hearing the two voices that are so very importantly added by this amendment: the steel industry, without which the country cannot defend itself and cannot continue as an industrial power; and the collectively bargained, duly elected voice of organized labor through labor unions.

Now, I know that sometimes the steel industry disagrees with the administration and, often, organized labor disagrees with the administration. But in our country, we do not just listen to people with whom we agree; we welcome all points of view, all interests so that we can come up with the best policy solution for the country.

The Kucinich amendment adds two very important voices: the steel industry and organized labor. Even if one does not agree with their positions on these issues, their positions ought to be heard as we approach the manufacturing atrophy of the United States of America.

So I would urge everyone who wants all voices to be heard to vote for this amendment which is so very much in the tradition of good government in this country. I urge a ''yes'' vote.

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

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 Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. 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 Ohio (Mr. KUCINICH) will be postponed.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) 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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4754 in the Committee of the Whole pursuant to House Resolution 701, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of the debate;

Amendments 4, 7, 8, 9, 10, and 20;

Amendments 5 and 6, each of which shall be debatable for 20 minutes;

Amendment 2, which shall be debatable for 40 minutes;

An amendment by Mr. PITTS regarding Department of State Diplomatic and Consular programs;

An amendment by Mr. WOLF regarding the Sudan;

An amendment by Mr. BACA regarding video violence;

An amendment by Mr. HEFLEY regarding an across-the-board cut of total appropriations;

An amendment by Mr. HEFLEY regarding an across-the-board cut of appropriations not required to be appropriated;

An amendment by Mr. HEFLEY regarding the Court of Federal Claims;

An amendment by Mr. BURGESS regarding the Federal Trade Commission;

An amendment by Mr. WEINER regarding Jerusalem;

An amendment by Ms. MILLENDER-MCDONALD regarding women's business centers;

An amendment by Mr. INSLEE regarding Justice Department detention of individuals;

An amendment by Mr. KING of Iowa regarding litigation support contracts;

An amendment by Mr. SHERMAN regarding enemy combatants, which shall be debatable for 20 minutes;

An amendment by Mr. WOLF or Mr. SERRANO regarding SBA microloans, which shall be debatable for 12 minutes;

An amendment by Mr. FLAKE regarding Cuba, which shall be debatable for 60 minutes;

An amendment by Mr. SMITH of Michigan regarding NIST and Contributions to International Organizations, which shall be debatable for 20 minutes;

An amendment by Mr. SHERMAN regarding preemption of State laws, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 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. 4754.

□ 1858

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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a demand for a recorded vote on amendment No. 13 offered by the gentleman from Ohio (Mr. KUCINICH) had been postponed and the bill was open for amendment from page 47, line 16, through page 57, line 13.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purposes of debate;

Amendments 4, 7, 8, 9, 10 and 20;

Amendments 5 and 6, each of which shall be debatable for 20 minutes;

Amendment 2, which shall be debatable for 40 minutes;

An amendment by Mr. PITTS regarding Department of State Diplomatic and Consular programs;

An amendment offered by Mr. WOLF regarding the Sudan;

An amendment by Mr. BACA regarding video violence;

An amendment by Mr. HEFLEY regarding an across-the-board cut of total appropriations;

An amendment by Mr. HEFLEY regarding an across-the-board cut of appropriations not required to be appropriated;

An amendment by Mr. HEFLEY regarding the Court of Federal Claims;

An amendment by Mr. BURGESS regarding the Federal Trade Commission;

An amendment by Mr. WEINER regarding Jerusalem;

An amendment by Ms. MILLENDER-MCDONALD regarding women's business centers;

An amendment by Mr. INSLEE regarding Justice Department detention of individuals;

An amendment by Mr. KING of Iowa regarding litigation support contracts;

An amendment by Mr. SHERMAN regarding enemy combatants, which shall be debatable for 20 minutes;

An amendment by Mr. WOLF or Mr. SERRANO regarding SBA microloans, which shall be debatable for 12 minutes;

An amendment by Mr. FLAKE regarding Cuba, which shall be debatable for 60 minutes;

An amendment by Mr. SMITH of Michigan regarding NIST and Contributions to International Organizations, which shall be debatable for 20 minutes;

An amendment by Mr. SHERMAN regarding preemption of State laws, which shall be debatable for 20 minutes.

□ 1900

Each such amendment may be offered only by the Member designated in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by a proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

If there are no further amendments to this portion of the bill, the Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,249,000.

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

Mr. Chairman, I just take this time because I think it is important for Members to understand that when this bill is opened up that means that Members who think that they are protected under this unanimous consent request, they should not assume that if their amendments are at the end of the bill, they can simply come back tomorrow and they will be handled.

The Members need to protect their rights by being here at the time that the amendments need to be called up or else it is possible they could lose their right.

So I think Members needs to understand, everybody cannot go away and have a drink or supper until 9 o'clock. We are here working and if somebody needs to offer an amendment, they need to protect themselves. They cannot protect them if they are not here.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 108, line 22, be considered as read and printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 57, line 18 to page 108, line 22 is as follows:

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

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

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

SEC. 203. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

SEC. 204. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Hereafter, none of the funds made available by this or any other Act for the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2005''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $58,122,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $9,979,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $22,936,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $14,888,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,177,244,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $3,471,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of

expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $676,469,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $62,800,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Department of Homeland Security, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $379,580,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $68,635,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $21,737,000; of which $1,800,000 shall remain available through September 30, 2006, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $32,000,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $2,000,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,700,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $13,304,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

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

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

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

This title may be cited as the ''Judiciary Appropriations Act, 2005''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,580,000,000: *Provided*, That not to exceed 71 permanent positions and $8,649,000 shall be expended for the Bureau of Legislative Affairs: *Provided further*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, $319,994,000 shall be available only for public diplomacy international information programs: *Provided further*, That of the amount made available under this heading, $3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,426,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $658,701,000, to remain available until expended.

In addition, for the costs of worldwide OpenNet and classified connectivity infrastructure, $40,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $100,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $30,435,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

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

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,640,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,894,000, to remain available until September 30, 2006.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $611,680,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $912,320,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $7,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

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

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $19,482,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $132,600,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,194,210,000, of which up to $6,000,000 may be used for the cost of a direct loan to the United Nations for the cost of renovating its headquarters in New York: *Provided further*, That such costs, including the cost of modifying such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal of up to $1,200,000,000: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings, except that such restriction shall not apply to loans to the United Nations for renovation of its headquarters.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $650,000,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

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

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

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

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $26,800,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $4,475,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $9,356,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $19,097,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $13,000,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2005, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2005, to remain available until expended.

EAST-WEST CENTER

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

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $51,000,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, and improvement of facilities for radio and television transmission and reception to Cuba, and to make and supervise grants to the Middle East Television Network, including Radio Sawa, for radio and television broadcasting to the Middle East, $601,740,000; of which $6,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization

efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $8,560,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 406 of division B of Public Law 108–7 to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 406 of division B of Public Law 108–7.

SEC. 405. (a) Subsection (b) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in paragraph (5) by striking ''or'' at the end;

(2) in paragraph (6) by striking the period and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(7) the disruption of financial mechanisms of a foreign terrorist organization, including the use by the organization of illicit narcotics production or international narcotics trafficking—

''(A) to finance acts of international terrorism; or

''(B) to sustain or support any terrorist organization.''.

(b) Subsection (e)(1) of such section is amended—

(1) by striking ''$5,000,000'' and inserting ''$25,000,000'';

(2) by striking the second period at the end; and

(3) by adding at the end the following new sentence: ''Without first making such determination, the Secretary may authorize a reward of up to twice the amount specified in this paragraph for the capture or information leading to the capture of a leader of a foreign terrorist organization.''.

(c) Subsection (e) of such section is amended by adding at the end the following new paragraph:

''(6) FORMS OF REWARD PAYMENT.—The Secretary may make a reward under this section in the form of money, a nonmonetary item (including such items as automotive vehicles), or a combination thereof.''.

