. But this amendment would stop the development of those drugs in their tracks. If these new drugs come to patients, we can cure AIDS, and we can develop a new vaccine that will stop anyone else from getting AIDS. But our solution is not to destroy the intellectual property law of the United States, a law which is founded in our own Constitution and produced a country that won more Nobel Prizes than any other country. The answer is funding for programs like UNAIDS. I helped found the UNAIDS program in 1986 as a staffer for John Porter. And funding for that program went from \$25 million to over \$1 billion. Hope, research, and funding for UNAIDS is the answer, not throwing scientists out of work upon whom our hope depends.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I thank the gentlewoman from California for yielding me this time. I am proud to support the Waters-Kucinich amendment and urge its passage.

Just imagine for a minute if the United States Government decided it

could provide generic anti-retroviral drugs for the treatment of HIV/AIDS to all those who are infected at minimal or no cost, and as a result we saw AIDS deaths plummet in the United States. Now imagine if another nation challenged the United States on the grounds that we were violating the intellectual property rights of a pharmaceutical company and that that other government went hand in hand with the pharmaceutical company to the WTO and challenged the right of the United States to take care of its citizens. I am sure that if that happened, that Members would be flocking to the House floor protesting the action and calling on the United States to simply ignore the WTO and continue this life-saving program.

It was 1999 when I found out that, in fact, it was the United States, hand in hand with the pharmaceutical companies, going to the WTO and telling South Africa it could not save its own citizens, that it continued to do that in Thailand, and that it continued to do that in Brazil. How shocking it would be for us if the tables were turned. Intellectual property rights here, the rights of human beings to live down here. I brought this to the attention of the President of the United States along with many of my colleagues here. He created an executive order that said we are not going to do that anymore. And this President, to his credit, is continuing that executive order.

So what is the problem? Let us put that into the law for all Americans to see, that we say that we will not use the rights, the intellectual rights of the pharmaceutical companies to deprive human beings of their right to live and to receive the drugs when their country makes the effort to provide them.

I think it is stunning to me that anyone, as a previous speaker did, would come to this floor in defense of the practice of the pharmaceutical companies to say, we want to make our profit off of those people who could not possibly afford the \$10,000 for those drugs. We are going to protect our profits and allow people in developing nations to die. This country is so much more compassionate than that. They want us, in the face of this crisis, which supersedes all of the plagues in history and combined deaths of all the wars, to take action to do everything we can to save lives around the globe. That is the only intention of this amendment. I urge its support.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

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

Let me just say as I sit here listening to this debate, I am very troubled by how it has degenerated into a debate about intellectual property rights as compared to saving lives. It is really an unfair debate, because there is no comparison in terms of what we are talking

about. Intellectual property rights, our trade policies, many of them were developed and set into stone way before people were dying from HIV and AIDS. So we should not even be making that comparison tonight. We are talking about the basic values of our country, of people in our country who care about people who are dying. We are not really talking about property rights.

I think after tonight's debate, this House needs to go back to the drawing board and really reassess our trade policies and how we instruct our trade representatives. And, yes, I have talked with Secretary of State Colin Powell twice. I have talked with our Trade Representative. I was a delegate to the United Nations at the U.N. special session on AIDS. The whole world is looking at this House of Representatives to stop what we are doing in terms of our trade policies and to say, yes, we want these countries to begin to be developing their own generic drugs so that they can save the lives of millions and millions of their citizens.

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

Obviously the debate has been held, and we know where people stand. Of course I am shattered by what is happening on this floor. It is inconceivable that we could have the opportunity here this evening in our public policy-making to literally direct our United States Trade Representative in the way that they handle this issue and not allow them to take it before the WTO to prevent countries from producing generic drugs to save lives.

It is a contradiction because we are debating faith-based initiatives. We are debating whether or not we are going to allow the religious community and the church community to help save lives and to help poor people, all of that. It is a contradiction, Mr. Chairman. As I listen to this debate this evening, I am shattered because for even the best of us, we allow ourselves to be undermined and to be mismanaged by outside interests. May God have mercy on all of our souls. This is a tragedy.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the gentlewoman from California has got the most noble of intent in this particular legislation. I have no doubt. But I do not think, not that I do not think, I know, that in this particular case, it is not just about intellectual property rights. It is not just about the pharmaceuticals. Our point is, is that pharmaceuticals in almost every one of our districts. They go out and they try to survive producing new medicines.

□ 1945

FDA goes through and takes sometimes years to get the okay, and many of these companies actually go out of business; they do not survive. But a few of them have been fortunate enough to get through. And then our own laws,

many times the patent runs out just about the time that they get their new drug, new wonder drug okayed; and they have just a short time to recoup any loss, or even make a profit, or even keep from going out of business.

If we just give these medicines away, if we violate those intellectual property rights, we force them to stop producing new medicines for the future. It is not about profit. It is about the fact that those new medicines, which the previous gentleman spoke very eloquently about, would not be produced, not only now, but in the future.

We stand on the edge. This is going to be the decade, I really believe, and I am on the Subcommittee on Labor, Health and Human Services and Education, from stem cell research to the genome program to new research, we stand on the edge of biomedical research and new medicines. If we shut down the companies that are discovering these very medicines, then not just the people that are infected with HIV, and I think it is terrible about the number of people, and the gentleman is exactly right, there are entire civilizations that are dying, and there are children that do not have homes because their parents are dying of HIV, or even it has been transmitted to them at birth. So it is not a question about not caring; it is a question of caring not only now, but for the future.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from California (Ms. WATERS).

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

Mr. Chairman, we were just in a debate back here about how we license so many products and the power that we have, and we were just discussing that in relationship to this amendment and what tremendous accomplishments could be made with this simple step that we take here this evening.

Mr. Chairman, let me say something: we sit back and we watch young people protest against the WTO. When they were up in Seattle, many people were just appalled at the fact that they staged the kind of protests that they did; and many people did not understand it, because they did not understand the WTO and the powers of the WTO. They did not understand that we have created this monstrous organization that is very much influenced by the multinational corporations of the world, many times overriding the will of elected bodies, legislatures, parliaments, and congresses.

The young people get it. They understand something is not right. And that something is demonstrated here tonight. That something that they rally and they protest about is the fact that there is an organization that has the power to rule in favor of multinational corporations, to protect their patents, even when, even when these countries, who need the medicines, could produce their own. But the rules of this game say that, no, you cannot do it, because the multinational corporations do not

like it. You are going to interfere with their ability to make a profit. They do not want to give the power to a country to be able to take care of its own with cheap drugs.

The young people are demonstrating, because they know that these policies are influenced, developed, in the back room. We do not even know who is sitting on these panels at the WTO. Most of the Members of Congress do not pay a lot of attention to the World Trade Organization. Most of the Members of Congress are not in the business of directing our United States Trade Representative.

But I want to say what we do here this evening helps to define all of that. It helps the world to understand where we stand when it gets down to the people versus the multinationals, and whether or not we are going to use our power on behalf of people, just little people, just poor people, just dying people, or whether, in the final analysis, we do not have the will or the guts to stand up to multinational corporations who say "protect us."

Mr. BLUMENAUER. Mr. Chairman, I come to the House Floor tonight in strong support for more action by developed countries and more leadership from the United States in fighting the AIDS epidemic, especially in developing countries. It is important that in addition to increased U.S. investment, we encourage creativity and investment from NGOs and the private sector to combat the AIDS crisis. While I support the positive intent of this amendment, the language included is much too broad. I fear this amendment could have unintended consequences and will vote against it.

Mr. CONYERS. Mr. Chairman, I rise today in support of the Waters-Kucinich amendment to the Commerce-Justice-State Appropriations for fiscal year 2002. The Waters-Kucinich amendment would restore the ability of developing countries to pass laws for the purpose of making HIV/AIDS drugs available to their citizens. The Waters-Kucinich amendment would prohibit future WTO complaints, thereby giving developing countries the flexibility to provide cost effective treatment for people with HIV/AIDS. In the 35 years that I have worked in this wonderful House, I must say this is one of the most important amendments ever offered on the floor of this House!

Mr. Chairman, Dr. Peter Piot, Director of UNAIDS, has stated time and time again that 95% of the African people who are infected with HIV/AIDS can not afford AIDS anti-retroviral drugs. This means that if current WTO policies are not changed, then the 25 million people in Africa who are now infected with HIV/AIDS will receive an "unnecessary death sentence" due to the sole fact that African countries simply cannot afford the price of anti-retroviral drugs. Death by AIDS is not, and should not be a partisan issue; this is about something much deeper, more profound, and more spiritual than the current debate we are having tonight. This is about whether or not there will be 40 million orphans in Africa in the year 2015 because the African people can not afford the obscene prices of pharmaceutical AIDS drugs.

African countries should be allowed to take care of their own health problems. In Brazil,

government labs have manufactured five generic AIDS medications since the mid 1990's under the national emergency provisions of the compulsory licensing system of the WTO. They distribute these medicines without charge. Should not Africa also be able to create their own generic AIDS drugs?

6,000 people die in sub-Saharan Africa each day of HIV/AIDS. How many more African children, mothers, and fathers must die from this deadly disease before we open up our eyes and our hearts to the pain and suffering of our brothers and sisters in Africa. I believe, as do my colleagues who support this amendment, that intellectual property rights can not, and must not, be placed above the right for all human beings, to live a full and productive life.

I urge my colleagues on both sides of the aisle to support the Waters-Kucinich Amendment.

Mr. RUSH. Mr. Chairman, I rise in support of Representative WATERS' and Representative KUCINICH's amendment to restore the ability of developing countries to make HIV/AIDS drugs available to their citizens. While I understand the importance of the intellectual property rights of the companies that create these vital drugs, my conscience compels me to support this amendment. I must support this amendment out of a sense of morality and concern for my fellow mankind in Africa and other developing countries.

HIV/AIDS is ravaging developing countries and wiping out a whole generation of men and women. More than 25 million Africans are now living with HIV and last year alone, 2.4 million Africans died from the disease. Sub-Saharan African women are now the fastest-growing HIV-positive population.

The loss of mothers and fathers in Sub-Saharan Africa has resulted in a new social epidemic: parentless children. Two-thirds of 500,000 orphaned children in South Africa lost parents to HIV/AIDS, and over 30% of the children born to HIV-women will develop pediatric AIDS. I have witnessed the orphanages overflowing with children who have lost parents to this disease and it is astonishing.

I commend the pharmaceutical companies who have made efforts to provide HIV/AIDS medications available to Sub-Saharan Africa. Also, I thank the 39 pharmaceutical companies for placing humanitarian concerns over profits by dropping their suit against the South African HIV/AIDS law earlier this year.

However, if we do not act now whole cultures may perish before our very eyes. If we do nothing, our tacit acceptance of the HIV/AIDS crisis in Africa and other developing countries is unforgivable. We must pass this amendment and allow developing countries the flexibility they need to provide cost-effective treatment for people with HIV/AIDS. If for no other reason, we should pass this amendment for the children whose parents these drugs can keep alive.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the Waters Amendment.

We are all concerned about the AIDS epidemic in Africa and we should do more. President Bush and Secretary Powell have proposed a broad new initiative to help African countries address this horrible epidemic and Chairman HYDE is working on that \$1 billion initiative. And as a Member of the Appropriations Committee, we just completed work on a Foreign Operations bill that doubles the U.S. contribution to fight global AIDS.

But in our efforts to help the world community address the spread of HIV and AIDS, we should not sacrifice the rightful ownership and control of American innovations and products that help keep men, women and children healthy both at home and overseas.

In point of fact, because we do protect intellectual property rights, our country's scientists and companies have led the way in developing the very AIDS treatments that we are trying to get to the people of Africa. It is also the very same system of intellectual property protection that will lead to the next generation of much needed AIDS treatments.

Without protecting new innovations and products, where will the next and better treatments for AIDS and so may other diseases come from?

We should do more to help fight AIDS around the globe. We will do more to help fight AIDS around the globe. This amendment is simply not the remedy for addressing the very real needs of people suffering from AIDS around the globe.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Ms. WATERS).

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

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 40 OFFERED BY MR. WU

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 40 offered by Mr. Wu:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to process an application under the Immigration and Nationality Act, or any other immigration law, submitted by or on behalf of an alien who has been directly or indirectly involved in the harvesting of organs from executed prisoners who did not consent to such harvesting.

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

The CHAIRMAN. The gentleman from Oregon (Mr. WU) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WU).

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

Mr. Chairman, I would like to recognize the chairman for his leadership in human rights issues around the world and particularly in China. I believe that my amendment addresses a human rights issue of profound importance. The practice of the illegal har-

vesting and sale of human organs from executed prisoners is a gross, gross violation of human rights. Under even Chinese law, this practice is illegal. Under our laws, we have very strong protections about what prisoners can do with their donated organs.

Mr. Chairman, the gentleman from Virginia (Chairman WOLF) and I both share concerns about the Chinese Government's poor human rights practices. That illegal organ harvesting from prisoners is not just profoundly objectionable, it strikes at the very heart of what it means to be a human being.

I hope that this House will stand with me. We need to do everything we can to stop this practice. At a minimum, at a minimum, we need to bar the entry of people who have participated in this practice from entering into the United States.

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

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

Mr. Chairman, I want to commend the gentleman from Oregon (Mr. WU) for this amendment. We have been trying to be faithful on amendments that were out of order to object, just like we did on the last one. However, I will do everything I can to see that this is in the final bill.

Here is a statement that was presented at a hearing before the Subcommittee on International Relations and Human Rights on June 27 by Wang Guoqi, a physician from the People's Republic of China. Mr. Wang was a skin and burn specialist at the Paramilitary Police General Brigade Hospital. He writes that his work "required me to remove skin and corneas from the corpses of over 100 executed prisoners, and, on a couple of occasions, victims of intentionally botched executions." In very graphic examples, Mr. Wang describes how he has harvested the skin off of a man who was still living and breathing.

This is one of the reasons why I am opposed to granting MFN or PNTR to the Chinese Government. The gentleman is exactly right, and we will do everything we can to see that his amendment in any way we possibly can is carried in the bill.

The reason we are objecting on a point of order is in fairness to the others, the gentleman from California, the gentleman from Indiana and others, to maintain the consistency. But we will do everything we can. I think it is a good amendment, what the gentleman is trying to do.

I would also like to have an opportunity to have INS and Justice and State maybe come up, or we can meet in the gentleman's office, whereby we can sit down to see how we can fashion something to see that the gentleman's purposes and goals of what he wants to do are accomplished.

I thank the gentleman for offering the amendment.

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

Mr. WU. Mr. Chairman, I yield 1 $\frac{3}{4}$ minutes to the gentleman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me time, and I thank him for bringing this very important issue to the attention of the Congress.

I appreciate the work that is behind the gentleman's effort to stop the unlawful organ transplant without consent in China. I say "unlawful," because even under Chinese law, as the gentleman pointed out, this practice is not allowed.

I thank the distinguished chairman for his very thoughtful remarks as well, and I have every confidence that he will be effective in what he is trying to do here.

I just want to read from the Year 2000 State Department Human Rights Report: "In recent years, credible reports have alleged that organs from some executed prisoners were removed, sold, and transplanted. Officials have confirmed that executed prisoners are among the sources of organs for transplants but maintain the consent is required from prisoners or their relatives before the organs are removed." Indeed, that would be under the law of China, if the prisoners' body is not claimed, with the consent of the prisoner, or with the prior consent of the prisoner's family.

But the fact is, as our own Deputy Secretary for Democracy, Secretary Parmly, has stated before Congress, "Bodies are also routinely cremated immediately after a sentence is carried out, making it impossible even for those families who are able to claim a family member's remains to determine whether or not the body has been used for medical purposes."