(d) Such section is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection:

''(i) MEDIA SURVEYS AND ADVERTISEMENTS.—

''(1) SURVEYS CONDUCTED.—For the purpose of more effectively disseminating information about the rewards program, the Secretary may use the resources of the rewards program to conduct media surveys, including analyses of media markets, means of communication, and levels of literacy, in countries determined by the Secretary to be associated with acts of international terrorism.

''(2) CREATION AND PURCHASE OF ADVERTISEMENTS.—The Secretary may use the resources of the rewards program to create advertisements to disseminate information about the rewards program. The Secretary may base the content of such advertisements on the findings of the surveys conducted under paragraph (1). The Secretary may purchase radio or television time, newspaper space, or make use of any other means of advertisement, as appropriate.''.

(e) Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a plan to maximize awareness of the reward available under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708 et seq.) for the capture or information leading to the capture of a leader of a foreign terrorist organization who may be in Pakistan or Afghanistan. The Secretary may use the resources of the rewards program to prepare the plan.

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2005''.

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107–273, $1,200,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,831,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,900,000, including not more than $3,000 for the purpose of official representation, to remain available until expended: *Provided*, That $100,000 shall be for the Political Prisoner Database.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $334,944,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committee has been notified of such proposals, in accordance with the reprogramming provisions of section 605 of this Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $279,851,000: *Provided*, That $272,958,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the

Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at $6,893,000: *Provided further*, That any offsetting collections received in excess of $272,958,000 in fiscal year 2005 shall remain available until expended, but shall not be available for obligation until October 1, 2005.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $203,430,000, to remain available until expended: *Provided,* That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further,* That, notwithstanding any other provision of law, not to exceed $101,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further,* That $21,901,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than $80,529,000: *Provided further,* That none of the funds made available to the Federal Trade Commission may be used to implement or enforce subsections (a), (e), or (f)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note).

HELP COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the HELP Commission, $1,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $335,282,000, of which $316,604,000 is for basic field programs and required independent audits; $2,573,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,160,000 is for management and administration; and $2,945,000 is for client self-help and information technology: *Provided,* That not to exceed $1,000,000 from amounts previously appropriated under this heading may be used for a student loan repayment pilot program.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2004 and 2005, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $1,890,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, $2,000,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $913,000,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided,* That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further,* That not to exceed $893,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further,* That $20,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further,* That the total amount appropriated under this heading from the general fund for fiscal year 2005 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2005 appropriation from the general fund estimated at not more than $0.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 106–554, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $322,322,000: *Provided,* That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further,* That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $14,500,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $11,400,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2005 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $4,500,000,000: *Provided further*, That during fiscal year 2005 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $12,500,000,000: *Provided further*, That during fiscal year 2005 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act: *Provided further,* That during fiscal year 2005 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $10,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $128,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, $78,887,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $117,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $108,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program to remain available until expended; and of which $8,500,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $8,500,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation

shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $2,227,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $3,000,000, including not more than $5,000 for the purpose of official representation.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $23,000,000.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

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

SEC. 607. (a) It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in the Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. The Departments of Commerce, Justice, and State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 611. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2005.

SEC. 612. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 613. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 614. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2005.

SEC. 615. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 616. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $650,000,000 shall not be available for obligation until the following fiscal year.

SEC. 617. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 618. None of the funds appropriated or otherwise made available to the Department of State shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the determination of the Secretary of State under

section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Secretary of Homeland Security has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 621. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 622. The Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities are made available to 100 percent of the eligible workforce: *Provided*, That, of the total amounts appropriated to the Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available only upon such certification: *Provided further*, That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: *Provided further*, That each Department or agency shall designate a ''Telework Coordinator'' to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 623. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 624. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 625. None of the funds made available in this Act may be used to pay expenses for any United States delegation to the United Nations Human Rights Commission if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism.

SEC. 626. Section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106–113) is amended by adding the following new subsection at the end:

''(e) CAPITAL SECURITY COST SHARING.—

''(1) AUTHORITY.—Notwithstanding any other provision of law, all agencies with personnel overseas subject to chief of mission authority pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) shall participate and provide funding in advance for their share of costs of providing new, safe, secure United States diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined annually by the Secretary of State in consultation with such agency. Amounts advanced by such agencies to the Department of State shall be credited to the Embassy Security, Construction and Maintenance account, and remain available until expended.

''(2) IMPLEMENTATION.—Implementation of this subsection shall be carried out in a manner that encourages right-sizing of each agency's overseas presence.

''(3) EXCLUSION.—For purposes of this subsection 'agency' does not include the Marine Security Guard.''.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $61,000,000 are rescinded.

The CHAIRMAN. Are there any points of order to this portion of the bill?

POINT OF ORDER

Mr. DAVIS of Virginia. Mr. Chairman, I make a point of order.

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

Mr. DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 607. This provision violates clause 2(b) of House Rule XXI. It proposes to change existing law, and therefore constitutes legislation on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this section, in part, expresses a legislative sentiment. The section, therefore, constitutes legislation in violation of clause 2 of Rule XXI. The point of order is sustained, and the section is stricken from the bill.

Are there further points of order to this portion of the bill?

If not, are there any amendments to this portion of the bill?

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

Mr. Chairman, I would urge any Members, following up what the gentleman from Wisconsin (Mr. OBEY) said, any Members that have amendments, we have been here since noon and we are waiting on them, so I would urge them, if they are listening, to come to the floor and offer the amendments so we can move the process along. So if Members can hear and are available, we would encourage them to come so amendments could be offered.

AMENDMENT OFFERED BY MR. PITTS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PITTS:

Page 67, line 19, after the dollar amount, insert the following: ''(reduced by $25,000) (increased by $25,000)''.

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

The gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

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

Mr. Chairman, first of all, I want to commend the gentleman from Virginia (Mr. WOLF) on his leadership in the human rights issues around the world. It is because of his leadership on these issues that I offer my amendment.

Mr. Chairman, the human rights organizations that have produced myriad accounts of torture in detention facilities and prisons around the globe, our own State Department in the annual Country Reports, the Human Rights sections, reports on the use of torture in each nation covered by the report, and our Congress has passed the Torture Victims Relief Act of 1998 to fund recovery programs for victims of torture, both in the United States and abroad.

Men, women, even children have endured torture at the hands of government officials around the world. Although it is difficult to find exact figures, Amnesty International estimates that 117 countries worldwide still practice torture.

My amendment provides $25,000 for the State Department's Bureau of Democracy, Human Rights and Labor to compile and publish a list of foreign government officials who order the use of, are involved in, or engage in torture as defined by the United Nations

against torture and other cruel, inhumane and degrading treatment or punishment.

I have had the privilege but heartwrenching experience of hearing about torture from firsthand accounts of the victims, from a woman in North Korea to firsthand reports in Egypt. We remember one case in Al Qush where a government official, in order to find a criminal, arrested and tortured many of the 1,100 Coptics in order to find someone to confess committing the crime.

In China, there are numerous reports of Tibetan Buddhists, Falun Gong members, house church pastors and congregants, democracy activists who spent time in prison reform camps where they endured torture by communist officials. A recent account, Pastor Gong Shengliang, who may die in prison because of the effects of torture, is ongoing.

In May of last year, the Washington Post detailed a story of Concei da Silva who was brutally tortured in Angola. While in prison, officials hung him upside down, his veins were slashed, chunks of flesh were carved out of his chest with a machete, electricity applied to parts of his body, teeth removed. Awful things have happened.

In Latin America, terrible stories of torture. Sister Dianna Ortiz has spoken out strongly regarding her horrible kidnapping torture at the hands of the Guatemalan security forces.

The torture is horrifying, deeply affecting victims' lives. And those responsible for these crimes should be brought to justice. Unfortunately, in many countries the perpetrators will not be punished for their crimes as torture is systemic.

I and many of my colleagues strongly believe that publicizing the names of those involved in torture, government officials, can help in the campaign to end the use of torture by government officials; and I urge my colleagues to support this amendment that provides $25,000 to the Bureau of Democracy, Human Rights and Labor to compile and maintain a public list of individuals involved in torture.

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

Mr. WOLF. Mr. Chairman, I rise in support of the amendment. I want to thank the gentleman for offering it.

This really follows the principle that was used during the Carter administration and during the Reagan administration by keeping lists. Therefore, if you happen to be going to a country, when you go to China you are able to check to see that X and Y have been tortured, so when you meet with government officials, you can raise those cases. This is the way it was done in the Carter administration and in the Reagan administration.

This is a very good amendment, and I thank the gentleman for offering it, and I rise in strong support of it. I urge that we accept it.

Mr. SERRANO. Mr. Chairman, I join the gentleman from Virginia (Mr. WOLF) in strong support. This is an issue that the chairman has been very strong on. We all are.

The whole situation, however, brings up a question, and I ask the gentleman not to take this as a sarcastic statement; I just need clarification. Does this include any ordering of torture used by a government near to us, like our own government, or is this just for foreign governments?

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

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

Mr. PITTS. The gentleman knows that our policy is not to torture. Our system is progressing in the light of day with the investigations and the prosecution of torture, but this would apply to any government officials who use torture.

Mr. SERRANO. But it would be any foreign government official? I know this sounds like some sort of a sarcastic comment, but I am really trying to get to the bottom of this. Are you only applying this to foreign governments, or could this, in fact, be a question of our own government if, in fact, somebody ordered torture on some people in recent times?

Mr. PITTS. We do not specify, we do not say ''foreign.'' We specify that the State Department compile a list of any government officials who use torture.

Mr. SERRANO. Reclaiming my time, the gentleman does open up an issue which is greater perhaps than what he intended to do, but the possibility exists that if the State Department did its job properly, and in this case it probably will not, we will never get to the bottom of the issue of who ordered torture on some people that we may be dealing with in this country. But, nevertheless, I think it is a great thought and a great idea, and I support it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

So the amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. PAUL

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

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PAUL:

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 for the American Community Survey.

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

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, this is an amendment that denies all funding for the American Community Survey. And if anyone has been listening to the debate early on, the Census has come up numerous times already, and much of what I have to propose here has in many ways has been debated. But I do want to bring it up one more time dealing specifically with the American Community Survey.

One of the reasons why it came to my attention is just recently I received this survey in the mail here in my temporary residence in Virginia. It is rather intimidating and it is rather threatening when you receive this in the mail. And I have the envelope here and right up on the front they have warned me. They said ''The American Community Survey form enclosed. Your response is required by law.''

This was the second time. Evidently, I missed it the first time, so the second time around I have been threatened by the census police that I better jolly well fill it out or the police will be knocking on the door. And that does happen because I have known other individuals who have not filled out the long form, and they come to the door, the police are there deciding they want this information.

It was stated earlier in the discussion about the census that this was certainly the law of the land. The law of the land is very clear that the Congress gave the authority; the Census Bureau certainly does not do this on its own. We, the Congress, gave it the authority to do this. But it just happens to be an authority that we had no right to give. We have no right to give this authority to meddle into the privacy of American citizens.

Article 1, section 2 of the U.S. Constitution mandates a national census every 10 years. I am in support of that, and I vote for funding for a national census every 10 years for the sole purpose of congressional redistricting. But, boy, this is out of hand now. We are talking about hundreds of millions of dollars and it is perpetual. The argument earlier was, we have to have to survey continuously because we save money by spending more money. Ask people a lot of questions, personal questions about bathrooms and incomes and who knows what.

This survey I have got here, here is a copy of it. It is called the American Community Survey. And it says the Census Bureau survey collects information about education, employment, income, housing for the purposes of community uses so that they can do community economic planning.

How did we ever get involved in all of this? It is almost sacred now that we fund these programs and they are going to be perpetual, perpetual meddling in the personal lives of all American citizens, 24 pages here.

I got to wondering, I did not fill it out the first one. I got the second one, and they are threatening me. I know I

did not vote for it, but you who did means, you are ready to send the census police out to get me.

□ 1915

I am getting worried about this. I mean, what is the penalty? So I looked it up, and it is not insignificant. Do you know what my colleagues have done and threatened me with? A $1,000 penalty for every question I do not answer. Wow, that is scary stuff. I had a friend that he did not answer the long form, after a couple of requests, the census police came and knocked on his door and said you better, you better answer all these questions or you are going to be penalized.

So that is the kind of thing that we do and everybody talks about all these wonderful advantages, but it is stuff we do not need. I mean, if we want this information, if people need this information in the communities, they ought to get it themselves. This whole idea that we have to collect all this information for the benefit of our communities to do all this economic planning, I mean, it is just so much more than we need, and we are not talking about 10 or $15 million. We are talking about hundreds of millions of dollars, and it is not just every 10 years.

It is continuous with this perpetual threat, you tell us what we want to know and we are going to put it into the record, and if not, for every question you do not answer, we can fine you $1,000 if you do not tell us your age and where you work and how far you have to go to work and how long it takes you to go to work.

I mean, this is way too much of Big Brother. Let me tell my colleagues, I think the American people cannot be very happy with all this meddling.

So my proposal is let us at least get rid of the American Community Survey, which is the ongoing nuisance that we put up with, and limit what we do here to what the Constitution has told us we can do and what we should do, and that is, count the people every 10 years for the purpose of redistricting. But big deal, who cares. For all we do around here, how often do we really pay attention to the details of the Constitution?

So I ask my colleagues to support this amendment and cut this funding.

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

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

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

I rise in opposition. The census is one of the oldest civic functions of our Nation. Article I of the U.S. Constitution requires enumeration of the population every 10 years. The census is the largest peacetime mobilization of our government personnel.

The American Community Survey is designed to replace the long-form portion for future decennial censuses, therefore leaving only the short-form portion.

Many Americans found that filling out the long-form survey to be burdensome, and many said this contributed to the declining response rate of the long form, therefore costing the American taxpayer more money to have census takers returning to the nonresponding households.

The Committee on Government Reform and the Committee on Appropriations have worked to ensure that the Census Bureau has the necessary funding to carry out its mission and to ensure that for 2010 there will only be a short form census.

The question of constitutionality of the American Community Survey is not new. On April 4, 2002, the General Accounting Office responded to the vice-chairman of the Committee on Government Reform's request for an opinion. The GAO stated, ''Census clearly has authority to conduct the ACS.'' There is sufficient legal authority.

If we do not fund the ACS, we will ensure we have a two-form census in 2010, which will cost an additional $4 million for the taxpayer.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today in opposition to the Paul amendment. This amendment would kill funding for the American Community Survey, which is one of the most exciting and innovative improvements to the Census in decades.

The American Community Survey is a new approach for collecting accurate, timely information needed for critical government functions such as funding highway planning, school lunch programs, and community block grants.

The decennial census used to have two parts: (1) it counted the population for reapportionment and redistricting purposes; and (2) it obtained demographic, housing, social, and economic information by asking one out of every six households to fill out a "long form."

This data has been used for the administration of Federal programs and the distribution of billions of Federal dollars funding.

Planners and other data user had to rely on long form information that was only gathered every ten years to make decisions that were expensive and affected the quality of life for thousands of people.

In a nation changing as rapidly and profoundly as ours, using eight, nine or even ten-year-old data was simply unacceptable.

Starting in 1996 the Bureau began developing the American Community Survey to replace the long form. It had three main purposes:

1. To provide Federal, state, and local governments an accurate information base for the administration and evaluation of government programs.