Then further to that point, execution is often not announced in advance until within hours of the execution. With China's vast geography, such short notices often make it impossible for families to travel to claim the body on such short notice.

This is a very smart amendment. This is a very smart amendment because so many of the people doing these organ transplants get their training under good intentions in the United States, but then go use it in China for a bad reason. This is a very targeted way to address the problem. I commend the gentleman for his very smart, targeted, focused amendment, and hope the distinguished chairman will make it part of the bill.

Mr. WOLF. Mr. Chairman, I yield 1 $\frac{1}{2}$ minutes to the gentleman from Florida (Ms. ROS-LEHTINEN).

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

Mr. Chairman, I rise in support of this amendment. The Subcommittee on International Operations and Human Rights, which I chair, held a hearing a few weeks ago on the China's terrible practice of harvesting organs of executed prisoners. The horrific stories relayed by our witnesses motivated me

to file several pieces of legislation co-sponsored by the gentleman from Virginia (Mr. WOLF) and which does precisely this.

It seeks to ensure the U.S. does not become an accomplice to the promulgation of such a deplorable practice.

One of these bills has as one of its provisions the prohibition of visas to be awarded to those who engage in the harvesting, transplantation, and trafficking in harvested organs from executed prisoners.

China's Communist regime has a lucrative industry in the field of organ transplantation, which not only yields great financial rewards, but it provides the regime with a very powerful tool to coerce and intimidate the population into submission. It executes more prisoners each year than all of the other countries combined, with experts such as Amnesty International estimating that the numbers could reach 1,000 executions per year in each city.

Evidence further indicates that 90 percent of all transplants performed in China use organs taken from executed prisoners. The payment for these organs and transplants are in the tens of thousands, and increasing as the demand continues to grow. Government sanctioning of organ harvesting from prisoners began in 1979, but the evil nature of this practice does not stop there.

I ask my colleagues to support this amendment. Congress must not allow this horrific situation to go unchallenged.

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Mr. WU. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Mr. Chairman, first and foremost, I would like to congratulate the gentleman from Oregon (Mr. WU), my colleague.

What we are doing here today and, hopefully, what we will be permitted to do is to send a message to those people who are committing criminal acts against the people of China, saying they will be held accountable. Doctors who are participating in crimes against humanity, which the harvesting of organs is all about, they will be held accountable. They will not be treated like any other individual or any other doctor from around the world who wants to come to the United States.

Tomorrow, we will debate and discuss permanent Normal Trade Relations with China. China is a criminal country as well at this time. Their government should not be treated as we treat any other friendly and democratic government. They should be held accountable. That is a government that is run by gangsters and criminals. They should be held accountable. We should not give them that trade status. Individuals in China who are part of that regime and take part in these criminals acts also should be held accountable.

Mr. Chairman, my hat is off to the gentleman from Oregon (Mr. WU) for

making sure we stand up for this moral position.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the gentleman from Oregon asked me earlier in the day if I would support this, and I said yes. I do not think everybody in China is evil, but I do think there are evil people in the government, and I think there are atrocities going on which the gentleman is trying to get to, all the way from Germany with the experiments that went on there to the even alleged nonprisoners being executed and killed for international marketing.

Mr. Chairman, I rise in strong support of the gentleman's amendment, and I thank him for offering it.

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

I just want to close by saying that it is absolutely imperative that we set universal standards for human conduct. What we are seeking to reach through this amendment is illegal under Chinese law. It is illegal under American law. It is already prohibited to permit individuals like this from entering the United States by current exclusion standards under U.S. immigration law. But at core what this amendment strikes at is a practice which strikes at what it means to be a human being.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume to submit the testimony that was given before the subcommittee under the jurisdiction of the gentleman from Florida (Ms. ROS-LEHTINEN), which verifies everything that the gentleman said.

TESTIMONY OF WANG GUOQI, FORMER DOCTOR AT A CHINESE PEOPLE'S LIBERATION ARMY HOSPITAL

My name is Wang Guoqi and I am a 38-year-old physician from the People's Republic of China. In 1981, after standard childhood schooling and graduation, I joined the People's Liberation Army. By 1984, I was studying medicine at the Paramilitary Police Paramedical School. I received advanced degrees in Surgery and Human Tissue Studies, and consequently became a specialist in the burn victims unit at the Paramilitary Police Tianjin General Brigade Hospital in Tianjin. My work required me to remove skin and corneas from the corpses of over one hundred executed prisoners, and, on a couple of occasions, victims of intentionally botched executions. It is with deep regret and remorse for my actions that I stand here today testifying against the practices of organ and tissue sales from death row prisoners.

My involvement in harvesting the skin from prisoners began while performing research on cadavers at the Beijing People's Liberation Army Surgeons Advanced Studies School, in Beijing's 304th Hospital. This hospital is directly subordinate to the PLA, and so connections between doctors and officers were very close. In order to secure a corpse from the execution grounds, security officers and court units were given "red envelopes" with cash amounting to anywhere between 200-500 RMB per corpse. Then, after execution, the body would be rushed to the autopsy room rather than the crematorium, and we would extract skin, kidneys, livers,

bones, and corneas for research and experimental purposes. I learned the process of preserving human skin and tissue for burn victims, and skin was subsequently sold to needy burn victims for 10 RMB per square centimeter.

After completing my studies in Beijing, and returning to Tianjin's Paramilitary Police General Brigade Hospital, I assisted hospital directors Liu Lingfeng and Song Heping in acquiring the necessary equipment to build China's first skin and tissue storehouse. Soon afterward, I established close ties with Section Chief Xing, a criminal investigator of the Tianjin Higher People's Court.

Acquiring skin from executed prisoners usually took place around major holidays or during the government's Strike Hard campaigns, when prisoners would be executed in groups. Section Chief Xing would notify us of upcoming executions. We would put an order in for the number of corpses we'd like to dissect, and I would give him 300 RMB per cadaver. The money exchange took place at the Higher People's Court, and no receipts or evidence of the transaction would be exchanged.

Once notified of an execution, our section would prepare all necessary equipment and arrive at the Beicang Crematorium in plain clothes with all official license plates on our vehicles replaced with civilian ones. This was done on orders of the criminal investigation section. Before removing the skin, we would cut off the ropes that bound the criminals' hands and remove their clothing. Each criminal had identification papers in his or her pocket that detailed the executes name, age, profession, work unit, address, and crime. Nowhere on these papers was there any mention of voluntary organ donation, and clearly the prisoners did not know how their bodies would be used after death.

We had to work quickly in the crematorium, and 10-20 minutes were generally enough to remove all skin from a corpse. Whatever remained was passed over to the crematorium workers. Between five and eight times a year, the hospital would send a number of teams to execution sites to harvest skin. Each team could process up to four corpses, and they would take as much as was demanded by both our hospital and fraternal hospitals. Because this system allowed us to treat so many burn victims, our department became the most reputable and profitable department in Tianjin.

Huge profits prompted our hospital to urge other departments to design similar programs. The urology department thus began its program of kidney transplant surgeries. The complexity of the surgery called for a price of \$120-150,000 RMB per kidney.

With such high prices, primarily wealthy or high-ranking people were able to buy kidneys. If they had the money, the first step would be to find a donor-recipient match. In the first case of kidney transplantation in August, 1990, I accompanied the urology surgeon to the higher court and prison to collect blood samples from four death-row prisoners. The policeman escorting us told the prisoners that we were there to check their health conditions; therefore, the prisoners did not know the purpose for their blood samples or that their organs might be up for sale. Out of the four samplings, one basic and sub-group blood match was found for the recipient, and the prisoner's kidneys were deemed fit for transplantation.

Once a donor was confirmed, our hospital held a joint meeting with the urology department, burn surgery department, and operating room personnel. We scheduled tentative plans to prepare the recipient for the coming kidney and discussed concrete issues of transportation and personnel. Two days

before execution, we received final confirmation from the higher court, and on the day of the execution, we arrived at the execution site in plain clothes. In the morning, the donating prisoner had received a heparin shot to prevent blood clotting and ease the organ extraction process. When all military personnel and condemned prisoners would arrive at the site, the organ-donating prisoner was brought forth for the first execution.

At the execution site, a colleague, Xing Tongyi, and I were responsible for carrying the stretcher. Once the hand-cuffed and leg-ironed prisoner had been shot, a bailiff removed the leg irons. Xing Tongyi and I had 15 seconds to bring the executee to the waiting ambulance. Inside the ambulance, the best urologist surgeons removed both kidneys, and rushed back to the waiting recipient at the hospital. Meanwhile, our burn surgery department waited for the execution of the following three prisoners and followed their corpses to the crematorium where we removed skin in a small room next to the furnaces. Since our director had business ties with the Tianjin Ophthalmologic Hospital and Beijing's 304th Hospital, he instructed us to extract the executee's corneas as well.

Although I performed this procedure nearly a hundred times in the following years, it was an incident in October 1995 that has tortured my conscience to no end. We were sent to Hebei Province to extract kidneys and skin. We arrived one day before the execution of a man sentenced to death for robbery and the murder of a would-be witness. Before execution, I administered a shot of heparin to prevent blood clotting to the prisoner. A nearby policeman told him it was a tranquilizer to prevent unnecessary suffering during the execution. The criminal responded by giving thanks to the government.

At the site, the execution commander gave the order, "Go!," and the prisoner was shot to the ground. Either because the executioner was nervous, aimed poorly, or intentionally misfired to keep the organs intact, the prisoner had not yet died, but instead lay convulsing on the ground. We were ordered to take him to the ambulance anyway where urologists Wang Zhifu, Zhao Qingling and Liu Oiyu extracted his kidneys quickly and precisely. When they finished, the prisoner was still breathing and his heart continued to beat. The execution commander asked if they might fire a second shot to finish him off, to which the country court staff replied, "Save that shot. With both kidneys out, there is no way he can survive." The urologists rushed back to the hospital with the kidneys, the county staff and executioner left the scene, and eventually the paramilitary policemen disappeared as well. We burn surgeons remained inside the ambulance to harvest the skin. We could hear people outside the ambulance, and fearing it was the victim's family who might force their way inside, we left our job half-done, and the half-dead corpse was thrown in a plastic bag onto the flatbed of the crematorium truck. As we left in the ambulance, we were pelted by stones from behind.

After this incident, I have had horrible, recurring nightmares. I have participated in a practice that serves the regime's political and economic goals far more than it benefits the patients. I have worked at execution sites over a dozen times, and have taken the skin from over one hundred prisoners in crematoriums. Whatever impact I have made in the lives of burn victims and transplant patients does not excuse the unethical and immoral manner of extracting organs.

I resolved to no longer participate in the organ business, and my wife supported my decision. I submitted a written report requesting reassignment to another job. This request was flatly denied on the grounds

that no other job matched my skills. I began to refuse to take part in outings to execution sites and crematoriums, to which the hospital responded by blaming and criticizing me for my refusals. I was forced to submit a pledge that I would never expose their practices of procuring organs and the process by which the organs and skin were preserved and sold for huge profits. They threatened me with severe consequences, and began to train my replacement. Until the day I left China in the spring of 2000, they were still harvesting organs from execution sites.

I hereby expose all these terrible things to the light in the hope that this will help to put an end to this evil practice.

Mr. Chairman, having said that, I think it is a good amendment and, hopefully, we can take it and fashion it and shape it so that when this final bill comes out it is in there, and I look forward to the meeting with INS to see how we can work this out.

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

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

POINT OF ORDER

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

The CHAIRMAN. The gentleman will state it.

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

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

The Chair recognizes the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I look forward to working with the chairman on this issue. I do not believe that this amendment is subject to a point of order.

Under current immigration law, 8 U.S.C. 1182, also known as section 212, under section 212(3)(b)(i)(I), this group of people is already prohibited from entering the United States as those terms are defined under section 212(3)(b)(ii)(IV).

Again, I believe that this amendment is not subject to a point of order. The provisions of section 212 are not permissive, they are mandatory. I have with me here a form, an immigration form, which every person entering the United States must fill out; and here, in this section, is a series of check boxes mandated by section 212.

One cannot skip that section. One cannot fill out some of the sections and not others. One must fill out the entire section, and that section is mandated by section 212. Under current law, the INS must, must make determinations as to whether this category of people are excludable; and, therefore, I think that the point of order fails.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Virginia (Mr. WOLF) makes a point of order that the amendment offered by the gentleman from Oregon proposes to change exist-

ing law in violation of clause 2(c) of Rule XXI.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of Rule XXI.

The proponent of a limitation assumes the burden of establishing that any duties imposed by the provisions are already required by law.

The Chair finds that the limitation proposed in the amendment offered by the gentleman from Oregon (Mr. WU) does more than merely decline to fund the processing of applications under the Immigration and Nationality Act. Rather, it seeks to restrict funding for such processing only when the applicant has been involved with the harvesting of organs directly or indirectly.

Compliance with the amendment would require the relevant Federal officials receiving funds in this act to make an investigation into whether the individuals filing the application have been involved in such harvesting, directly or indirectly.

The proponent of this amendment has not carried the burden of proving that the relevant Federal officials are presently charged with making this investigation in every instance. The section cited by the gentleman does not require this specific determination.

On these premises, the Chair concludes that the amendment offered by the gentleman from Oregon proposes to change existing law.

Accordingly, the point of order is sustained.

Mr. WU. Mr. Chairman, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. WU. Mr. Chairman, if this practice were going on in Canada, we would have stopped it long ago. If this practice were going on with people that we thought were very much like us, I think we would have stopped it cold long, long ago.

I look very much like the folks whose organs are being harvested. If you cut me, will I not bleed? If you kill my children, will my heart not cry out in sorrow? And if you deny me justice, will my soul not cry out for justice?

In this instance, in this instance, we live to fight another day; and I look forward to working with the chairman of this subcommittee to make this law this year. I thank my colleagues for the indulgence of the House.

AMENDMENT NO. 3 OFFERED BY MR. HINCHEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HINCHEY:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

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

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 10 minutes.

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

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

This amendment is a simple limitation that would prevent the Justice Department from using any of the funds appropriated to it by this bill to interfere with the implementation of State medical marijuana laws.

During the past 5 years, nine States, Alaska, Arizona, California, Colorado, Hawaii, Maine, Nevada, Oregon and Washington State, have passed laws that decriminalize the use of marijuana for medicinal purposes. With the exception of Hawaii, all of these laws were adopted by citizen referenda. The average vote in these States was in excess of 60 percent in favor.

These laws are not free-for-all that open the door to wholesale legalization, as critics claim. Rather, in every case, they specify in great detail the illnesses for which patients may use medical marijuana, the amounts that patients may possess, and the conditions under which it can be grown and obtained. Most establish a State registry and an I.D. card for patients.

Federal law classifies marijuana as a Schedule 1 narcotic with no permissible medical use. Despite the difficulty of conducting clinical trials on such a drug, it has been highly effective in treating symptoms of AIDS, cancer, multiple sclerosis, glaucoma and other serious medical conditions. In fact, the Institute of Medicine of the National Academy of Sciences has recommended smoking marijuana for certain medical uses. The AIDS Action Council, the American Academy of Family Physicians, the American Preventive Medical Association, the American Public Health Association, Kaiser Permanente and the New England Journal of Medicine have all endorsed supervised access to medical marijuana.

Internationally, the Canadian government has adopted regulations that go into effect at the end of this month for the use of medical marijuana in that country. In addition, the British Medical Association, the French Ministry of Health, the Israeli Health Ministry and the Australian National Task Force on Cannabis have all rec-

ommended the medical use of marijuana.

Here at home, however, our Federal Government has been unequivocal in its opposition to the citizen-led initiatives in these nine States. After California voters approved Proposition 215 in 1996, the Clinton Justice Department brought suit against both doctors and distributors in an attempt to shut down the new law. Federal laws upheld the right of doctors to talk to their patients about medical marijuana.

The Supreme Court, however, recently ruled that it is a violation of Federal law to distribute marijuana for medical purposes. Despite State laws that protect patients and cannabis clubs from State prosecution, the United States Supreme Court cleared the way for the Federal Government to enforce Federal laws against these individuals.

Attorney General Ashcroft has not indicated whether he will instruct the local U.S. Attorneys to enforce this decision which makes passage of this amendment critical to the States that have enacted medical marijuana laws. This amendment would prevent the Justice Department from arresting, prosecuting, suing or otherwise discouraging doctors, patients and distributors in those States from acting in compliance with their own State laws.

This amendment in no way endorses marijuana for recreational use. It does not reclassify marijuana to a less restrictive schedule of narcotic. It does not require any State to adopt a medical marijuana law. It will not prevent Federal officials from enforcing drug laws against drug kingpins, narco-traffickers, street dealers, habitual criminals, addicts, recreational users, or anyone other than people who comply with medical marijuana laws in those nine States.

By limiting the Justice Department in this way, we will be reaffirming the power of citizen democracy and State and local government.

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

Mr. WOLF. Mr. Chairman, I claim the time in opposition. I yield myself such time as I may consume, and I am going to just briefly make some comments.

Mr. Chairman, I rise in opposition to the amendment. The Department of Justice is very much opposed to the amendment.

On May 14, 2001, a unanimous decision of the U.S. Supreme Court ruled that marijuana's designation as a controlled substance reaffirmed that marijuana has no medical benefits under Federal law. In 1998, the Congress emphasized its opposition to the recently enacted State marijuana laws and statutory provisions entitled "Not Legalizing Marijuana for Medicinal Use" and "Rejection of Legalization of Drugs." In these provisions, Congress reiterated that drugs classified as a Schedule 1 controlled substance, as is marijuana,

have a high potential for abuse, lack any currently accepted use as a medical treatment, or are unsafe, even under medical supervision.

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The gentleman's amendment would restrict the Department of Justice, in particular DEA, from using the funds to investigate people who use marijuana under the guise of medical purposes. I believe that would be the wrong signal to send. I oppose the amendment.

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

Mr. HINCHEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me and commend him for his courage in bringing this amendment to the floor.

Mr. Chairman, I rise in support of the Hinchey amendment to prevent Federal interference with State laws that allow the use of marijuana for medicinal purposes, medicinal purposes only.

Mr. Chairman, I know this is a very difficult issue for Members to understand, and that is why I commended the gentleman from New York (Mr. HINCHEY) for his courage. Over the past 2 decades in my city of San Francisco, we have lost nearly 19,000 people to AIDS, about 10,000 people a decade. I have seen the suffering that accompanies the advanced stages of this disease far too many times. I could name the names of people that I have ministered the needs of in their dying days.

Proven medicinal uses of marijuana include alleviation of some of the most debilitating symptoms of AIDS, including pain, wasting, and nausea. These benefits also improve the quality of life for patients with cancer, with MS, and other severe medical conditions.

Mr. Chairman, opponents of medical marijuana argue there are other ways to ingest the active ingredient of marijuana, including the use of synthetic THC. However, we know that the drug containing THC does not work for all people. There is no logic in the assertion that a very ill person should be sent to jail for using the smokeable form of a drug whose active ingredient is currently licensed for oral use.

Mr. Chairman, 56 percent of the voters in my home State of California passed an initiative authorizing seriously ill patients to take marijuana upon the recommendation of a licensed physician. Proposition 215 has provided thousands of Californians suffering from debilitating diseases safe and legal access to a drug that makes life a little more bearable.

As the California Medical Association stated when expressing its support for medical marijuana, and I quote, "Statement of the California Medical Association: Patients should not suffer unnecessarily when other options fail."

The amendment of the gentleman from New York (Mr. HINCHEY) would prevent the Justice Department from

using any funds to interfere with the rights of California and the eight other States that allow for the use of marijuana for medicinal purposes, for medicinal purposes only, to alleviate the suffering of their citizens.

Mr. Chairman, to effectively fight the war on drug abuse, we must get our priorities in order and fund treatment and education. Making criminals of seriously ill people who seek proven therapy is not a step toward controlling America's drug problem. I urge my colleagues to support the Hinchey amendment.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, first and foremost, let us point out that were this amendment to become law, we would raise the nullification question. I believe this has been decided in United States history. The Supreme Court has clearly decided that, in fact, Federal law preempts State law in matters that are of national concern.

I think we need to understand that in the South Carolina example we reject nullification, and that is, in fact, what a number of States are attempting to do with Federal law by circumventing it through largely highly funded efforts by George Soros and his allies who have distorted the record, distorted the approach, and resulted in people preying on people's legitimate concerns in how to deal in these very tough minimal number of cases where, in fact, marinol did not suffice to alleviate the vomiting. That is really what we are debating, a very limited number of cases.

Mr. Chairman, I include for the RECORD a letter from several of us on the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 23, 2001.

Hon. JOHN ASHCROFT,
Attorney General, Washington, DC.

DEAR GENERAL ASHCROFT: As members of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, we write to commend you on the outstanding performance of the Justice Department in obtaining a decisive Supreme Court ruling in the Oakland Cannabis case. We urge you to now move swiftly to give effect to that ruling throughout the United States with respect to "medical marijuana" provisions contrary to the Court's unanimous decision.

As you know, the Court's determined that the express congressional determination in the Controlled Substances Act ("CSA") that marijuana and other Schedule I drugs have "no currently accepted medical use in treatment in the United States" (21 U.S.C. §812(b)(1)(B)) is clear and controlling law. Accordingly, the CSA's prohibitions against manufacturing, distribution, and possession with intent to distribute controlled substances such as marijuana (21 U.S.C. §844(a)), are the law of the land across the United States under the Constitution's Supremacy Clause.

As President Bush recently made clear, "we emphatically disagree with those who

favor drug legalization." Yet eight states and the District of Columbia purport to permit the use of marijuana in a way wholly contrary to the explicit reading of the Controlled Substances Act explained by the Supreme Court. The fringe drug legalization movement hopes this will send a message to our children and society that drug use is tolerable. Marijuana use is not tolerable under any circumstances.

Accordingly, we are asking you to direct the Department of Justice to immediately seek injunctive relief in federal courts in each of these states similar to the order in California which was unanimously upheld by the Supreme Court in Oakland Cannabis. Since state "medical marijuana" initiatives which purport to allow the manufacture, distribution or individual possession of marijuana contrary to the Controlled Substances Act are clearly unconstitutional under the Supremacy Clause, we believe that injunctive relief prohibiting such manufacturing, distribution and individual possession is well warranted as a matter of law. This action would also decisively resolve significant uncertainties with respect to marijuana which have greatly hampered federal, state and local law enforcement activities in each of these areas and send a critical anti-drug message to our nation.

We appreciate the leadership of President Bush and you in this important area and look forward to continuing to work with you to protect our families from illegal drugs.

Sincerely,

MARK E. SOUDER,
Chairman.

BOB BARR,
Member of Congress.

DOUG OSE,
Member of Congress.

Mr. Chairman, the Committee on Government Reform subcommittee that I chair, the Subcommittee on Criminal Justice, Drug Policy, and Human Resources actually held a hearing on this subject, medical marijuana, Federal drug law, and the Constitution's supremacy clause that is available for people who want to look at the constitutional question.

I include for the RECORD the brief to the United States Supreme Court that resulted in the national unanimous decision that State law does not reign supreme to Federal law, and two articles from Mendocino, where we have actually seen the confrontation of the abuse of the California law.

The documents referred to are as follows:

[From the Press Democrat, March 7, 2001]

RAIDS REVEAL FAKE HOMES FILLED WITH
MARIJUANA FARMS

120 LOCAL, STATE, FEDERAL AGENTS TARGET 11
GROWING OPERATIONS IN HUMBOLDT,
MENDOCINO COUNTIES

(By Mike Geniella)

UKIAH—About 120 drug agents early Tuesday fanned across the rugged backwoods of Mendocino and Humboldt counties, raiding 11 sophisticated, indoor marijuana growing operations, including some built to look like houses.

Authorities said there were no interior walls in the "fake homes," nor did the structures have such things as kitchens or bathrooms. Instead, the buildings contained thousands of marijuana plants flourishing under lights powered by diesel generators.

"Even though they look like houses, these are commercial buildings built specifically for growing marijuana indoors," said Gilbert

Bruce, special agent in charge of the federal Drug Enforcement Agency's San Francisco office.

At each site, agents found high-tech security systems, along with guns and ammunition, said Bruce, who oversaw Tuesday's raids near the communities of Laytonville, Hunt Ranch, Garberville and Redway.

Mendocino County Sheriff's Capt. Kevin Broin accompanied drug agents who drove up miles of rugged dirt roads to reach the six pot-growing structures that were camouflaged to look like houses.

"At first glance, they looked like any other rural home," Broin said. "A couple of them were two stories, and even had wrap-around porches."

But Broin said closer inspection revealed that the structures were never built with the intention of being occupied.

"There was nothing to them on the inside. There were just four walls and a lot of marijuana," he said.

Bruce said the structures were designed to elude detection by drug teams who often rely on aerial overflights to uncover large-scale marijuana growing operations.

"We've seen places like this before but never so many clustered in one region," he said.

Armed with federal warrants, teams of local, state and federal agents early Tuesday used two helicopters and a fleet of 4-wheel-drive vehicles to reach the remote pot-growing operations spread across sites in northern Mendocino and southern Humboldt counties.

The federal operation was dubbed "Emerald Triangle" in recognition of Mendocino, Humboldt and neighboring Trinity County having the dubious distinction of being the biggest marijuana producers in the state.

Targeted on Tuesday were at least three separate marijuana-growing sites responsible for "operating multi-stage marijuana production and distribution facilities in Northern California," Bruce said.

By mid-day, he said, agents had arrested three men, uprooted more than 14,000 pot plants and seized \$206,000 in cash.

He said the raids were the culmination of a two-year investigation. He said a federal grand jury ultimately will review results of the investigation and return criminal indictments as necessary.

"We have the outline, but we're still not sure where the investigation will finally lead us," he said.

In this specific case, Mexican drug cartels are not suspected of being in control, Bruce said. In recent years, local authorities have been plagued by a rash of violent incidents involving armed Mexican nationals hired to guard illicit pot gardens on the North Coast.

"We believe the responsible people are all residents of the U.S.," Bruce said.

A multiagency task force including representatives of local sheriff's departments, the state Bureau of Narcotics Enforcement, CHP, DEA, FBI and Internal Revenue Service has spent two years probing the suspected pot farms that were raided Tuesday.

Part of the investigation centers on suspected money laundering and the purchase of large tracts of remote North Coast land by unidentified individuals who subdivided the property with the specific intent of creating commercial indoor marijuana-growing sites.

Mendocino County Sheriff Tony Craver and Humboldt County Sheriff Dennis Lewis on Tuesday applauded the federal intervention.

"This is the kind of sophisticated drug operation that we can't properly investigate at the local level," Craver said.

Lewis said Humboldt authorities are routinely encountering more large-scale indoor marijuana growing operations, although not on the scale announced Tuesday.

He said Tuesday's raids uncovered information that led teams to two additional indoor pot-growing sites in southern Humboldt County.

Two brothers who live in Redway were among those arrested Tuesday on suspicion of having ties to the pot-growing operations.

Shane and Terry Miller had \$200,000 in cash in their possession at the time of their arrests Tuesday morning. Another Redway man, Zachary Stone, also was taken into custody at a separate residence. He had \$6,000 in cash, Bruce said.

So far, the Millers and Stone face charges related to weapons and possession of marijuana for sale. Bruce said further arrests are expected.

[From Associated Press]

(By Don Thompson)

COUNTY JUGGLES MARIJUANA POLICIES
IN MENDOCINO, IT'S CITIZENS VS. DEA

UKIAH—Here in the Emerald Triangle, where marijuana sprouts like mushrooms from the forest floor, Mendocino County's two top cops see themselves as a buffer between drug agents and an often freewheeling citizenry.

District Attorney Norman Vroman and Sheriff Tony Craver won office two years ago with campaign pledges to set up one of the nation's first medical marijuana licensing programs. Their goal, they said, is to keep police from seizing legal pot gardens and hassling legitimate growers who register under a 4-year-old California law.

Now both men are promising to enforce state and federal drug laws, in part to keep outside drug agents from stepping in after voters decided last fall to bar police from targeting small-time marijuana growers.

Measure G instructed county supervisors not to spend money pursuing those growing fewer than 25 marijuana plants, and it directed Vroman and Craver to make enforcement and prosecution of small-time growers their lowest priority.

No problem, they say. Neither the district attorney nor the sheriff has enough staff or money to go after those they call "mom and pop growers." Not when drug cartels are importing armed workers to tend and guard thousands of marijuana plants hidden in national forests and other remote areas of the region.

"Twenty-five plants is a hellacious amount of marijuana. Some of the stuff they grow here, you can get 2 and 3 pounds off a plant," Vroman said. However, he said, "as a practical matter, nobody in the county got prosecuted for 25 plants or 30 plants."

The only time arrests were made for small numbers of plants was when police were called in for other reasons, for instance on a domestic violence complaint, and saw the marijuana, Vroman and Craver said.

That policy will continue, and should stave off any crackdown by outside drug agents in the wake of Measure G, they said.

"We still will arrest people who shove it in our face," Vroman said.

I know damn well what you'd see if we made a flat refusal to do it," Craver said. "You'd see a lot of political pressure, intervention, all kind of things going on here. No doubt about that."

Craver and Vroman started their medical marijuana licensing program two years ago.

Since then, Craver's department has issued about 500 licenses to residents who produced a doctor's recommendation that they use marijuana to treat an ailment, or to those who grow the marijuana for them.

"We don't want to harass an honest citizen," Craver said. "A lot of these people really are not criminals. These are people who really want to be law-abiding citizens.

They have a legal right to what they consider to be medicine."

The federal government takes strong issue with California's medical marijuana law.

The Drug Enforcement Administration doesn't target users but will arrest anyone caught growing marijuana for profit or the illegal drug market, spokeswoman Jocelyn Barnes said. And claiming the marijuana is for medical use doesn't fly under federal law, which holds that there are no bona fide health benefits, she said.

Mr. Chairman, one in particular that I have been briefed on in one of my visits to northern California is up in Humboldt County, where we had, as the DEA did their raid, signs posted throughout this complex that said "This marijuana is for medicinal purposes." This raid, at first glance it looked like any other rural home. A couple of them were two stories and even had wrap-around porches, but inside they were growing marijuana. In fact, there were six structures designed to be like a housing development, and once again, all around it, posted, "This is for medicinal marijuana."

They uprooted more than 14,000 pot plants and seized \$206,000 in cash. As the sheriff in Mendocino County has said, people will not find that the police have gone after cases where there has been any dispute whether it actually relieves pain. But as the police chief said, "We are not going to have the law flaunted in our face."