2. To improve the 2010 Census by allowing everyone to only be required to fill out the short form, and

3. To provide data users with timely demographic, housing, social, and economic data updated every year that can be compared across states, communities, and population groups.

In order to insure that the data are available for use in time for the 2010 Census we must fund as completely as possible the ACS for this next fiscal year.

It is also important to point out that Congress mandates every question asked by this survey.

If this amendment were to pass, every one of these questions would still be asked, but the Census would have to use the old-fashioned, less effective long form method.

Finally, I want to take notice of the fact that there have been several amendments offered today which reduce or zero out funding for various aspects of the 2010 Census development. Members need to understand that funding cut today cannot just be added in three or four years from now. It takes time to develop an excellent Census and Congress should give the Bureau the time it needs to create that Census.

I urge my Colleagues to stand up for our communities and states and oppose the amendment to kill the American Community Survey.

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 Texas (Mr. PAUL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WOLF

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

Page 92, line 16, before the colon insert the following: '', of which $13,000,000 shall be available for microloan technical assistance, and of which $1,000,000 shall be transferred to and merged with appropriations for 'Business Loans Program Account' and shall remain available until expended for the cost of direct loans''.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. WOLF) and a Member opposed each will control 6 minutes.

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

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

I rise in support of the amendment. We worked with the gentleman from New York (Mr. SERRANO), the ranking member, on this amendment. It restores the microloan program. We are in agreement, and I ask that the amendment be approved.

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

The CHAIRMAN. Does the gentleman from New York (Mr. SERRANO) rise to claim the time in opposition, even though he is in favor?

Mr. SERRANO. Mr. Chairman, let me first clarify something. Am I correct in that there has been a mix-up here and I am no longer allowed to strike the last word on a pro forma basis?

The CHAIRMAN. The pro forma amendments are in order on the bill and not to the amendments.

Mr. SERRANO. Mr. Chairman, I should have read the small print.

Mr. WOLF. Mr. Chairman, would it be possible to reclaim my time?

The CHAIRMAN. Without objection, the gentleman from Virginia (Mr. WOLF) reclaims his time.

There was no objection.

Mr. WOLF. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 5½ minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I just want to thank the chairman for this amendment. This amendment is one that committee members and other Members had asked for, and it is important that we move ahead on it.

We had a long discussion before on the 7(a) loan, and we passed an amendment. We needed to take care of this one which we already had agreed on in order to really move ahead the support that we put forth for the SBA and for the various loans, and so I am a full supporter, and I thank the chairman for bringing it forward.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

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

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding time to me, and Mr. Chairman, I rise in strong support of this bipartisan amendment which the gentleman from Virginia (Mr. WOLF) has offered to restore funding for the Small Business Administration's microloan program, and I want to thank the gentleman from Virginia (Chairman Wolf) and the gentleman from New York (Ranking Member Serrano) and both of their staffs for their good work in bringing the amendment to the floor.

The SBA microloan program began as a 5-year pilot in 1991; and throughout its existence, the program has had strong bipartisan support in both Chambers.

The Small Business Programs Reauthorization Amendments Act of 1997 made the microloan pilot a permanent program, and the accompanying House report in 1997 stated: ''Begun in 1991, this program has served the smallest and often least noticed section of the small business community. The committee has recognized the efficacy of this program and changed it from demonstration to permanent program status.''

Today, 170 microloan intermediary lenders nationwide provide loans to our smallest businesses whose financial needs can often not be met by traditional lenders.

Since its creation, the program has provided $213 million in loans, as well as technical assistance to 19,000 microenterprises; and in the process, it has created 60,000 jobs. We should remember that the average loan here is about $12,000, well below other SBA programs and far below conventional business loans by banks.

Most importantly, microloans have assisted large numbers of women- and minority-owned businesses, rural businesses and start-up businesses.

The microloan program is the only SBA program to offer both loans and technical assistance to small businesses, a combination that enables an entrepreneur with a good idea to become a businessperson with a good bottom line.

In my district, one intermediary, the Western Massachusetts Enterprise Fund, has made 113 loans totaling over $1.4 million, and that program has made a difference for many entrepreneurs, providing the financing and technical assistance necessary to launch or expand their businesses.

If we fail to restore funding for the microloan program, we will hamper the efforts of small entrepreneurs nationwide. Small businesses bring innovative ideas to market and create much-needed jobs.

I urge a "yea" vote on the Wolf-Serrano amendment.

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 Virginia (Mr. WOLF).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. PAUL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PAUL:

Insert before the short title at the end of the bill the following title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) None of the funds made available in this Act to the Department of Justice may be used—

(1) to take any legal action against a physician for prescribing or administering a drug not included in schedule I of the schedules of controlled substances under section 202(c) of the Controlled Substances Act for the purpose of relieving or managing pain; or

(2) to threaten legal action in order to prevent a physician from prescribing or administering such a drug for such purpose.

(b) None of the funds made available in this Act to the Department of Justice may be used—

(1) to take any legal action against a person for acts relating to the prescribing or administering by a physician of such a drug for such purpose; or

(2) to threaten any legal action against a person in order to prevent the person from engaging in acts relating to the prescribing or administering by a physician of such a drug for such purpose.

The CHAIRMAN. Points of order are reserved.

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

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

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

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

Mr. PAUL. Mr. Chairman, what this amendment does is it denies funding to the Department of Justice to prosecute doctors for prescribing legal drugs.

The reason I bring this up is to call attention to the Members of a growing and difficult problem developing in this country, and that is, that more and more doctors now are being prosecuted by the Justice Department under the laws that were designated for going after drug kingpins, for illegal drug dealers; but they are using the same laws to go after doctors.

It is not one or two or three or four. There are approximately 400 doctors who have been prosecuted, and I know some of them, and I know they are good physicians; and we are creating a monster of a problem. It does not mean that I believe that none of these doctors have a problem. As a physician, I know what they are up against and what they face, and that is, that we have now created a system where a Federal bureaucrat makes the medical decision about whether or not a doctor has prescribed too many pain pills. I mean, that is how bureaucratic we have become even in medicine; but under these same laws that should be used going after kingpins, they are now being used to go after the doctors.

As I say, some of them may well be involved in something illegal and unethical; and because I still want to stop this, this does not mean I endorse it, because all the problems that do exist with some doctors can be taken care of in many different ways. Doctors are regulated by their reputation, by medical boards, State and local laws, as well as malpractice suits. So this is not to give license and say the doctors can do anything they want and cause abuse because there are ways of monitoring physicians; but what has happened is we have, as a Congress, developed a great atmosphere of fear among the doctors.

The American Association of Physicians and Surgeons, a large group of physicians in this country, has now advised their members not to use any opiates for pain, not to give adequate pain pills because the danger of facing prosecution is so great. So the very people in the medical profession who face the toughest cases, those individuals with cancer who do not need a couple of Tylenol, they might need literally dozens, if not hundreds, of tablets to control their pain, these doctors are being prosecuted.

Now, that is a travesty in itself; but the real travesty is what it does to the other physicians, and what it is doing is making everybody fearful. The other doctors are frightened. Nurses are too frightened to give adequate pain medications even in the hospitals because of this atmosphere.

My suggestion here is to deny the funding to the Justice Department to prosecute these modest numbers, 3 or 400 doctors, leave that monitoring to the States where it should be in the first place, and let us get rid of this

idea that some bureaucrat in Washington can determine how many pain pills I, as a physician, can give a patient that may be suffering from cancer.

I mean, this is something anyone who has any compassion, any concern, any humanitarian instincts would say we have gone astray; we have done too much harm; we have to do something to allow doctors to practice medicine. It was never intended that the Federal Government, let alone bureaucrats, interfere in the practice of medicine.

So my suggestion is let us take it away, take away the funding of the Justice Department to prosecute these cases, and I think it would go a long way to improving the care of medicine. At the same time, it would be a much fairer approach to the physicians that are now being prosecuted unfairly.

□ 1930

And let me tell you, there are plenty, because all they have to do is to be reported that they prescribed an unusual number of tablets for a certain patient, and before you know it, they are intimidated, their license is threatened, their lives are ruined, they spend millions of dollars in defense of their case, and they cannot ever recover. And it is all because we here in the Congress write these regulations, all with good intentions that we are going to make sure there is no abuse.

Well, there is always going to be some abuse. But I tell you there is a lot better way to find abusive doctors from issuing pain medication than up here destroying the practice of medicine and making sure thousands of patients suffering from the pain of cancer do not get adequate pain medication.

Mr. WOLF. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume. At this point I just want to say that my mom died of cancer, my father died of cancer, and I would have done anything to help them, and OxyContin can make a big difference. But there has been a lot of abuse. There have been a lot of doctors that have been doctor factories that are just prescribing this.

There were some in my area, and I have seen families that have been devastated in southwest Virginia. I understand what the gentleman from Texas (Mr. PAUL) is saying, but in southwest Virginia, in the rural areas down in Lee County, there is probably not a family that has not been impacted by the abuse of prescriptions. So it is a balance.

I understand the gentleman, being a doctor, how he feels, but there are cases where there is tremendous abuse. That is why I think we have to keep monitoring this.

Mr. SOUDER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas, Mr. PAUL. This amendment would have the practical effect of putting doctors above the law. It would prevent the federal government from taking action against a doctor who abused his privilege of issuing prescriptions for controlled substances, including addictive and dangerous drugs like Oxycontin. While I have great respect for doctors, and I know that the vast majority of them are honest, law-abiding and motivated solely by their concern for their patients, we can't exempt them from our drug laws.

First, there is no evidence that the federal government is ''persecuting'' doctors for prescribing pain killers. Last year, in fiscal 2003, only 50 doctors nationwide were arrested for illegal prescriptions. That is only five one-thousandths of one percent (.005%) of all the doctors who have DEA licenses to write prescriptions. No one can seriously argue that the DEA is engaging in some kind of campaign to stop doctors from writing prescriptions for pain killers.

Second, the tiny number of physicians who were arrested were not arrested just because they prescribed pain medication. They were arrested because they abused the public trust and the clear standards of the profession set by their peers. These were essentially drug dealers hiding behind a white coat. They used their professional status to obtain sexual favors, drugs, and money.

Last year, six doctors were arrested for trading drug prescriptions for sex. Twenty-three doctors were arrested for writing prescriptions in exchange for money, four doctors were arrested for issuing prescriptions in exchange for other illegal drugs, and seventeen were arrested for writing prescriptions to obtain drugs to feed their own drug habits. (I am attaching a listing of those arrests, provided by the DEA, to my statement for the RECORD.)

Let's take a look at some examples. Dr. Bernard Rottschaefer was convicted last March for writing 153 illegal prescriptions for painkillers; five women testified that he demanded sex in exchange for those prescriptions, usually for Oxycontin. Another doctor wrote them in the dressing room of an adult nightclub, and another issued prescriptions for sex, firearms, lawn and farm equipment, and labor on his personal property. I don't think anyone in this House would want to give people like that a blanket immunity from the law.

Now, it may be argued that the amendment would only prohibit enforcement when drugs are prescribed ''for the purpose of relieving or managing pain''. But this distinction is meaningless—because anyone who uses a narcotic can argue that it is to relieve pain. When dealing with problems like drug trafficking and abuse, we can't just rely on the word of drug dealers and addicts. Instead, current law already recognizes a reasonable judge of the conduct of doctors—the professional standards set by their peers. I would like to note that the American Medical Association, the largest professional organization in the country representing doctors, has itself refused to support this amendment—precisely because it would immunize the few bad apples who abuse their professional trust.

In closing, I'd like to point out that this amendment would seriously undermine our goal of reducing Oxycontin and other prescription drug abuse. As President Bush stated in the National Drug Control Strategy for 2004, the problem of prescription drug abuse is a growing threat that needs to be addressed. The misuse of prescription drugs was the second leading category of illicit drug use after marijuana, with an estimated 6.2 million Americans having used prescription drugs for non-medical, illegal purposes. Oxycontin was abused in 2002 at a rate ten times higher than in 1999. Abuse by high school seniors of Vicodin is more than double their use of cocaine, ecstasy or methamphetamine. Meanwhile, Internet pharmacies (which frequently rely on illegal prescriptions), ''doctor shopping'' and other illegal drug diversion tactics are presenting new challenges to law enforcement and the community. Those few doctors who contribute to this problem must be held accountable for their actions. I urge my colleagues to oppose this amendment.

DEA ARRESTS OF PHYSICIANS—FISCAL YEAR 2003

SUMMARY

Prescriptions in exchange for sexual favors—6; prescriptions in exchange for drugs—4; prescriptions for money—23; obtaining drugs by fraud/personal abuse—17. Note: 50 arrests reported for Fiscal Year 2003 which includes 2 separate arrests of the same physician.

PHYSICIANS OF NOTE

Two physicians, Dr. H and Dr. S, maintained medical practices specializing in the treatment of chronic pain. While both physicians treated some legitimate pain patients, they both also practiced outside the scope of legitimate medical practice by prescribing OxyContin for other than legitimate medical reasons. These illegal activities led to their investigation and subsequent arrests. Two individuals died from overdoses of the OxyContin prescribed by one of the physicians. One physician has been convicted of conspiracy to distribute controlled substances. The other physician is awaiting trial.

PRESCRIPTIONS IN EXCHANGE FOR SEXUAL FAVORS

Dr. R—Pittsburgh—provided prescriptions for controlled substances in exchange for sex. Date opened: 4/16/01; date of arrest: 6/3/03; conviction date: pending; charges: unlawful distribution of Oxycodone, Fentanyl, & Xanax.

Dr. W—Washington—wrote prescriptions to female members of motorcycle gangs in exchange for sex. Date opened: 6/10/03; date of arrest: 6/10/03; conviction date: 1/14/04; charges: unlawful distribution of Percocet.

Dr. D—St. Louis—wrote prescriptions in exchange for sex, firearms, lawn and farm equipment and labor on his personal property. Date opened: 4/12/00; date of arrest: 11/25/00; conviction date: pending; charges: unlawful distribution of CS.

Dr. L—Indianapolis—traded prescriptions for sex and stolen property. Entertained juveniles at his home and arrested for sodomy, firearms charges and public intoxication. Date opened: 12/2/87; 6/9/03; date of arrest: 5/30/03; conviction date: pending; charges: unlawful distribution of Hydrocodone.

Dr. O—Hartford—forced patients to have sex with him in exchange for prescriptions (2 arrests in FY 2003). Date opened: 1/30/03; date of arrest: 2/20/03; 5/1/03; conviction date: pending; charges: unlawful distribution of Percocet & Xanax.

PRESCRIPTIONS IN EXCHANGE FOR DRUGS

Dr. P—Kansas City—had friends and other individuals return the prescription medication to him. Continued to write controlled substances after surrendering DEA registration. Date opened: 6/25/01; date of arrest: 5/2/03; conviction date: 10/20/03; charges: conspiracy/obtaining CS by fraud.

Dr. B—St. Louis—wrote prescriptions to individuals who returned the drugs to him. Subsequently overdosed and died. Date opened: 5/22/03; date of arrest: 5/22/03; conviction date: deceased (OD); charges: unlawful distribution of CS.

Dr. S—Tucson—pediatric ophthalmologist who wrote prescriptions in names of patients to procure the drugs (Ritalin and Vicodin) for personal use. Continued to operate on children while abusing drugs. Date opened: 8/8/01; date of arrest: 10/8/02; conviction date: 1/6/04; charges: conspiracy, acquiring CS by fraud.

Dr. E—Detroit—wrote prescriptions to U/C in shopping mall parking lot and required the U/C to split the drugs with him. Date opened: 10/10/02; date of arrest: 11/8/02; conviction date: pending; charges: unlawful distribution of OxyContin.