When people abuse the medical marijuana laws in these States and when they flaunt the Federal law, they can expect law enforcement to come down on them. We should not tie the hands of the new DEA director or others in the Federal government who are trying to protect our children and families from abuse of drugs, from backdoor legalization and decriminalization, in the name of protecting a few who are struggling desperately, sometimes in their last days of life, with how to alleviate their pain and suffering. It upsets me that some would use these poor, suffering people as a guise for backdoor legalization.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

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

Mr. Chairman, someone once said that a fanatic is someone who redoubles his effort when he has forgotten his purpose. I think there are some aspects of our drug laws can be characterized as fanatic.

We use morphine for pain, we prescribe it. It is a controlled substance. I do not understand why marijuana, a controlled substance, should not be prescribable if a doctor feels that that drug is useful to someone who has cancer or AIDS or whatever.

It is up to the doctors, it is not up to the politicians here in Congress, or it ought to be.

Frankly, yes, George Soros has funded these referenda. In every referendum they have had, the people have spoken. Yes, the Federal law is supreme. We do

not have to contest that. These laws cannot stand up against Federal law, but they are doing it through the States because this Congress and the President and the former President were not sensitive to the cries for help from desperately sick people and desperately pained people and their families. We ought to yield to those cries.

This amendment simply says, let them have the relief from the pain. Let them do it. It has nothing to do with legalization, nothing to do with decriminalization. Those are other issues. But if a controlled substance is useful for pain, and, yes, we do not have decent studies on it because the DEA prohibited those studies, let us yield and help desperately sick people.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Mr. Chairman, I was not going to get up until I heard the legalistic arguments against this proposal.

Let me just say, my mother passed away recently. She had a major operation. I went to the hospital to visit her. She had lost her appetite, and she was in severe pain. She had lost her appetite because she had been taking pain medicine.

When I talked to her and tried to comfort her, I was very grateful that I had voted for medical marijuana in my State when we had the election there, because that is what she needed for her situation where her outlook on life was so bad, and she was in such pain. She needed to regain her appetite and could not survive without regaining her appetite.

The people of my county, a very conservative county, voted overwhelmingly for this, or it was a strong majority, anyway. The fact is the Federal Government should not come into a State or to my area where the people have thus voted because of their humanitarian concerns or whatever and supersede the vote of the people.

This is a democracy. It is also a Federal system. When we have people at that level voting that a drug should be used for medical purposes, the Federal Government should not supersede that vote.

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

Mr. Chairman, the Federal Government does not regulate medical practice or license it, either. That is done by the States. We should not interfere with the States' conception of how medical practice ought to be carried out in those jurisdictions. We have never done so in other regards, and we should not do so in this one.

Mr. Chairman, a great Justice of the Supreme Court in an earlier day made the observation that the States should be the laboratories of democracy. We have destroyed those laboratories. We are shutting down those laboratories. We are closing down democracy with these laws.

Mr. Chairman, this amendment would give us the opportunity to open

those laboratories again and to give the States the freedom to experiment in the way that they think is best in the interests of their own people.

Mr. Chairman, I have determined over the course of the last few days that this House is not ready to vote on this issue at this moment. I wish it were. Therefore, I have taken the opportunity this evening to bring this issue before us to give us an opportunity to discuss it in a rational and logical and mature way.

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

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

There was no objection.

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

Mr. Chairman, I rise for the purpose of a colloquy with the gentlewoman from Texas (Ms. JACKSON-LEE). I understand that the gentlewoman from Texas will not be offering further amendments to the bill, but I will ask her to describe a program in her district.

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

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kindness in yielding to me, and also for the committee's kindness in working with me in the extensive number of amendments that I proposed today.

Mr. Chairman, this is an amendment to help with an issue that is crucial to all of us, a \$2 million grant to the city of Houston's at-risk children's program under title V of juvenile justice.

Mr. Chairman, my congressional district has seven school districts, and we have found statistically that after 3 p.m. is the most dangerous time for our young people. We have been successful with after-school programs.

In particular, my school districts speak over 90 languages. Therefore, it is an enormously diverse community. As a member of the Houston City Council some years ago, I started the first after-school program, which was volunteer, in the city of Houston's parks, where children could come and stay supervised until about 12 midnight. It was a time when we had a gang crisis, and we saw the results.

This is a very important effort in our community because it has emerging populations. As I have said, our numbers are increasing. We have found that we are saving lives with after-school programs. Therefore, I am very interested in making sure that we are able to solve some of these crises that deal with gang violence and, as well, children who are unattended because their parents by necessity have to work late hours.

Mr. Chairman, I am very concerned and interested in this amendment.

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

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

Mr. WOLF. Mr. Chairman, I thank the gentlewoman from New York and the gentlewoman from Texas. The committee will evaluate the Houston after-school program for juveniles to determine whether it is an appropriate program to be funded through the Juvenile Justice grants in the bill. We will consider the gentlewoman's interest in the program as we move the bill through Congress.

Mr. SERRANO. Reclaiming my time, Mr. Chairman, I agree with my chairman that we will look at this juvenile delinquency program in Houston, as we continue consideration on this appropriations bill.

I thank the gentlewoman for her concern in once again bringing this issue to us. The gentlewoman has our word that we will look at it as we go along and try to help in every way that we can.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New York. I appreciate very much working with the chairman and working with the ranking member on this very important issue to our community, and working as we go toward conference to help us with respect to the city of Houston at-risk children's program.

Mr. Chairman, I rise to offer an amendment that would add \$2 million to the Department of Justice Juvenile Justice At Risk Children's Program for the City of Houston After School Program, which the amendment inadvertently calls the Houston At-Risk Children's Program.

This juvenile justice program targets truancy and school violence, gangs, guns and drugs other influences that lead juveniles to delinquency and criminality. By keeping kids off the streets in after school programs, we are helping to combat juvenile delinquency and keep our kids and our families safe. Studies have shown that juvenile crime, pregnancy and a number of other problems among our youth frequently occur during the hours immediately after school and before parents arrive home.

By earmarking a small portion of these funds, we can help youths who attend schools in the largest public school system in Texas, and the seventh largest in the country. The Houston Independent School district is also home to our current Secretary of Education, Rod Paige, and Houston is the fourth largest city in the country.

HISD is the sort of school district that we want to entrust with federal funds to carry out a community based after school program. It has become a leader in restructuring public education, most recently by establishing unprecedented new standards that every student must meet to earn promotion from one grade to the next. In addition, it maintains a wealth of community partnerships with parents, businesses, social service and governmental agencies, colleges and universities, and civic groups that make valuable services available to the schools. The nationally recognized Volunteers in Public Schools program supports instruction by drawing on the talents of nearly 36,000 Houstonians. It is the efforts of these volunteers along with school personnel that can effectively turn these funds into successful programs.

Legislators here in Congress and at the state level are quick to pass laws that crim-

inalize the activity of youth and adults alike. Let us instead be quick to provide places for children to go so they need never be punished by those laws,

I urge you to support this amendment to help students in one of our largest, most diverse cities in our nation.

□ 2030

AMENDMENT NO. 14 OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. BARTLETT of Maryland:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to implement any recommendation or requirement adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (July 2001), except to the extent authorized pursuant to a law enacted after the date of the enactment of this Act.

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

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume, and then I will yield to my good friend and colleague, the gentleman from Georgia (Mr. BARR), who has joined me in this effort.

For the past 2 weeks, the United Nations has been hosting its convention on the Illicit Trade in Small Arms and Light Weapons and all of its aspects. For those who believe that the United Nations intends, if they could, to impose registration, confiscation and destruction of firearms owned by citizens of the United States who are otherwise legally allowed to own firearms, their fears are confirmed by a quote from the U.N. Draft Program of Action.

This is a United States document dated January 9, 2001, and let me read from that document: "States will establish laws and procedures for the safe and effective collection and destruction of weapons which are circulating and available in such quantities as to contribute to high levels of crime and violence." Now, Mr. Chairman, who is going to make the judgment of when there is enough there to do that so that they can come in and confiscate and destroy our guns?

If this administration was going to be the administration in perpetuity, the gentleman from Georgia (Mr. BARR) and I would not be standing here, because I have no concerns that this administration would do this. But they will not be here forever, and I think it is prudent for us to make sure that this kind of thing could never happen to our people.

At an appropriate time, I will withdraw this amendment; but I would like to engage the chairman in a colloquy, along with the gentleman from Georgia, if he would, to the end that we hope to work out with him and the administration report language that could go into this bill in conference so that we can make sure that it is very clear that there is no intention that this could ever happen in this country.

Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BARR) for a statement.

Mr. BARR of Georgia. Mr. Chairman, I appreciate the gentleman from Maryland yielding me this time, and I appreciate the chairman of the subcommittee allowing us to engage in this colloquy.

As the gentleman from Maryland knows, I spent a little bit of time this week, and last week also, at the United Nations Conference on Small Arms, and I can assure the gentleman that his concern is not misplaced. I am very familiar not only with the debates that have been going on in the United Nations, having been privy to a number of closed-door sessions up there as a member of our delegation; but I also have read in great detail the documents that are, even as we speak this evening, being grafted and changed by the functionaries and the General Assembly members at the United Nations.

The gentleman is absolutely correct. The United Nations, through this effort which has been going on for several years and now culminates in this conference, looks to involve itself in a very substantial way in domestic U.S. policy in terms of furthering their goal of gun registration of lawful firearms, recordkeeping, and limitations on the manufacture, the possession, the transfer, and the export of firearms.

So I salute the gentleman from Maryland for bringing this very important matter to the attention of this body. I appreciate very much the work of the chairman and the continuing work of the chairman to ensure that the U.N. is not allowed, insofar as this body is concerned, to involve itself in matters of domestic U.S. policy, as Under Secretary John Bolton indicated in his initial remarks, and which are now carried on on this floor by the gentleman from Maryland.

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

Mr. BARTLETT of Maryland. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, as the gentleman said, meetings are going on now. The administration has expressed concern, and we will be glad to work with both of the gentlemen with regard to the conference and language that the administration supports.

Mr. BARTLETT of Maryland. I thank the chairman.

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

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

There was no objection.

AMENDMENT NO. 16 OFFERED BY MR. DELAHUNT
Mr. DELAHUNT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. DELAHUNT:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used after December 15, 2001, for any operation of the Office of Independent Counsel in the investigation designated "In re: Henry G. Cisneros".

Mr. DELAHUNT. Mr. Chairman, after offering this amendment, I intend to ask unanimous consent that it be withdrawn. Its purpose is to really send a message, and there is no need for me to insist on a vote at this time.

More than 2 years ago now, and I believe to the collective relief of nearly every Member of this body, the Independent Counsel Act expired. Since then, almost all of the investigations pending at that time have been brought to a close. Yet 2 years after the expiration of the statute, one Independent Counsel, David Barrett, is still going strong at the cost of some \$2 million a year to the American taxpayers, with no end in sight.

Mr. Barrett was appointed in May of 1995 to look into charges that former HUD Secretary Henry Cisneros had understated to the FBI the amount of money he had paid to a former mistress. It took Mr. Barrett more than 4 years and \$9 million, but he eventually got his man. In the fall of 1999, almost 2 years ago, the former Secretary pled guilty to a single misdemeanor, for which he paid a fine and a \$25 assessment for court costs.

That was the rather anticlimactic end to the case involving Mr. Cisneros himself, but it was not the end of Mr. Barrett's investigation. It seems he was just getting rolling. He has kept a grand jury in session ever since, apparently hoping to determine whether during all those years someone, anyone, in the Government tried to shield the former Secretary from his investigation.

As of today, Mr. Barrett has spent \$15 million on a 6-year fishing expedition. It is costing the taxpayers another \$1 million every 6 months, and he has not caught a single minnow. Any ordinary prosecutor who carried on this way would have been sent packing years ago, but Barrett was appointed under the Independent Counsel law, and that means not even the court that appointed him can put an end to this inquiry.

In June of this year, the U.S. Court of Appeals for the District of Columbia granted Barrett yet another 1-year extension. The one judge who filed an opinion made it clear that they had no

other choice in the matter under the language of the statute. So if Barrett says he has not finished yet, there is nothing the court can do. As the judge put it, and I am quoting from the opinion, "The law literally construed may be that Mr. Barrett can go on forever so long as he claims or shows active grand jury activity, no matter how unpromising. We apparently have little choice but to accept representations of productive activity at face value, despite persuasive reasons for doubt."

Well, the court's message was clear. Congress may have killed the Independent Counsel Act, but like the heart that continues to beat after the brain is clinically dead, Mr. Barrett simply does not know how to stop, and the court is unable to pull the plug.

The Barrett investigation is the last gasp of a statute whose folly is now generally acknowledged on both sides of the aisle. If there were any remaining doubt, Mr. Barrett's performance certainly reinforces the wisdom of our decision not to reauthorize the Independent Counsel statute.

Judge Scalia had the foresight to recognize that Congress had created a monster it would ultimately be unable to control. He even foresaw that one day there would be a David Barrett, as he wrote in an opinion, and again I am quoting from that court opinion, "What would normally be regarded as a technical violation may, in his or her small world, assume the proportions of an indictable offense. What would normally be regarded as an investigation that has reached the level of pursuing such picayune matters that it should be concluded, may to him or her be an investigation that ought to go on for another year."

What a perfect description of the Barrett inquiry. And it may ultimately be up to us to put a stop to it.

In his request for his most recent extension, Barrett told the court that he hoped, and I am using his word, and I am quoting him, he "hoped" he would complete his investigation by the end of this year. Fair enough. My amendment would have given him until December 15 to wrap up his affairs so he could finally turn out the lights, close the door, and look for a real job. Call it a "welfare-to-work" program.

Mr. Chairman, I genuinely hope that Mr. Barrett is listening and that he will transform this hope into a reality. Then it will not be necessary to press this amendment at a later date.

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

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

There was no objection.

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

Mr. Chairman, if I may, I know we have come pretty close to the end of this process, and I just wanted to take this opportunity once again to thank the gentleman from Virginia (Chairman WOLF) for the work he has done on

this bill, for the way in which he has treated me and our staff and our Members, for his understanding of these issues, and for the fact that this bill, which started out at the beginning of the day, actually last night, in my opinion to be a very good bill, has even become a better bill by some of the changes that we have made today, especially the issues concerning the Small Business Administration.

I want to thank both staffs that are here with us at this time for the work they do. It is not only a service to us, the membership of this House, but I can assure you all it is seen as a service to our country and all of its citizens and residents.

I wanted to once again thank the chairman for having an understanding of the needs that the minority needed in this bill and for putting together a bill that in fact speaks to so many issues and speaks to them in the proper way. We know that in conference there will be some changes, but we are hopeful that no one will hurt this project and this product, which is very good.

On a personal level, I just want to thank the gentleman for his hospitality, for his treatment of myself and our staff and our membership, and just to tell the gentleman that it has been wonderful working with him; and I look forward to continuing this process.

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

I just want to thank the gentleman for his comments. When the year started, I did not really know the gentleman very well, but I think we have become friends. I look forward to the opportunity when I come up to visit my two children, who are living in New York City, to come over to the gentleman's congressional district and spend some time and take a look around. I do appreciate the gentleman's comments, and I want to thank him for his friendship and cooperation.

I want to thank the staff on both sides of the aisle for the outstanding work they have done. And I want to thank all of the Members, every single solitary Member that spoke on both sides of the aisle, for the very positive contribution; and I would urge a strong vote for this bill on final passage.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 35 offered by the gentleman from California (Mr. ROHRABACHER), amendment No. 30 offered by the gentleman from Virginia (Mr. MORAN), amendment No. 6 offered by the gentleman from Texas (Mr. PAUL), amendment No. 7 offered by the gentleman from Texas (Mr. PAUL), and amendment No. 12 offered by the gentleman from California (Ms. WATERS).