PRESCRIPTIONS FOR MONEY

Dr. U—Los Angeles—sold prescriptions for cash and allowed others to write prescriptions for controlled substances. U/C agents made several buys from doctor. Date opened: 2/7/03; date of arrest: 2/5/03; conviction date: 7/29/03; charges: unlawful prescribing of CS.

Dr. H—Washington—wrote prescriptions to 45 street level drug dealers in exchange for money. Date opened: 12/7/99; date of arrest: 9/24/03; conviction date: pending; charges: conspiracy; unlawful distribution; health care fraud; CCE.

Dr. C—Tampa—wrote prescriptions for money from the dressing rooms of adult night clubs. Date opened: 6/11/01; date of arrest: 9/9/03; conviction date: pending; charges: trafficking; delivery of a CS.

Physician Assistant—Tampa—P/A for Dr. C. Wrote prescriptions for money from the dressing rooms of adult night clubs. Date opened: 6/11/01; date of arrest: 5/9/02; conviction date: pending; charges: trafficking; delivery of a CS.

Dr. T—Dallas—wrote prescriptions for patients without medical exam and for drugs specifically requested by patient on the Internet. Date opened: 4/4/00; date of arrest: 12/19/02; conviction date: 5/28/03; charges: conspiracy to distribute Hydrocodone.

Dr. O—Dallas—wrote prescriptions for patients without medical exam and for drugs speicifically requested by patient on the Internet. Date opened: 2/15/00; date of arrest: 12/19/02; conviction date: 10/1/03; charges: conspiracy to distribute Hydrocodone.

Dr. S—Dallas—wrote prescriptions for patients without medical exam and for drugs specifically requested by patient on the Internet. Date opened: 2/15/00; date of arrest: 12/9/02; conviction date: 10/1/03; charges: conspiracy to distribute Hydrocodone.

Dr. C—Dallas—wrote prescriptions after his state medical license was suspended. Date opened: 8/23/01; date of arrest: 4/23/03; conviction date: 10/29/03; charges: fraudulent use of DEA registration.

Dr. M—Newark—wrote prescriptions for $75/Rx. Date opened: 1/6/03; date of arrest: 1/30/03; conviction date: deceased; charges: unlawful distribution of CS.

Dr. D—Newark—used DEA registration to fraudulently purchase Hydocodone tablets for illegal distribution. Date opened: 8/25/03; date of arrest: 8/18/03; conviction date: pending; charges: possession w/intent to distribute Hydrocodone.

Dr. M—Orlando—wrote prescriptions to U/C agent in exchange for money. Date opened: 9/18/00; date of arrest: 7/29/03; conviction date: pending; charges: trafficking in Oxycodone and Methadone.

Dr. M—Tampa—wrote prescriptions to drug dealers in exchange for money. U/C buys made in exchange for money. Date opened: 8/19/02; date of arrest: 1/30/03; conviction date: pending; charges: trafficking in Oxycodone and Methadone.

Dr. B—Merrillville—73 U/C buys of prescriptions made in exchange for money. Date opened: 2/16/02; date of arrest: 8/25/03; conviction date: pending; charges: conspiracy to distribute CS.

Dr. M—Puerto Rico—22 U/C buys of prescriptions made in exchange for money. Date opened: 12/3/01; date of arrest: 9/18/03; conviction date: pending; charges: unlawful distribution of CS.

Dr. R—Phoenix—U/C obtained Percocet prescriptions after telling the doctor they made her feel good. Date opened: 10/26/99; date of arrest: 2/25/03; conviction date: pending; charges: unlawful distribution of Percocet.

Dr. L—Hartford—wrote prescriptions to U/C, gave controlled drugs to friends, wrote prescriptions at parties all in exchange for money. Also abused drugs himself. Date opened: 7/2/01; date of arrest: 12/20/01; conviction date: 2/28/03; charges: Unlawful distribution of OxyContin.

Dr. P—Tampa—prescribed drugs to female U/C so she could enhance her performance when she ''performed for men''. Date opened: 12/2/02; date of arrest: 8/26/03; conviction date: pending; charges: Unlawful distribution of Vicodin.

Dr. H—Albuquerque—prescribed large numbers of narcotics to drug abusers in exchange for money. 10 deaths resulted from his prescriptions. Date opened: 6/7/02; date of arrest: 6/5/03; conviction date: pending; charges: racketeering, conspiracy to distribute, conspiracy to commit murder.

Dr. W—New York—Prescribed large quantities of narcotics to a patient between 1992 and 2001. Patient died of overdose of Dilaudid. Doctor submitted fraudulent bills to Medicare in name of the patient and provided the patient with $700/month in payback money during this period. Date opened: 1/31/03; date of arrest: 6/24/03; conviction date: pending; charges: conspiracy to distribute Hydromorphone.

Dr. G—Louisville—psychiatrist who wrote prescriptions in names of friends who she fraudulently listed as patients. Pre-signed prescriptions for office assistants to fill in and dispense to certain patients. Date opened: 9/25/03; date of arrest: 9/25/03; conviction date: pending; charges: unlawful prescribing of OxyContin & Hydrocodone.

Dr. K—San Francisco—dentist who prescribed narcotics for addiction treatment. Date opened: 11/26/02; date of arrest: 12/02/02; case dismissed: 12/02/02 for further investigation; charges: unlawful distribution.

Dr. S—Columbia—prescribed narcotics to drug addicts in exchange for money. Member of the Caroline Pain Management Clinic. Date opened: 4/2/00; date of arrest: 12/23/02; conviction date: 2/17/04; charges: conspiracy to distribute CS; acquiring CS by fraud.

Dr. B—Detroit—wrote prescriptions for money for over 3 years after his DEA registration was retired. Date opened: 2/25/03; date of arrest: 5/7/03; conviction date: pending; charges: unlawful prescribing of CS.

OBTAINING DRUGS BY FRAUD AND DECEIT/ABUSE OF DRUGS

Dr. O—Buffalo—abused crack cocaine as well as prescription drugs that he obtained through his DEA registration. Date opened: 11/5/02; date of arrest: 7/28/03; conviction date: 10/10/03; charges: acquiring CS by fraud.

Dr. P—Phoenix—used DEA registration to write prescriptions for personal abuse. Date opened: 9/10/01; date of arrest: 10/23/02; conviction date: 11/25/02; charges: acquiring CS by fraud (OxyContin).

Dr. S—Denver—used DEA registration to write prescriptions for personal abuse. Date opened: 7/3/03; date of arrest: 6/29/03; conviction date: pending; charges: acquiring CS by fraud (Hydrocodone).

Dr. W—Phoenix—used DEA registration to write prescriptions for personal abuse. Date opened: 8/10/02; date of arrest: 2/11/03; conviction date: pending; charges: acquiring CS by fraud (Hydrocodone).

Dr. R—Scranton—used DEA registration to write fraudulent prescriptions in other individual names for his own personal abuse. Date opened: 4/29/03; date of arrest: 8/14/03; conviction date: pending; charges: failure to maintain records (in lieu of fraud charges).

Dr. K—St. Louis—arrested for possession of cocaine and marijuana. Date opened: 5/5/03; date of arrest: 3/19/03; 4/30/03; conviction date: pending; charges: possession of cocaine & marijuana.

Dr. R (DVM)—Denver—used DEA registration to order fentanyl Duragesic patches for personal abuse. Date opened: 12/16/02; date of arrest: 12/20/02; conviction date: 7/9/03; charges: unlawful use of Fentanyl.

Dr. R—Utah—used DEA registration to fraudulently obtain drugs from wholesalers and also wrote prescriptions in other individuals' names. Date opened: 2/3/03; date of arrest: 3/29/03; conviction date: 7/3/03; charges: acquiring CS by fraud.

Dr. C—Denver—used DEA registration to write fraudulent prescription for personal abuse. Date opened: 2/12/02; date of arrest: 2/28/02; conviction date: 2/25/03; charges: acquiring CS by fraud.

Dr. N—Phoenix—removed Hydrocodone from hospital for personal abuse. Date opened: 1/29/01; date of arrest: 5/9/03; conviction date: 8/11/03; charges: unlawful possession of CS (Hydrocodone).

Dr. W—Cleveland—used DEA registration to purchase controlled substances for self abuse. Also wrote fraudulent prescriptions for personal abuse. Date opened: 7/5/02; date of arrest: 3/14/03; conviction date: 3/14/03; charges: theft of CS (Alprazolam).

Dr. A—Puerto Rico—wrote prescriptions after losing state license. Also health care fraud charges surrounding prescriptions. Date opened: 6/26/03; date of arrest: 7/11/03; conviction date: pending; charges: unlawful distribution of CS.

Dr. C—Colorado Springs—diverted fentanyl from hospital for personal abuse. Admitted to being addicted and performing anesthesiology while under the influence. Falsified dispensing records. Date opened: 6/20/02; date of arrest: 1/28/03; conviction date: 10/16/03; charges: unlawful possession of CS (Fentanyl).

Dr. A—Dallas—obtained morphine through fraudulent use of another physician's DEA registration. Date opened: 12/19/02; date of arrest: 12/30/02; conviction date: 4/24/03; charges: acquiring CS by fraud (Morphine).

Dr. T—Greensboro—used hospital DEA registration to write prescriptions in phony names for self abuse. Date opened: 4/8/03; date of arrest: 7/17/03; conviction date: pending; charges: acquiring CS by fraud.

Dr. J—Kansas City—diverted Fentanyl from hospital for personal use and falsified patient records to cover up the diversion. Date opened: 12/14/02; date of arrest: 4/1/03; conviction date: 6/18/03; charges: unlawful possession of CS.

Dr. R—Kansas City—used DEA to fraudulently obtain Hydrocodone for personal use. Date opened: 4/8/02; date of arrest: 12/2/02; conviction date: 11/13/03; charges: acquiring CS by fraud (Hydrocodone).

POINT OF ORDER

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

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law. The amendment imposes additional duties.''

So I ask for a ruling of the Chair.

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

The Chair finds that this amendment includes language requiring a new determination, namely the purpose for which certain controlled substances were prescribed. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

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

AMENDMENT NO. 9 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer amendment No. 9.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PAUL:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay expenses for any United States contribution to the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

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

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.

This amendment denies funds to UNESCO, and it is an amendment that is identical to what I brought up last year and got a recorded vote on and had a debate on last year.

Last year, I brought it up because we were just getting back into UNESCO. President Ronald Reagan, in 1984, had the wisdom of getting us out of UNESCO because of its corrupt nature, not only because it had a weird, false ideology, contrary to what most Americans believed, but it was also corrupt. He had the wisdom to get us out of it, yet last year we were put back in UNESCO, and I was hoping that we would not fund it.

Last year, the Congress approved $60 million for this purpose, which was 25 percent of UNESCO's budget. Does that mean we have 25 percent of the vote in UNESCO? Do the American people get represented by 25 percent? How much do we get out of it? What is the American taxpayer going to get? The American taxpayer gets a bill, that is all. They do not get any benefits from it.

And there is one part of UNESCO that is particularly irritating to me, and it is called the Cultural Diversity Convention. This is an organization that actually is very destructive and will play havoc with our educational system. It also attempts to control our education through the International Baccalaureate Program, and that, too, introduces programs and offers them to our schools. It is not forced, but there are already quite a few schools that have accepted these programs.

Now, let me just give my colleagues an idea of the type of philosophy they are promoting, but what we as the Congress promote with what the American taxpayers are paying for. Here it is:

''The international education offers people a state of mind, international mindedness. We are living on a planet that is becoming exhausted. And now listen to this, this is what the U.N. UNESCO people are saying about education in the various countries, including ours. Most national educational systems at the moment encourage students to seek the truth, memorize it and reproduce it accurately.'' Now, one would think that is not too bad of an idea. ''The real world is not this simple,'' so says UNESCO. ''International education has to reconcile this diversity with the unity of the human condition.''

I mean, if those are not threatening terms about what they want to do, and yet here we are funding this program and the American taxpayers are forced to pay for it. Now, there are a few of us left in the Congress, I see a couple on the floor tonight, that might even object to the Federal Government telling our States what to do with education, and of course there is no constitutional authority for that. We have the Leave No Child Behind, but it looks like everyone is going to be left behind before we know it.

But here it is not the Federal Government taking over our Federal education system; this is the UNESCO, United Nations, taking over our educational system. It does have an influence. Sure, it is minimal now, but it will grow if we allow this to continue.

So I ask my colleagues to please vote for my amendment, and I sure hope they allow a vote on this amendment. It was permitted last year, so it surely would be permitted this year.

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

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, when we had a vote on the floor, the gentleman from Illinois (Mr. HYDE) offered the amendment to not join UNESCO. I supported the amendment. I did not believe that we should have joined UNESCO. The decision was made by the Bush administration. Also, on that vote, if my memory serves me, I was on the losing side. I think it may have been Lantos v. Hyde. I voted with the gentleman from Illinois (Mr. HYDE), and we were on the losing side. History will have to check the exact timing of that vote.

The bill includes $71.9 million for the U.S. share of funding for membership in UNESCO, and I have had serious questions about UNESCO. UNESCO was rife with corruption and problems. The Bush administration, who wanted to join, has a very good and a very tough ambassador, a kind of a no-nonsense person. I have met her and think highly of her. The President announced 2 years ago at the United Nations, and I remember seeing the speech, that the U.S. would rejoin UNESCO. The First Lady, Mrs. Bush, addressed the UNESCO plenary session in Paris, France, last year.

The U.S. withdrew from UNESCO in 1984 when the organization was rife with corruption and anti-Western bias, and I think the current ambassador, I have spoken to her, is going to make sure they do not go back to the corruption and anti-Western bias. It was mismanaged, and she has pledged that she would stay after that.

Since that time, they have undergone reforms and the current leadership is committed. They say it stands for fundamental human rights and democratic principles; and participation in the UNESCO, many say, will allow us to be engaged as international partners in a number of issues. This year, the U.S. was elected to the UNESCO legal committee, the intergovernmental biotechnics committee, and other committees.

I think now, although I do tend to agree with the gentleman, I think it is a fact and I think he raises some very, very valid points, but to strike funding for UNESCO just after the Bush administration has joined, just after President Bush's wife, Mrs. Bush, has spoken at a plenary session, I think would send a wrong message. So I reluctantly rise in opposition to the amendment out of respect to the Bush administration, having been on the losing side.

But we are going to watch this. We are going to watch and see what UNESCO does, and I am glad this issue was raised by the gentleman from Texas (Mr. PAUL). But in light of the vote on the floor and in light of the Bush administration request and the President's speech, and in light of the First Lady attending and addressing the plenary session, I would ask defeat of the amendment.

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

Mr. PAUL. Mr. Chairman, how much time do I have?

The CHAIRMAN. The gentleman from Texas has 1 minute remaining.

Mr. PAUL. Mr. Chairman, I yield myself the balance of my time and conclude with another statement from a director of UNESCO, who further explains exactly what they are up to. He said in June that ''the program remains committed to changing children's values so they think globally rather than in parochial national terms from their own country's viewpoint''. So if we talk about an attack on national sovereignty starting at the lowest level through an educational system, it is right here.

The chairman, obviously, is not very enthusiastic about this. But my job as a representative is not to follow what other people tell me. My job is to read these bills and to know what they say

and to represent my district. Because somebody asks us to finance this and our instincts tell us there is something very sinister about this, I would say that that is not a very strong reason to oppose this amendment.