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

AMENDMENT NO. 35 OFFERED BY MR. ROHRABACHER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 35 offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 395, noes 33, not voting 5, as follows:

[Roll No. 243]

AYES—395

Abercrombie	Cramer	Harman
Ackerman	Crane	Hart
Aderholt	Crenshaw	Hastings (WA)
Akin	Crowley	Hayes
Allen	Culberson	Hayworth
Andrews	Cummings	Hefley
Armedy	Cunningham	Herger
Baca	Davis (CA)	Hill
Bachus	Davis (FL)	Hilleary
Baird	Davis (IL)	Hinchey
Baker	Davis, Jo Ann	Hobson
Baldacci	Deal	Hoeffel
Baldwin	DeFazio	Hoekstra
Ballenger	DeGette	Holden
Barcia	Delahunt	Holt
Barr	DeLauro	Honda
Barrett	DeLay	Hooley
Bartlett	DeMint	Horn
Barton	Deutsch	Hostettler
Bass	Diaz-Balart	Hoyer
Becerra	Dingell	Hulshof
Bentsen	Doogett	Hunter
Bereuter	Dooley	Hutchinson
Berkley	Doolittle	Inslee
Berman	Doyle	Isakson
Berry	Duncan	Israel
Biggert	Dunn	Issa
Bilirakis	Edwards	Istook
Bishop	Ehlers	Jackson (IL)
Blagojevich	Ehrlich	Jackson-Lee
Boehlert	Emerson	(TX)
Boehner	Engel	Jefferson
Bonilla	Eshoo	Jenkins
Bonior	Etheridge	John
Bono	Evans	Johnson (CT)
Borski	Everett	Johnson (IL)
Boswell	Farr	Johnson, E. B.
Boucher	Fattah	Johnson, Sam
Boyd	Ferguson	Jones (NC)
Brady (PA)	Filner	Jones (OH)
Brady (TX)	Fletcher	Kanjorski
Brown (FL)	Foley	Kaptur
Brown (OH)	Forbes	Keller
Brown (SC)	Ford	Kelly
Bryant	Fossella	Kennedy (MN)
Burr	Frank	Kennedy (RI)
Burton	Frelinghuysen	Kerns
Buyer	Frost	Kildee
Calvert	Galleghy	Kilpatrick
Camp	Ganske	Kind (WI)
Cantor	Gekas	King (NY)
Capito	Gephardt	Kingston
Capps	Gibbons	Kirk
Capuano	Gillmor	Kleczka
Cardin	Gilman	Knollenberg
Carson (IN)	Gonzalez	Kucinich
Carson (OK)	Goode	LaFalce
Chabot	Goodlatte	LaHood
Chambless	Gordon	Lampson
Clay	Goss	Langevin
Clayton	Graham	Lantos
Clement	Graves	Larsen (WA)
Clyburn	Green (TX)	Larson (CT)
Coble	Green (WI)	Latham
Collins	Greenwood	LaTourette
Condit	Grucci	Leach
Conyers	Gutierrez	Lee
Cooksey	Gutknecht	Levin
Costello	Hall (OH)	Lewis (CA)
Coyne	Hall (TX)	Lewis (GA)

Lewis (KY)	Paul	Simpson
Linder	Pelosi	Skeen
Lipinski	Pence	Skelton
LoBiondo	Peterson (MN)	Slaughter
Lofgren	Peterson (PA)	Smith (NJ)
Lowey	Phelps	Smith (TX)
Lucas (KY)	Pickering	Snyder
Lucas (OK)	Pitts	Solis
Luther	Platts	Spratt
Maloney (CT)	Pombo	Stark
Maloney (NY)	Pomeroy	Stearns
Manzullo	Portman	Stenholm
Markey	Price (NC)	Strickland
Mascara	Pryce (OH)	Stupak
Matheson	Putnam	Sununu
Matsui	Quinn	Sweeney
McCarthy (MO)	Radanovich	Tancredo
McCarthy (NY)	Rahall	Tanner
McCollum	Ramstad	Tauscher
McCrary	Rangel	Tauzin
McDermott	Regula	Taylor (MS)
McGovern	Rehberg	Taylor (NC)
McHugh	Reyes	Terry
McInnis	Reynolds	Thomas
McIntyre	Riley	Thompson (CA)
McKeon	Rivers	Thompson (MS)
McKinney	Rodriguez	Thornberry
McNulty	Roemer	Thune
Meehan	Rogers (KY)	Thurman
Meek (FL)	Rogers (MI)	Tiahrt
Menendez	Rohrabacher	Tiberi
Mica	Ros-Lehtinen	Tierney
Miller (FL)	Ross	Toomey
Miller, Gary	Rothman	Towns
Miller, George	Roukema	Traficant
Mink	Roybal-Allard	Turner
Mollohan	Royce	Udall (CO)
Moore	Rush	Udall (NM)
Moran (KS)	Ryan (WI)	Upton
Moran (VA)	Ryun (KS)	Velazquez
Morella	Sabo	Visclosky
Murtha	Sanchez	Vitter
Myrick	Sanders	Walden
Nadler	Sandlin	Walsh
Napolitano	Sawyer	Wamp
Neal	Saxton	Waters
Ney	Scarborough	Watson (CA)
Northup	Schakowsky	Watt (NC)
Norwood	Schiff	Waxman
Nussle	Schrock	Weiner
Oberstar	Scott	Weldon (FL)
Obey	Serrano	Weldon (PA)
Olver	Sessions	Weller
Ortiz	Shadegg	Wexler
Osborne	Shaw	Whitfield
Ose	Shays	Wicker
Otter	Sherman	Wilson
Owens	Sherwood	Wolf
Oxley	Shimkus	Woolsey
Pallone	Shoos	Wu
Pascrell	Shuster	Wynn
Pastor	Simmons	Young (AK)

NOES—33

Blumenauer	Flake	Nethercutt
Blunt	Gilchrest	Payne
Callahan	Granger	Petri
Cannon	Hansen	Schaffer
Castle	Hastings (FL)	Sensenbrenner
Combest	Hilliard	Smith (MI)
Cox	Houghton	Smith (WA)
Cubin	Hyde	Souder
Davis, Tom	Kolbe	Stump
Dicks	Largent	Watts (OK)
Dreier	Meeks (NY)	Young (FL)

NOT VOTING—5

English	Millender-	Spence
Hinojosa	McDonald	Watkins (OK)

□ 2109

Messrs. CANNON, STUMP, NETHERCUTT, HYDE, SMITH of Michigan, YOUNG of Florida, and GILCHREST changed their vote from "aye" to "no."

Mrs. MEEK of Florida, Messrs. BE-REUTER, SERRANO, PICKERING, SHAYS, EHLERS, LINDER, OSE, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:
 Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. #243, I missed this rollcall vote on the above number 243. Had I been here I would have voted "aye." I was detained by constituents and was unable to get to the floor. It was unavoidable.

Serrano
 Shays
 Sherman
 Slaughter
 Smith (NJ)
 Solis
 Stark
 Tauscher

Thompson (MS)
 Tierney
 Towns
 Udall (CO)
 Udall (NM)
 Velazquez
 Visclosky
 Waters

Watson (CA)
 Watt (NC)
 Waxman
 Weiner
 Wexler
 Woolsey
 Wu
 Wynn

Whitfield
 Wicker

Wilson
 Wolf

Young (AK)
 Young (FL)

NET VOTING—4

Hinojosa
 Millender-McDonald
 Scarborough
 Spence

□ 2119

ANNOUNCEMENT BY THE CHAIRMAN

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

AMENDMENT NO. 30 OFFERED BY MR. MORAN OF VIRGINIA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 161, noes 268, not voting 4, as follows:

[Roll No. 244]

AYES—161

Abercrombie
 Ackerman
 Allen
 Andrews
 Baldacci
 Baldwin
 Barrett
 Becerra
 Bentsen
 Berkley
 Berman
 Blagojevich
 Blumenauer
 Borski
 Brady (PA)
 Brown (FL)
 Brown (OH)
 Capps
 Capuano
 Cardin
 Carson (IN)
 Castle
 Clay
 Clayton
 Clyburn
 Conyers
 Coyne
 Crowley
 Cummings
 Davis (CA)
 Davis (FL)
 Davis (IL)
 Davis, Tom
 DeGette
 Delahunt
 DeLauro
 Deutsch
 Dicks
 Doggett
 Dooley
 Doyle
 Engel
 Eshoo
 Evans
 Farr
 Fattah

Ferguson
 Filner
 Ford
 Frank
 Gephardt
 Gonzalez
 Grucci
 Gutierrez
 Hall (OH)
 Harman
 Hastings (FL)
 Hinchey
 Hoeftel
 Holt
 Honda
 Hooley
 Horn
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 Johnson, E. B.
 Jones (OH)
 Kaptur
 Kennedy (RI)
 Kildee
 Kilpatrick
 King (NY)
 Kirk
 Kleczka
 Kucinich
 LaFalce
 Langevin
 Lantos
 Larson (CT)
 Leach
 Lee
 Levin
 Lewis (GA)
 Lipinski
 Lofgren
 Lowey
 Luther

Maloney (CT)
 Maloney (NY)
 Markey
 Matsui
 McCarthy (MO)
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Menendez
 Miller, George
 Mink
 Moore
 Moran (VA)
 Morella
 Nadler
 Napolitano
 Neal
 Olver
 Owens
 Pallone
 Pascrell
 Pastor
 Payne
 Pelosi
 Price (NC)
 Quinn
 Ramstad
 Rangel
 Rivers
 Rodriguez
 Roemer
 Rothman
 Roukema
 Roybal-Allard
 Rush
 Sabo
 Sanchez
 Sawyer
 Schakowsky
 Schiff
 Scott

Aderholt
 Akin
 Armey
 Baca
 Bachus
 Baird
 Baker
 Ballenger
 Barcia
 Barr
 Bartlett
 Barton
 Bass
 Bereuter
 Berry
 Biggert
 Bilirakis
 Bishop
 Blunt
 Boehlert
 Boehner
 Bonilla
 Bonior
 Bono
 Boswell
 Boucher
 Boyd
 Brady (TX)
 Brown (SC)
 Bryant
 Burr
 Burton
 Buyer
 Callahan
 Calvert
 Camp
 Cannon
 Cantor
 Capito
 Carson (OK)
 Chabot
 Chambliss
 Clement
 Coble
 Collins
 Combest
 Condit
 Cooksey
 Costello
 Cox
 Cramer
 Crane
 Crenshaw
 Cubin
 Culberson
 Cunningham
 Davis, Jo Ann
 Deal
 DeFazio
 DeLay
 DeMint
 Diaz-Balart
 Dingell
 Doolittle
 Dreier
 Duncan
 Dunn
 Edwards
 Ehlers
 McKinney
 Emerson
 English
 Etheridge
 Everrett
 Flake
 Fletcher
 Foley
 Forbes
 Fossella
 Frelinghuysen
 Frost
 Gallegly
 Ganske
 Gekas
 Gibbs
 Gilchrist
 Gillmor
 Gilman

Goode
 Goodlatte
 Gordon
 Goss
 Graham
 Granger
 Graves
 Green (TX)
 Green (WI)
 Greenwood
 Gutknecht
 Hall (TX)
 Hansen
 Hart
 Hastings (WA)
 Hayes
 Hayworth
 Hefley
 Herger
 Hill
 Hillery
 Hilliard
 Hobson
 Hoekstra
 Holden
 Hostettler
 Houghton
 Hulshof
 Hunter
 Hutchinson
 Hyde
 Isakson
 Issa
 Istook
 Jenkins
 John
 Johnson (CT)
 Johnson (IL)
 Johnson, Sam
 Jones (NC)
 Kanjorski
 Keller
 Kelly
 Kennedy (MN)
 Kerns
 Kind (WI)
 Kingston
 Knollenberg
 Kolbe
 LaHood
 Lampson
 Largent
 Larsen (WA)
 Latham
 LaTourette
 Lewis (CA)
 Lewis (KY)
 Lucas (OK)
 Manzullo
 Mascara
 Matheson
 McCrery
 McHugh
 McInnis
 McIntyre
 McKeon
 McKinney
 Mica
 Miller (FL)
 Miller, Gary
 Mollohan
 Moran (KS)
 Murtha
 Myrick
 Nethercutt
 Ney
 Northup
 Norwood
 Nussle
 Oberstar
 Obey
 Ortiz
 Osborne
 Ose
 Otter

NOES—268

Oxley
 Paul
 Pence
 Peterson (MN)
 Peterson (PA)
 Petri
 Phelps
 Pickering
 Pitts
 Platts
 Pombo
 Pomeroy
 Portman
 Pryce (OH)
 Putnam
 Radanovich
 Rahall
 Regula
 Rehberg
 Reyes
 Reynolds
 Riley
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Ross
 Royce
 Ryan (WI)
 Ryun (KS)
 Sanders
 Sandlin
 Saxton
 Schaffer
 Schrock
 Sensenbrenner
 Sessions
 Shadegg
 Shaw
 Sherwood
 Shimkus
 Shotts
 Shuster
 Simmons
 Simpson
 Skeen
 Skelton
 Smith (MI)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Spratt
 Stearns
 Stenholm
 Strickland
 Stump
 Stupak
 Sununu
 Sweeney
 Tancredo
 Tanner
 Tauzin
 Taylor (MS)
 Taylor (NC)
 Terry
 Thomas
 Thompson (CA)
 Thornberry
 Thune
 Thurman
 Tiahrt
 Tiahrt
 Tiberi
 Toomey
 Traficant
 Turner
 Upton
 Vitter
 Walden
 Walsh
 Wamp
 Watkins (OK)
 Watts (OK)
 Weldon (FL)
 Weldon (PA)
 Weller

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

Stated for:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 244, I missed rollcall vote No. 244, due to being detained by constituents. Unavoidable. Had I been present, I would have voted "aye."

AMENDMENT NO. 6 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 6 offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 62, noes 364, not voting 7, as follows:

[Roll No. 245]

AYES—62

Aderholt
 Akin
 Armey
 Barcia
 Barr
 Bartlett
 Barton
 Billirakis
 Burton
 Cannon
 Coble
 Collins
 Combest
 Crane
 Cubin
 Culberson
 DeLay
 DeMint
 Doolittle
 Duncan
 Everett
 Foley
 Gibbons
 Goode
 Hall (TX)
 Hefley
 Hostettler
 Istook
 Jones (NC)
 Keller
 Kerns
 Kingston
 Lewis (KY)
 Lucas (OK)
 Manzullo
 Moran (KS)
 Ney
 Norwood
 Otter
 Paul
 Pence
 Peterson (MN)
 Pombo
 Radanovich
 Riley
 Rohrabacher
 Royce
 Ryun (KS)
 Scarborough
 Schaffer
 Sensenbrenner
 Sessions
 Shadegg
 Shuster
 Stump
 Tancredo
 Taylor (MS)
 Taylor (NC)
 Tiberi
 Traficant
 Weldon (FL)
 Young (AK)

Abercrombie
 Ackerman
 Allen
 Andrews
 Baca
 Bachus
 Baird
 Baker
 Baldacci
 Baldwin
 Ballenger
 Barrett
 Bass
 Becerra
 Bentsen
 Bereuter
 Berkley
 Berman
 Berry
 Biggert
 Bishop
 Blagojevich
 Blumenauer
 Blunt
 Boehlert

Boehner
 Bonilla
 Bonior
 Bono
 Borski
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Brady (TX)
 Brown (FL)
 Brown (OH)
 Brown (SC)
 Bryant
 Burr
 Buyer
 Callahan
 Calvert
 Camp
 Cantor
 Capito
 Capps
 Capuano
 Cardin
 Carson (IN)

NOES—364

Deal

DeFazio Kelly Ramstad
 DeGette Kennedy (MN) Rangel
 Delahunt Kennedy (RI) Regula
 DeLauro Kildee Rehberg
 Deutsch Kilpatrick Reyes
 Diaz-Balart Kind (WI) Reynolds
 Dicks King (NY) Rivers
 Dingell Kirk Rodriguez
 Doggett Kleczka Roemer
 Dooley Knollenberg Rogers (KY)
 Doyle Kolbe Rogers (MI)
 Dreier Kucinich Ros-Lehtinen
 Dunn LaFalce Ross
 Edwards LaHood Rothman
 Ehlers Lampson Roukema
 Ehrlich Langevin Roybal-Allard
 Emerson Lantos Rush
 Engel Largent Ryan (WI)
 English Larsen (WA) Sabo
 Eshoo Larson (CT) Sanchez
 Etheridge Latham Sanders
 Evans LaTourette Sandlin
 Farr Leach Sawyer
 Fattah Lee Saxton
 Ferguson Levin Schakowsky
 Filner Lewis (CA) Schiff
 Flake Lewis (GA) Schrock
 Fletcher Linder Scott
 Forbes Lipinski Serrano
 Ford LoBiondo Shaw
 Fossella Lofgren Shays
 Frank Lowey Sherman
 Frelinghuysen Lucas (KY) Sherwood
 Frost Luther Shimkus
 Gallegly Maloney (CT) Shows
 Ganske Maloney (NY) Simmons
 Gekas Markey Simpson
 Gephardt Mascara Skelton
 Gilchrest Matheson Slaughter
 Gillmor Matsui Smith (MI)
 Gilman McCarthy (MO) Smith (NJ)
 Gonzalez McCarthy (NY) Smith (TX)
 Goodlatte McCollum Smith (WA)
 Gordon McCrery Snyder
 Goss McDermott Souder
 Graham McGovern Spratt
 Granger McHugh Stark
 Graves McInnis Stearns
 Green (TX) McIntyre Stenholm
 Green (WI) McKeon Strickland
 Greenwood McKinney Stupak
 Gucci Sununu Sweeney
 Gutierrez Meehan Tanner
 Gutknecht Meek (FL) Tauscher
 Hall (OH) Meeks (NY) Tauzin
 Hansen Menendez Terry
 Harman Mica Thomas
 Hart Miller (FL) Thompson (CA)
 Hastings (FL) Miller, Gary Thompson (MS)
 Hastings (WA) Miller, George Thornberry
 Hayes Mink Thune
 Hayworth Mollohan Thurman
 Herger Moore Tiahrt
 Hill Moran (VA) Tierney
 Hilleary Morella Toomey
 Hilliard Murtha Towns
 Hobson Myrick Turner
 Hoeffel Napolitano Udall (CO)
 Hoekstra Neal Udall (NM)
 Holden Nethercutt Vitter
 Holt Northup Velazquez
 Honda Nussle Vislosky
 Hooley Oberstar Vitter
 Horn Obey Walden
 Houghton Oliver Walsh
 Hoyer Ortiz Wamp
 Hulshof Osborne Waters
 Hunter Ose Watkins (OK)
 Hutchinson Oxley Watson (CA)
 Hyde Pallone Watt (NC)
 Inslee Pascrell Watts (OK)
 Isakson Pastor Waxman
 Israel Payne Weiner
 Issa Pelosi Weldon (PA)
 Jackson (IL) Peterson (PA) Weller
 Jackson-Lee Petri Wexler
 (TX) Phelps Whitfield
 Jefferson Pickering Wicker
 Jenkins Pitts Wilson
 John Platts Wolf
 Johnson (CT) Pomeroy Woolsey
 Johnson (IL) Wu
 Johnson, E. B. Portman Wynn
 Johnson, Sam Price (NC) Young (FL)
 Jones (OH) Pryce (OH)
 Kanjorski Quinn
 Kaptur Rahall

NOT VOTING—7
 Hinchey Millender Solis
 Hinojosa McDonald Owens
 Nadler Spence

□ 2127

Mr. YOUNG of Alaska changed his vote from “no” to “aye.”
 So the amendment was rejected.
 The result of the vote was announced as above recorded.
 Stated against:
 Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 245, I missed rollcall No. 245. It was unavoidable due to detention by constituents. Had I been present, I would have voted “no”.

AMENDMENT NO. 7 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 7 offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.
 The Clerk will redesignate the amendment.
 The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.
 A recorded vote was ordered.
 The CHAIRMAN. This will be a 5-minute vote.
 The vote was taken by electronic device, and there were—ayes 71, noes 359, not voting 3, as follows:

[Roll No. 246]

AYES—71

Aderholt	Hastings (WA)	Pombo
Akin	Hayworth	Putnam
Armey	Hilleary	Radanovich
Barr	Hostettler	Riley
Bartlett	Hulshof	Rohrabacher
Barton	Hunter	Royce
Bilirakis	Jenkins	Ryun (KS)
Bonilla	Johnson, Sam	Scarborough
Bryant	Lucas (OK)	Schaffer
Burton	Jones (NC)	Sensenbrenner
Callahan	Keller	Sessions
Cannon	Kerns	Shuster
Kingston	Kingston	Smith (MI)
Coble	LaTourette	Stearns
Combust	Lucas (OK)	Stump
Crane	Manzullo	Tancredo
Cubin	Moran (KS)	Taylor (MS)
Davis, Jo Ann	Myrick	Taylor (NC)
DeLay	Nethercutt	Tiahrt
DeMint	Ney	Tiberi
Doolittle	Norwood	Trafigant
Duncan	Otter	Wamp
Everett	Paul	Young (AK)
Goode	Pence	
Gutknecht	Peterson (MN)	

NOES—359

Abercrombie	Bishop	Cantor
Ackerman	Blagojevich	Capito
Allen	Blumenauer	Capps
Andrews	Blunt	Capuano
Baca	Boehert	Cardin
Bachus	Boehner	Carson (IN)
Baird	Bonior	Carson (OK)
Baker	Bono	Castle
Baldacci	Borski	Chabot
Baldwin	Boswell	Chambliss
Ballenger	Boucher	Clay
Barcia	Boyd	Clayton
Barrett	Brady (PA)	Clement
Bass	Brady (TX)	Clyburn
Becerra	Brown (FL)	Collins
Bentsen	Brown (OH)	Condit
Bereuter	Brown (SC)	Conyers
Berkley	Burr	Cooksey
Berman	Buyer	Costello
Berry	Calvert	Cox
Biggart	Camp	Coyne

Cramer Johnson (CT) Price (NC)
 Crenshaw Johnson (IL) Pryce (OH)
 Crowley Johnson (OH) Quinn
 Culberson Johnson, E. B. Rahall
 Cummings Jones (OH) Ramstad
 Cunningham Kanjorski Rangel
 Davis (CA) Kaptur Regula
 Davis (FL) Kelly Rehberg
 Davis (IL) Kennedy (MN) Reyes
 Davis, Tom Kennedy (RI) Reynolds
 Deal Kildee Rivers
 DeFazio Kilpatrick Rodriguez
 DeGette Kind (WI) Roemer
 Delahunt King (NY) Rogers (KY)
 DeLauro Kirk Rogers (MI)
 Deutsch Kleczka Ros-Lehtinen
 Diaz-Balart Knollenberg Ross
 Dicks Kolbe Rothman
 Dingell Kucinich Roukema
 Doggett LaFalce Roybal-Allard
 Dooley LaHood Rush
 Doyle Lampson Ryan (WI)
 Dreier Langevin Sabo
 Dunn Lantos Sanchez
 Edwards Largent Sanders
 Ehlers Larsen (WA) Sandlin
 Ehrlich Larson (CT) Sawyer
 Emerson Latham Saxton
 Engel Leach Schakowsky
 English Lee Schiff
 Eshoo Levin Schrock
 Etheridge Lewis (CA) Scott
 Evans Lewis (GA) Serrano
 Farr Lewis (KY) Shadegg
 Fattah Linder Shaw
 Ferguson Lipinski Shays
 Filner LoBiondo Sherman
 Flake Lofgren Sherwood
 Fletcher Lowey Shimkus
 Foley Lucas (KY) Shows
 Forbes Luther Simmons
 Ford Maloney (CT) Simpson
 Fossella Maloney (NY) Sken
 Frank Markey Skelton
 Frelinghuysen Mascara Slaughter
 Frost Matheson Smith (NJ)
 Gallegly Matsui Smith (TX)
 Ganske McCarthy (MO) Smith (WA)
 Gekas McCarthy (NY) Snyder
 Gephardt McCollum Solis
 Gibbons McCrery Souder
 Gilchrest McDermott Spratt
 Gillmor McGovern Stark
 Gilman McHugh Stenholm
 Gonzalez McInnis Strickland
 Goodlatte McIntyre Stupak
 Gordon McKeon Sununu
 Goss McKinney Sweeney
 Graham McHugh Tanner
 Granger McNulty Tauscher
 Graves Meehan Tauzin
 Green (TX) Meeks (NY) Terry
 Green (WI) Menendez Thomas
 Greenwood Mollohan Thompson (CA)
 Gucci Miller (FL) Thompson (MS)
 Gutierrez Miller, Gary Thune
 Hall (OH) Miller, George Thurman
 Hall (TX) Mink Tierney
 Hansen Mollohan Toomey
 Harman Moore Towns
 Hart Moran (VA) Turner
 Hastings (FL) Morella Udall (CO)
 Hayes Murtha Udall (NM)
 Hefley Nadler Upton
 Herger Napolitano Velazquez
 Hill Neal Vislosky
 Hilliard Northup Vitter
 Hinchey Nussle Walden
 Hobson Oberstar Walsh
 Hoeffel Obey Waters
 Hoekstra Oliver Watkins (OK)
 Holden Ortiz Watson (CA)
 Holt Osborne Watt (NC)
 Honda Ose Watts (OK)
 Hooley Owens Waxman
 Horn Oxley Weiner
 Houghton Pallone Weldon (FL)
 Hoyer Pascrell Weldon (PA)
 Hutchinson Pastor Weller
 Hyde Payne Wexler
 Inslee Pelosi Whitfield
 Isakson Peterson (PA) Wicker
 Israel Petri Wilson
 Issa Phelps Wolf
 Istook Pickering Woolsey
 Jackson (IL) Pitts Wu
 Jackson-Lee Platts Wynn
 (TX) Pomeroy Young (FL)
 Jefferson Portman

NOT VOTING—3

Hinojosa Millender-
McDonald Spence

□ 2134

So the amendment was rejected.
The result of the vote was announced as above recorded.
Stated against:
Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 246, I was unavoidably detained by constituents. Had I been present, I would have voted “no.”

AMENDMENT NO. 12 OFFERED BY MS. WATERS
The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 10 offered by the gentlewoman from California (Ms. WATERS) 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 123, noes 306, not voting 4, as follows:

[Roll No. 247]

AYES—123

Abercrombie	Hastings (FL)	Owens
Allen	Hilliard	Pallone
Andrews	Hinchev	Pastor
Baca	Hoyer	Paul
Baldacci	Jackson (IL)	Payne
Baldwin	Jackson-Lee	Pelosi
Barcia	(TX)	Rahall
Barrett	Johnson, E. B.	Rangel
Becerra	Jones (OH)	Reyes
Berkley	Kaptur	Rivers
Berry	Kennedy (RI)	Rodriguez
Bishop	Kildee	Ross
Blagojevich	Kilpatrick	Roybal-Allard
Bonior	Kucinich	Rush
Brady (PA)	LaFalce	Sabo
Brown (FL)	Lampson	Sanders
Brown (OH)	Langevin	Sandlin
Capuano	Lantos	Sawyer
Cardin	Lee	Schakowsky
Carson (IN)	Lewis (GA)	Scott
Clay	Lipinski	Serrano
Clayton	Lowey	Solis
Clement	Luther	Stark
Clyburn	Maloney (NY)	Strickland
Conyers	McCarthy (MO)	Stupak
Coyne	McCarthy (NY)	Thompson (MS)
Crowley	McCollum	Tierney
Cummings	McGovern	Towns
Davis (IL)	McKinney	Turner
DeFazio	McNulty	Udall (CO)
DeGette	Meehan	Udall (NM)
Doyle	Meek (FL)	Velazquez
Engel	Meeks (NY)	Visclosky
Evans	Miller, George	Waters
Farr	Mink	Watson (CA)
Fattah	Morella	Watt (NC)
Filner	Nadler	Weiner
Ford	Napolitano	Wexler
Gephardt	Oberstar	Woolsey
Gonzalez	Obey	Wynn
Green (TX)	Olver	
Gutierrez	Ortiz	

NOES—306

Ackerman	Barr	Bilirakis
Aderholt	Bartlett	Blumenauer
Akin	Barton	Blunt
Armey	Bass	Boehlert
Bachus	Bentsen	Boehner
Baird	Bereuter	Bonilla
Baker	Berman	Bono
Ballenger	Biggert	Borski

Boswell	Hayworth
Boucher	Hefley
Boyd	Herger
Brady (TX)	Hill
Brown (SC)	Hilleary
Bryant	Hobson
Burr	Hoefel
Burton	Hoekstra
Buyer	Holden
Callahan	Holt
Calvert	Honda
Camp	Hooley
Cannon	Horn
Cantor	Hostettler
Capito	Houghton
Capps	Hulshof
Carson (OK)	Hunter
Castle	Hutchinson
Chabot	Hyde
Chambliss	Inslee
Coble	Isakson
Collins	Israel
Combest	Issa
Condit	Istook
Cooksey	Jenkins
Costello	John
Cox	Johnson (CT)
Cramer	Johnson (IL)
Crane	Johnson, Sam
Crenshaw	Jones (NC)
Cubin	Kanjorski
Culberson	Keller
Cunningham	Kelly
Davis (CA)	Kennedy (MN)
Davis (FL)	Kerns
Davis, Jo Ann	Kind (WI)
Davis, Tom	King (NY)
Deal	Kingston
Delahunt	Kirk
DeLauro	Klecza
DeLay	Knollenberg
DeMint	Kolbe
Deutsch	LaHood
Diaz-Balart	Largent
Dicks	Larsen (WA)
Dingell	Larson (CT)
Doggett	Latham
Dooley	LaTourette
Doolittle	Leach
Dreier	Levin
Duncan	Lewis (CA)
Dunn	Lewis (KY)
Edwards	Linder
Ehlers	LoBiondo
Ehrlich	Lofgren
Emerson	Lucas (KY)
English	Lucas (OK)
Eshoo	Maloney (CT)
Etheridge	Manzullo
Everett	Markey
Ferguson	Mascara
Flake	Matheson
Fletcher	Matsui
Foley	McCrary
Forbes	McDermott
Fossella	McHugh
Frank	McInnis
Frelinghuysen	McIntyre
Frost	McKeon
Galleghy	Menendez
Ganske	Mica
Gekas	Miller (FL)
Gibbons	Miller, Gary
Gilchrist	Mollohan
Gillmor	Moore
Gilman	Moran (KS)
Goode	Moran (VA)
Goodlatte	Murtha
Gordon	Myrick
Goss	Neal
Graham	Nethercutt
Granger	Ney
Graves	Northup
Green (WI)	Norwood
Greenwood	Nussle
Grucci	Osborne
Gutknecht	Ose
Hall (OH)	Otter
Hall (TX)	Oxley
Hansen	Pascrell
Harman	Pence
Hart	Peterson (MN)
Hastings (WA)	Peterson (PA)
Hays	Petri

Phelps	□ 2143
Pickering	
Pitts	
Platts	
Pombo	
Pomeroy	
Portman	
Price (NC)	
Pryce (OH)	
Putnam	
Quinn	
Radanovich	
Ramstad	
Regula	
Rehberg	
Reynolds	
Riley	
Roemer	
Rogers (KY)	
Rogers (MI)	
Rohrabacher	
Ros-Lehtinen	
Rothman	
Roukema	
Royce	
Ryan (WI)	
Ryun (KS)	
Sanchez	
Saxton	
Scarborough	
Jones (NC)	
Schaffer	
Schiff	
Schroek	
Sensenbrenner	
Sessions	
Shadegg	
Shaw	
Shays	
Sherman	
Sherwood	
Shimkus	
Shows	
Shuster	
Simmons	
Simpson	
Skeen	
Skelton	
Slaughter	
Smith (MI)	
Smith (NJ)	
Smith (TX)	
Smith (WA)	
Snyder	
Souder	
Spratt	
Stearns	
Stenholm	
Stump	
Sununu	
Sweeney	
Tancredo	
Tanner	
Tauscher	
Tauzin	
Taylor (MS)	
Taylor (NC)	
Terry	
Thomas	
Thompson (CA)	
Thornberry	
Thune	
Thurman	
Tiahrt	
Tiberi	
Toomey	
Trafficant	
Upton	
Vitter	
Walden	
Walsh	
Wamp	
Watkins (OK)	
Watts (OK)	
Waxman	
Weldon (FL)	
Weldon (PA)	
Weller	
Whitfield	
Wicker	
Wilson	
Wolf	
Wu	
Young (AK)	
Young (FL)	

NOT VOTING—4

Hinojosa	Millender- McDonald	Spence
Jefferson		

Messrs. LARSON of Connecticut, KLECZKA, MARKEY and PASCRELL changed their vote from “aye” to “no.”
Mr. KENNEDY of Rhode Island changed his vote from “no” to “aye.”

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

Stated for:
Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 247, I was unavoidably detained by constituents. Had I been present, I would have voted “aye”.

The CHAIRMAN. If there are no further amendments, the Clerk will read the last 2 lines of the bill.

The Clerk read as follows:
This Act may be cited as the “Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002”.

Mr. UDALL of Colorado. Mr. Chairman, I will vote for this bill because I think that on balance it deserves the approval of the House.

However, I do want to call the attention of the House to some areas in which it does not meet some very important needs.

RECA SHORTFALL

Once again, this bill falls far short of providing enough money to pay claims under the Radiation Exposure Compensation Act, or “RECA.”

The people covered by RECA include uranium miners and millers and some others who worked to support the nuclear weapons programs or who were exposed to its fallout. They were exposed to radiation. And because of that exposure they are sick, with cancers and other serious diseases. When Congress enacted the RECA law, we promised to pay compensation for their illnesses.

But we have not fully kept that promise. We have not appropriated enough money to pay everyone who is entitled to be paid.

Because of our failure, on April 17th the Justice Department ran out of funds to make RECA payments—and unless there is a supplemental appropriation, they will not be able to make any more payments for the rest of this fiscal year. As a result, people who should be getting checks are instead getting letters—IOU letters, you could call them.

What are letters say is that payment must await further appropriations. What they mean is that we in the Congress have failed to meet a solemn obligation.

The Department of Justice tells me that as of July 6th they had sent IOU letters to some 438 people nationwide. Justice also says that as of May 11th—these are the most recent state-by-state numbers—51 Coloradans had received IOU letters.

With other Members, I wrote President Bush about the problem of RECA payments. We urged him to request a supplemental appropriation for RECA, so that people would not have to wait much longer for payments. Unfortunately, the President did not see fit to make that request, and the money was not included in the supplemental appropriations bill as it passed the House.

Fortunately, the Senate did add \$84 million to the bill for RECA payments. So, it is very important that the House accept that addition. I have written to the House conferees on the supplemental appropriations bill, urging them

to agree to include the money and to score it as mandatory spending. But even if—as I hope—the supplemental bill does include the \$84 million more for the current fiscal year, we will have to do more.

The Justice Department says that right now they are reviewing more than 3,200 additional RECA claims, and they expect more claims to be filed. So there is a real possibility that we could again find ourselves in a situation like we are in right now.

We should not let that happen. We should change the law so that in the future RECA payments will not depend on annual appropriations. They should be paid automatically. I am cosponsoring legislation to make that change, and in its budget documents the Administration has indicated support for making RECA funding mandatory.

But meanwhile we should be appropriating adequate funds to make the payments—and there is no doubt that this bill fails to do that.

The Appropriations Committee understands the problem. Its report on this bill says “The Committee is aware that over \$200,000,000 is required in fiscal year 2000”—but the bill includes only \$10.776 million, a tiny fraction of the amount that the Committee itself recognizes is required. We need to do better to do that.

The report also says that “The Committee strongly encourages the Administration to work with the appropriate authorizing committees to develop other funding options for the payment of these claims.

I take that to mean that the appropriations committee supports making RECA funding automatic. I hope that happens, and will do all I can to make it happen. But we should not penalize sick and dying people in the meantime.

NIST CONSTRUCTION AND MAINTENANCE

I am also very concerned about the bill's lack of funding for the construction and maintenance needs of the National Institute of Standards and Technology (NIST).

NIST has a laboratory in my district in Boulder, Colorado, where a staff of about 530 scientists, engineers, technicians, and visiting researchers conduct research in a wide range of chemical, physical, materials, and information sciences and engineering.

NIST's laboratories in Boulder have a backlog of critically needed repairs and maintenance. As technology advances, the measurement and standards requirements become more and more demanding, requiring measurement laboratories that are clean, have reliable electric power, are free from vibrations, and maintain constant temperature and humidity. Most of the NIST Boulder labs are 45 years old, many have deteriorated so much that they can't be used for the most demanding measurements needed by industry, and the rest are deteriorating rapidly. Every day these problems go unaddressed means added costs, program delays, and inefficient use of staff time.

Since 1999, I have fought for increased funds for NIST's Boulder labs. But despite calls from me and other House Members, from Members of the Senate Commerce Committee, from research organizations such as the American Chemical Society, and—most recently—from the chair of the Board on Assessment of NIST Programs, the Committee has again chosen to ignore these very real needs for maintenance and construction at NIST's Boulder labs.

For the RECORD, I am attaching a letter from Linda Capuano, Chair of the National Research Council's Board on Assessment of NIST Programs, along with selections from the 2000 report of that board, that document the needs of the Boulder labs.

As the Committee's Report notes, “the Institute has proposed a multiyear effort to renovate NIST's current buildings and laboratory facilities in compliance with more stringent science and engineering program requirements.” I don't understand how NIST's Boulder labs are supposed to begin renovations without appropriations for this purpose. What I do know is that I will continue to support NIST's funding needs throughout the appropriations process this year, and again next year, and the year after that if necessary.

This is another area where I will seek to have the bill improved as it moves through the legislative process.

THE NATIONAL ACADEMIES, BOARD
OF ASSESSMENT OF NIST PRO-
GRAMS,

May 2, 2001.

The Hon. MARK UDALL,
115 Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE UDALL: When we met at the University of Colorado Engineering Advisory Board meeting in Boulder on April 6, 2001, we discussed the inadequacies of the facilities at the NIST Boulder campus. I explained that this was one of the concerns highlighted in the 2000 report of the National Research Council's Board on Assessment of NIST Programs, which I chair.

Attached are key excerpts of that report, which states “The Board and its panels have in the past several years documented numerous inadequacies in the current NIST physical plant. . . . Most egregious is the facility situation at the Boulder campus. . . . (Workarounds and disruptions (caused by facilities inadequacies) effectively raise the cost of programs and extend the completion dates, requiring inefficient use of resources and potentially delay results in fast-paced technical areas to the point that U.S. competitiveness is affected.”

The Board on Assessment of NIST Programs and its constituent panels comprise an independent technical peer review body, convened by the National Research Council, and consisting of approximately 150 members. These members are chosen not only for their technical expertise but also for diversity in age, gender, ethnic background, and regional representation. Members are subject to screening for potential sources of bias and conflict of interest. Approximately 60% of the members are drawn from industry, 35% from academe and 5% from other sectors. Approximately 10% are members of the National Academies. Of the participants in the fiscal year 2000 review, 4 members represent organizations in Colorado.

The Board on Assessment is chartered to review the technical quality and relevance of programs on-going in the NIST Measurements and Standards Laboratories. It examines resource issues, including facilities, only insofar as those impact the ability of NIST to maintain the technical quality and impact of its programs. The independence of the Board's review is maintained through the processes and procedure of the National Research Council, which convenes and operates the Board and its panels. In particular, the NRC is solely responsible for the selection of the membership of the review committee.

I hope that the attached excerpts are helpful to you. It was a pleasure meeting you last month.

Sincerely,

LINDA CAPUANO,
Chair, Board on Assessment of NIST
Programs.

Mr. NETHERCUTT. Mr. Chairman, I rise in support of the 2002 Commerce, Justice, State and the Judiciary appropriations bill. I also wish to confirm that the intent of the language regarding the Northeast Washington State Four County Methamphetamine Task Force is that any funds disbursed to Spokane County can and should be shared with the City of Spokane, so long as the funds are used in a manner consistent with the intent of this section regarding methamphetamines. I believe that law enforcement officials facing drug crime every day know best how to use these funds in a coordinated effort between agencies.

I have serious concerns regarding the growing meth problem. In Spokane County, police and sheriff's investigators encountered 86 meth labs in the first six months of this year. Data provided from the State of Washington shows that in Spokane County the number of reported meth labs and dump sites has increased from 11 in 1998, to 36 in 1999, to 137 in 2000. Without additional funding this number will continue its dramatic rise.

This issue is of federal concern in Washington State because of the U.S.-Canadian border implications that affect northern counties and the assistance to federal agencies these rural sheriff departments and prosecutor offices provide. Without local assistance, the federal agencies will be unable to properly protect our border. Without increased federal funding allocations, however, the local law enforcement agencies will be unable to combat the increasing methamphetamine production epidemic, assist with northern border drug smuggling situations and perform their law enforcement duties that ensure safe and law abiding communities.

Dealing with these highly toxic and combustible labs brings great risks to our officers. These local agencies need our help to acquire equipment and training to help protect the lives of those who are doing their best to eradicate this problem. Not only are funds required for safety, but the amount of overtime required for clean-up taxes the resources of these departments, especially those smaller police departments located in rural areas. The topographical and isolated nature of mountainous counties in northern Washington State, and the lack of a strong law enforcement presence, are an invitation to meth producers. In Pend Oreille County, the meth problem is beyond the Sheriff Department's ability to manage. The per capita incidence of meth labs and dump sites is the largest in the state. Ferry County is a close second. Because of limited resources, the Sheriff departments responsible for patrolling these counties are small and are not prepared for the inundation of meth production they are experiencing.

These three counties cover a large area, 6,085 square miles, which includes approximately 80 miles of largely unfenced U.S.-Canadian border, where the smuggling of marijuana from British Columbia, Canada, is an increasing problem. Deputies from these counties are routinely called upon by federal agencies to assist in border enforcement activities. These small, rural sheriff departments lack the

man-power and financial resources for overtime pay to handle local law enforcement duties, to combat increasing methamphetamine production and to be available to assist federal agencies when called upon.

Methamphetamine is a national problem that must be attacked at the local level. It is an inexpensive and easy-to-produce drug that is easily transported throughout the country and can unfortunately yield great financial benefits, especially for criminals in rural counties. We cannot allow this problem to escalate more than it already has without acting. I urge my colleagues to support this funding and this bill.

Mr. GREEN of Texas. Mr. Chairman, I rise today in opposition to he cuts that this bill makes in one of our most successful federal law enforcement initiatives, the Community Oriented Police Services (COPS) program.

This legislation would cut \$17 million from COPS. This may not sound like a lot of money, but when you have a program whose goals is to get more officers on the streets, patrolling our neighborhoods and protecting our families, any cut is the wrong way to proceed.

We should be standing here, talking about ways that we can increase funding for this program, so that more communities can take advantage of it and put more officers on the beat.

In my hometown of Houston, more than 1,000 new officers have been hired by law enforcement agencies. And COPS doesn't just provide money for new officers for patrolling.

COPS has other programs, like COPS in Schools, which funds the hiring of officers to make the schools where our children learn and my wife teaches, safer and more secure.

Other programs, like COPS MORE (Making Officer Redeployment Effective), provides funds to acquire new technologies and equipment, and hire civilians for administrative tasks. This allows more police to spend their time pounding the pavement and stopping crooks, instead of pounding the typewriter in station houses.

Since its authorization by the Violent Crime Control and Law Enforcement Act of 1994, COPS has added more than 110,000 community policing officers to our nation's streets.

This is a program that works, and I hope that in the future, we can stand up and talk about how much money we are adding, rather than cutting, from this worthwhile program.

Mr. STEARNS. Mr. Chairman, I appreciate my colleagues from Wisconsin, Mr. OBEY, for not offering his amendment prohibiting the Federal Communications Commission (FCC) from expending any funds to modify its media cross ownership and multiple ownership rules. Had such an amendment been offered, I would have opposed it.

As Vice-Chairman of the Telecommunications and Internet Subcommittee, I am concerned anytime this body considers telecommunications policy without properly allowing the committee of jurisdiction and expertise—the House Energy and Commerce Committee—from deliberating on the ramifications of such a policy change. Quite simply, there is a reason why this body does not legislate on appropriations vehicles. And as such, telecommunication issues and should be left up to the committee overseeing telecommunications policy. In fact, the House Energy & Commerce Committee has not been given the opportunity to analyze the ramifications of

such an amendment, and the Committee certainly has not had the opportunity to hold a hearing on this amendment—a hearing in which Members would learn from testimony of experts.

Mr. Chairman, by law the FCC is required to analyze its rules. Congress, in passing the Telecommunications Act of 1996, specifically requires the FCC to review all of its broadcast ownership rules every two years to ensure they continue to serve the public interest. The head of the FCC, Chairman Powell, has stated that he plans to examine rules and policies relating to media cross-ownership and multiple ownership. This provision prevents the FCC from making any modifications to the current rules, even if the FCC concludes that it is in the public interest to further tighten, and not relax, media ownership rules. As such, we must allow the FCC to do its job without interference from Congress.

Furthermore, some of the FCC's current rules on broadcast ownership are being currently challenged in court. Under the Obey Amendment, if the Court vacates the rules and remands the case to the Commission, the FCC will be unable to act pursuant to the Court's order because the expert agency would be blocked from doing its job.

And what do Members of this body have to fear by allowing the FCC to do its job and review its rules to determine if they serve their intended purpose? Most agree that in today's day and age, many such rules are antiquated, irrational, and inconsistent with the public interest, thereby doing more harm than good when it comes to competition. This, being the reason why the Commission is required to examine its rules, would be prohibited if this amendment is accepted.

The rules my friend from Wisconsin fears would be changed were developed in the 1940s and 1950s. America has come a long way since the era when we had to let the old black-and-white TV sets warm up. Scanning the landscape today, one easily sees there are now 9 national broadcast networks, hundreds of cable stations serving nearly 70 million households, 17 million home satellite subscribers, and these trends don't even reflect the millions of people who surf the Web for their news and commentary.

The author of this amendment may also know that in the summer of 1999, the FCC relaxed some of its broadcast ownership rules. And not surprisingly, consumers, competition, and Democracy were not harmed in any way. Had his amendment been accepted back then, none of those changes would have been allowed.

I would argue that the FCC should continue to relax more of its ownership rules. Like I did in the last Congress, I recently introduced legislation to broadly deregulate the restrictive ownership limitations imposed by the FCC on the television broadcast industry. My legislation increases the national ownership cap from 35 percent to 45 percent, a reasonable response to the shifting needs of viewers and the industry. Furthermore, the FCC's current rules of owning two stations in the same market (duopoly) and definition of what constitutes a voice defies logic and is unjustified. My legislation adds some sense by defining cable as an independent voice. Additionally, it also repeals the FCC's rules that restrict a newspaper from owning a local television station within the same market. Such a repeal will re-

sult in a realization of efficiencies from consolidated operation, greater financial stability, and an enhanced ability to provide news and informational gathering.

Some of my colleagues may have seen last week's USA TODAY article entitled "Media's big fish watch FCC review ownership cap." Mr. OBEY intended to offer this amendment in order to reflect his belief that concentrated media ownership is "one of the biggest threats to our form of democracy—the other being the way our campaigns are financed."

Well Mr. Chairman, this body has devoted quite a while to properly debating how our campaigns are financed. Do we not, at a minimum, owe the same amount of deliberation to such a big threat? I thank Mr. OBEY for withdrawing his amendment.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 2500, legislation to fund the Departments of Commerce, Justice and State Appropriations for Fiscal Year 2002. Though the measure calls for a reduction to the highly successful COPS community policing program, I believe that this measure, on balance, adequately addresses our domestic and foreign commitments to justice and crime prevention.

The bill would fund the activities of Commerce, Justice and State departments, as well as the judiciary and related agencies, at \$41.5 billion, which represents an increase of about 4 percent over the current spending levels, 2 percent more than the President requested. It is important to note that the President's budget calls for increasing the funding level for all appropriated programs is to be increased by 3.8 percent over the Congressional Budget Office's 2002 baseline, which is about the amount necessary to maintain purchasing power at the 2001 level. However, adherence to this strict limitation, while at the same time increase defense and education spending, translates into a 1.2 percent reduction in funding in real terms. Nonetheless, Mr. Speaker, I believe H.R. 2500 represents a reasonable starting point for negotiation with the Senate over funding priorities, taking into account the fact that the Senate traditionally sets funding at a higher level than the House.

Under H.R. 2500, the Justice Department is slated to be funded at the \$21.7 billion level, a 3 percent increase over the current level and the level requested by the President, and the judiciary is to be funded at the \$4.7 billion level, a 10 percent increase over last year, but 4 percent less than the President's request. While I am pleased that H.R. 2500 would increase the funding to important law enforcement entities such as the INS, FBI, DEA, federal prison system, U.S. Court of Appeals and the Supreme Court, I am disappointed that it calls for a 2 percent reduction to the COPS program. At the same time, I do recognize that agreeing to funding COPS at the \$1.01 billion is an accomplishment in itself, given the fact that this program is often the target for deep cuts in the House and that program was slated to be cut by 21 percent under the President's budget.

I would also like to recognize the Committee's diligence in setting funding of other law enforcement programs that provide substantial support to state and local authorities in the administration of justice at or above this year's level. Given the sharp cuts called for in the President's budget, this was no small feat. I am pleased that H.R. 2500 adequately funds

the State Criminal Alien Assistance Program (SCAPP) which the State of Texas relies on to ensure that the federal government to pay its fair share of the costs associated with the incarceration of criminal aliens. H.R. 2500 funds SCAPP at \$565 million, more than double the Administration's request. Additionally, the Local Law Enforcement Block Grant program, which provides block grants to be used for a variety of programs to reduce crime and improve public safety, is level-funded at \$522 million, 30 percent more than the President requested. Further, the Violence Against Women Grants program, which seeks to encourage police to make arrests in domestic violence cases, and to provide funding to prosecute cases involving violence against women, will be funded at \$390 million, equal to the President's request and 35 percent more than the current level. I am also pleased that this measure seeks to stem the incidence of juvenile gun crime committed by providing \$20 million for the creation of new federal-state task forces for "Project Sentry" to prosecute juveniles who commit gun crimes and the adults who provide those weapons.

I am also pleased that this legislation contains a significant increase for the Immigration and Naturalization Service (INS). The \$5.6 billion provided under this bill represents an increase of \$839 million, or 17 percent more than the FY 2001 funding level, and \$130 million more than the Administration's request. The \$50 million included for Southwest Border Prosecution will help state and local prosecutors along the Southwest border address some of the costs associated with processing drug and undocumented immigrant cases referred from federal arrests. We must work with the communities along our borders to address the problems associated with drug trafficking and illegal border crossing, and I am pleased that the bill contains funds to help with this important effort.

With regard to overall INS funding levels, it is important to note that while other federal agencies have grown at relatively slower or flat rates, from 1994 to 1998 the INS budget increased 93 percent. While I am pleased that Congress and the President have increased resources to enforce our borders and provide citizenship-related services, I remain concerned about the backlog of naturalization and other immigration applications. I concur with the Appropriations Committee Report language which expressed support for the increased funding contained in this bill, but also stated that management improvements must be undertaken to address the existing backlogs. I know in the Houston Region, the backlog for citizenship applications can last greater than 1 year, and permanent residency—have a backlog as long as 3 years or more. I am hopeful that the funding provided in this bill will address the backlog issue, which has presented a significant problem for hundreds-of-thousands of otherwise-eligible immigrants in Texas and across the nation.

With respect to our international priorities, I believe the funding in this bill will adequately fund our global objectives, while providing modest increases for our diplomatic and consular programs; educational and cultural exchange programs; and for security and maintenance of U.S. embassy facilities. While I wish the Committee had appropriated more funds to implement the recommendations of the Overseas Presence Advisory Panel—

which relates to the security of U.S. diplomatic facilities—I am pleased that a 20 percent budget increase for embassy security and construction is included in this legislation. In an era of increasing terrorist attacks against U.S. citizens and our interest abroad, I believe we should be doing much more to increase the safety of our diplomatic corps working overseas. Overall, I believe the funding provided under this bill will assist the U.S. follow-through on our most critical international obligations within a fiscally tight, but reasonable framework.

Accordingly, Mr. Chairman, I urge my colleagues to join me in support of H.R. 2500, an appropriations bill that generally reflects our nation's priorities both at home and abroad.

Mr. JONES of Ohio. Mr. Chairman, when Congress passed legislation to establish the New Markets Initiative last December, it did so in a spirit of bipartisanship, to ensure that all of our nation's communities have the opportunity to realize the American dream.

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

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

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

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

My colleagues, Representative NYDIA VELÁZQUEZ, the ranking member of the Small Business Committee, and Representative SUE KELLY will offer an amendment to restore funding to BusinessLinc, the 7(a) loan program and PRIME. I urge my colleagues to support the amendment and demonstrate their support for business growth by funding BusinessLinc and other programs that are vital to the success of small business.

The CHAIRMAN. Pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NUSSLE), having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2500) making

appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 192, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

□ 2145

The SPEAKER pro tempore (Mr. NUSSLE). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

The vote was taken by electronic device, and there were—yeas 408, nays 19, not voting 6, as follows:

[Roll No. 248]

YEAS—408

Abercrombie	Capuano	Everett
Ackerman	Cardin	Farr
Aderholt	Carson (IN)	Fattah
Akin	Carson (OK)	Ferguson
Allen	Castle	Filler
Andrews	Chabot	Fletcher
Armey	Chambliss	Foley
Baca	Clay	Forbes
Bachus	Clayton	Ford
Baird	Clement	Fossella
Baker	Clyburn	Frank
Baldacci	Coble	Frelinghuysen
Baldwin	Collins	Frost
Ballenger	Combest	Gallegly
Barcia	Condit	Ganske
Barrett	Cooksey	Gekas
Bartlett	Costello	Gephardt
Barton	Coyne	Gibbons
Bass	Cramer	Gilchrest
Becerra	Crane	Gillmor
Bentsen	Crenshaw	Gilman
Bereuter	Crowley	Gonzalez
Berkley	Cubin	Goode
Berman	Culberson	Goodlatte
Berry	Cummings	Gordon
Biggert	Cunningham	Goss
Billirakis	Davis (CA)	Graham
Bishop	Davis (FL)	Granger
Blagojevich	Davis (IL)	Graves
Blumenuaer	Davis, Jo Ann	Green (TX)
Blunt	Davis, Tom	Green (WI)
Boehlert	Deal	Greenwood
Boehner	DeFazio	Grucci
Bonilla	Delahunt	Gutierrez
Bonior	DeLauro	Gutknecht
Bono	DeLay	Hall (OH)
Borski	DeMint	Hall (TX)
Boswell	Deutsch	Hansen
Boucher	Diaz-Balart	Harman
Boyd	Dicks	Hart
Brady (PA)	Dingell	Hastings (FL)
Brady (TX)	Doggett	Hastings (WA)
Brown (FL)	Dooley	Hayes
Brown (OH)	Doolittle	Hayworth
Brown (SC)	Doyle	Herger
Bryant	Dreier	Hill
Burr	Dunn	Hilleary
Burton	Edwards	Hilliard
Buyer	Ehlers	Hinchey
Callahan	Ehrlich	Hobson
Calvert	Emerson	Hoefel
Camp	Engel	Hoekstra
Cannon	English	Holden
Cantor	Eshoo	Holt
Capito	Etheridge	Honda
Capps	Evans	Hooley

Horn	McKinney	Sandlin
Houghton	McNulty	Sawyer
Hoyer	Meehan	Saxton
Hulshof	Meek (FL)	Schakowsky
Hunter	Meeks (NY)	Schiff
Hutchinson	Menendez	Schrock
Hyde	Mica	Scott
Inslee	Millender-	Serrano
Isakson	McDonald	Sessions
Israel	Miller (FL)	Shadegg
Issa	Miller, Gary	Shaw
Istook	Miller, George	Sherman
Jackson (IL)	Mink	Sherwood
Jackson-Lee	Mollohan	Shimkus
(TX)	Moore	Shows
Jefferson	Moran (VA)	Shuster
Jenkins	Morella	Simmons
John	Murtha	Simpson
Johnson (CT)	Myrick	Skeen
Johnson (IL)	Nadler	Skelton
Johnson, E. B.	Napolitano	Slaughter
Johnson, Sam	Neal	Smith (NJ)
Jones (NC)	Nethercutt	Smith (TX)
Jones (OH)	Ney	Smith (WA)
Kanjorski	Northup	Snyder
Kaptur	Norwood	Solis
Keller	Nussle	Souder
Kelly	Oberstar	Spratt
Kennedy (MN)	Obey	Stearns
Kennedy (RI)	Olver	Stenholm
Kerns	Ortiz	Strickland
Kildee	Osborne	Stump
Kilpatrick	Ose	Stupak
Kind (WI)	Otter	Sununu
King (NY)	Owens	Sweeney
Kingston	Oxley	Tanner
Kirk	Pallone	Tauscher
Kleczka	Pascrell	Tauzin
Knollenberg	Pastor	Taylor (MS)
Kolbe	Payne	Taylor (NC)
Kucinich	Pelosi	Terry
LaFalce	Pence	Thomas
LaHood	Peterson (MN)	Thompson (CA)
Lampson	Peterson (PA)	Thompson (MS)
Langevin	Phelps	Thornberry
Lantos	Pickering	Thune
Largent	Pitts	Thurman
Larsen (WA)	Platts	Tiahrt
Latham	Pombo	Tiberi
LaTourette	Pomeroy	Toomey
Leach	Portman	Tommy
Lee	Price (NC)	Trafficant
Levin	Pryce (OH)	Turner
Lewis (CA)	Putnam	Udall (CO)
Lewis (GA)	Quinn	Udall (NM)
Lewis (KY)	Radanovich	Upton
Linder	Rahall	Velazquez
Lipinski	Ramstad	Visclosky
LoBiondo	Rangel	Vitter
Lofgren	Regula	Walden
Lowey	Rehberg	Walsh
Lucas (KY)	Reyes	Wamp
Lucas (OK)	Reynolds	Watkins (OK)
Luther	Riley	Watson (CA)
Maloney (CT)	Rivers	Watt (NC)
Maloney (NY)	Rodriguez	Watts (OK)
Manzullo	Roemer	Waxman
Markey	Rogers (KY)	Weiner
Mascara	Rogers (MI)	Weldon (PA)
Matheson	Rohrabacher	Weller
Matsui	Ros-Lehtinen	Wexler
McCarthy (MO)	Ross	Whitfield
McCarthy (NY)	Rothman	Wicker
McCollum	Roukema	Wilson
McCrery	Roybal-Allard	Wolf
McDermott	Rush	Woolsey
McGovern	Ryan (WI)	Wu
McHugh	Ryun (KS)	Wynn
McInnis	Sabo	Young (AK)
McIntyre	Sanchez	Young (FL)
McKeon	Sanders	

NAYS—19

Barr	Moran (KS)	Smith (MI)
Conyers	Paul	Stark
Cox	Petri	Tancredo
Duncan	Royce	Waters
Flake	Scarborough	Weldon (FL)
Hefley	Schaffer	
Hostettler	Sensenbrenner	

NOT VOTING—6

DeGette	Larson (CT)	Spence
Hinojosa	Shays	Tierney

□ 2201

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 107-146) on the resolution (H.Res. 199) providing for consideration of the bill (H. R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ON THE FREEDOM SHIP AMISTAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SIMMONS) is recognized for 5 minutes.

Mr. SIMMONS. Mr. Speaker, a year ago the Mystic Seaport, which is located in my district, constructed and launched a replica of the freedom schooner *Amistad*. Today, I rise to salute some of the craftsmen and the contractors who participated in the construction of that craft and helped to make it seaworthy.

Most of us know the story of the ship and of its history, which was the subject of a movie by Steven Spielberg. The *Amistad* was a Spanish schooner traveling the coast of Cuba in 1839 with a cargo of 53 men and women on board, men and women of African origin who had been enslaved. Under the leadership of Joseph Cinque, they rose up against their captors, seized the ship, and attempted to sail back to Africa.

The ship eventually made landfall off of Long Island and was brought to new London, Connecticut, where the Africans were taken prisoner. They eventually went on trial and won their freedom after John Quincy Adams argued their case before the U.S. Supreme Court.

Today, a replica of the *Amistad*, constructed by the Mystic Seaport, is a

living museum of this part of our Nation's history; but we would not have this replica, we would not have this educational tool, if it were not for the hard work of many individuals who donated their time and resources to the effort.

A notable example of this cooperation are the members of the South-eastern Connecticut chapter of the Plumbing-Heating-Cooling Contractors Association who donated over \$100,000 of time and resources to install the plumbing, heating and cooling systems as the ship was built at Mystic Seaport. Under the leadership of Walter Woycik, more than 20 volunteers from 11 Connecticut firms made sure that all the heating, cooling and plumbing equipment was installed and up to the stringent Coast Guard standards. This, in turn, assured that the *Amistad* can put to sea as a living, working, sailing classroom to teach this important story of our people's struggle for freedom.

What these individuals constructed is more than simply a replica of a ship. The *Amistad* is a symbol of the struggle for human rights and human dignity, and it is a reminder that all people deserve to be and want to be free.

More than a century after the *Amistad* incident, this replica is a symbol of America's values, as spelled out in our Declaration of Independence and in our Constitution, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that these include, life, liberty, and the pursuit of happiness.

As we celebrate our freedom, let us also thank those volunteers who made possible the construction of this replica of the freedom schooner *Amistad*.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

(Mr. BUYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON of Indiana addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.