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

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

Mr. WOLF. 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. 5 OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TANCREDO:

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 for the State Criminal Alien Assistance Program under the heading ''DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume, and I rise once again this evening to propose an amendment similar in some respects to one I have proposed in the past and different in others, that is to say, it is similar in that it does this: It says we have a law on the books, it was passed in 1996, and the law says that all States and localities therein are prevented from impeding the flow of information to the Immigration and Naturalization Service. The successor agency is, of course, BICE. They are also prevented by the law from actually stopping any information from coming from the old INS and now BICE.

That is what the law says. It is there, on the books, and every single time I offer this amendment the other side gets up and starts arguing the law as to whether or not we should have the law, why it should be in place, would we not be better off without a law? But that is not the purpose of my amendment, of course, to repeal the law. It is to enforce the law. That is all I ask.

We are a body that makes laws. We should, of course, also encourage the enforcement of those laws or we should repeal them. That is what we should be doing here. It is, I suggest, quite inappropriate in a way for us to pass laws and then essentially tell the country and the people out there that we should wink at them; pretend they do not exist; pretend they are really not on the books, because enforcing them would be problematic from certain standpoints, especially politically.

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Now, what kind of message does that send every time we do this? But every time there is a vote against my amendment, that is essentially what we are saying, that even though we have laws on the books, we will ignore them.

My amendment is designed to prevent those local governments from obtaining SCAAP funding if they violate the law. That is it. If they are in line with the law, doing what the law requires of them to do, no problem. Presently, the law does not have any sort of mechanism that would suggest we are enforcing it. There is no penalty, and so we have got cities, counties, that are in fact violating the law. They are doing that with impunity. We should not allow that to continue. We should either repeal the law if we do not like it, or we should have some sort of mechanism to enforce it.

I have proposed time and time again that we should try and enforce the law. That is all this amendment does.

If State and local governments violate the Federal law and pass sanctuary policies that encourage illegal aliens to come here, why should any American taxpayer be asked to absorb these costs? That is what we are doing. SCAAP funds are funds that we provide to cities and counties for the purpose of reimbursing them for the costs of keeping people in their prisons who are here illegally. They are illegal aliens, and there are costs involved.

On the one hand, we have counties submitting bills to the Federal Government for the incarceration of some of these folks, but on the other hand refusing to provide that information to the Bureau of Immigration Control and Enforcement, BICE. They want the money for what they say they are putting out for enforcement of the law, but then they refuse to actually give that information to BICE. It is not a situation that is sustainable and certainly not one that we should countenance. We should at least say if you are not going to abide by the law of the land that requires you to provide this information, you cannot get the money from the SCAAP funds. That is all it is.

Again, I know we are going to get into this argument about whether or not we should have the law on the books. That is a different argument. Let us just argue whether or not once we have the law on the books we should not try to enforce it.

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

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

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 10 minutes.

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

A similar amendment was offered on DHS, and it failed by a vote of 148 to 259, so we are back to exactly the same thing. SCAAP funds are not available to States that violate current law, and the Justice Department tells us the gentleman's amendment would have no impact.

I understand what the gentleman is trying to do. In the State of Virginia, we have a program where our State police are basically deputized to in essence enforce the immigration laws. But it is like Don Quixote. So what I would recommend the gentleman to do, and I mentioned this to the gentleman from Iowa (Mr. KING) earlier, the gentleman and the gentleman from Iowa (Mr. KING) and others ought to sit down with the administration, with the Department of Justice and also with the Department of Homeland Security and fashion a regulation in that sense. I think there are other ways of doing this. I think you are just sort of coming up against it. My sense may be wrong. Maybe the 148 will go to 152, I do not know.

But I think the gentleman really wants to be successful and do something. However, the Department of Justice says the Tancredo amendment would have no effect on those who receive SCAAP grants. I am not going to take a lot more time, but I would urge the gentleman, and I will be glad to help the gentleman set up a meeting with BICE and with the Department of Homeland Security and the Department of Justice to see how to do this. But since it does nothing and says nothing and is in essence the same amendment I believe was offered on homeland security, I think the gentleman from Kentucky (Mr. ROGERS) defeated by 148 for and 259 against, for that reason I urge a ''no'' vote on the amendment, and offer to work with the gentleman, BICE, and the gentleman from Iowa (Mr. KING) to set up a meeting.

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

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for extending his offer in helping the gentleman from Colorado (Mr. TANCREDO) on his amendment.

I think the gentleman has made a very clear point about the Tancredo amendment. I rise to oppose it because it is a law that is already in force; but more importantly when it comes to local and State governments and first responders and people dealing with homeland security, it is threatening to deny them funds because of some inadvertence that might occur as relates to Federal immigration laws.

We recognize what the laws are in this land. We recognize the responsibilities of Federal law enforcement on immigration issues. But if we begin to start cutting resources from local communities, we can be assured that national security will be jeopardized, and that is what the Tancredo amendment does. It makes communities less safe.

Let me say, for those of us who come from very diverse communities, it is particularly difficult for the police to establish relationships that are the foundation of successful police work if the impression is that resources are going to be cut if they do not do the work of the Federal Government. That means they are going to create an atmosphere of fear and intimidation and an attitude that anyone who has a different surname or looks differently is under the scrutiny of local law officials.

I would hope that this amendment would not be supported, and of course recognize that in the exploitation possibilities you also have the potential of criminals exploiting the fear of immigrants by forcing local law enforcement authorities to be immigration officials. I would hope that this amendment would not be supported. It has been defeated, as the gentleman from Virginia (Mr. WOLF) said earlier, earlier in the year, in the homeland security legislation.

I can tell Members it makes it very difficult for communities who are working toward better relationships with our immigrant communities. Might I say to my colleagues, this is not the way to enforce immigration laws. The way to do it is to have real immigration reform that will help secure the homeland and balance the rights of individuals within this country. I think we can do that by not having this amendment which then would further divide Federal and local officials by cutting funds which are so desperately needed for homeland security.

Mr. Chairman, I rise in opposition to Representative TOM TANCREDO's amendment to the Commerce, Justice, and State Appropriations Act for FY2005. The effect of this amendment would be to enact a provision from the CLEAR Act (H.R. 2671) and its Senate counterpart (S. 1906). These bills compel State and local police officers to become Federal immigration agents by denying them access to Federal funds they are already receiving if they refuse these additional duties. Specifically, the Tancredo amendment would deny funds to any State or local government that limits disclosure of immigration status.

We count on State and local governments and law enforcement authorities as first responders when national security is threatened. Since 9/11, they have taken on significant new duties and are facing dwindling resources. Further cutting their resources is not going to help enhance national security, and, in fact, the Tancredo provision could make our communities less safe.

In immigrant communities, it is particularly difficult for the police to establish the relationships that are the foundations for successful police work. Many immigrants come from countries in which people are afraid of police, who may be corrupt or even violent, and the prospect of being reported to the immigration service would be further reason for distrusting the police.

In some cities, criminals have exploited the fear that immigrant communities have of all law enforcement officials. For instance in Durham, NC, thieves told their victims—in a community of migrant workers and new immigrants—that if they called the police they would be deported. Local police officers have found that people are being robbed multiple times and are not reporting the crimes because of such fear instilled by robbers. These immigrants are left vulnerable to crimes of all sorts, not just robbery.

Many communities find it difficult financially to support a police force with the personnel and equipment necessary to perform regular police work. Having State and local police forces report immigration status to the Bureau of Immigration and Customs Enforcement, ICE, would be a misuse of these limited resources.

ICE also has limited resources. It does not have the resources it needs to deport dangerous criminal aliens, prevent persons from unlawfully entering or remaining in the United States, and enforce immigration laws in the interior of the country. Responding to every State and local police officer's report of someone who appears to be an illegal alien would prevent ICE from properly prioritizing its efforts.

Local police can and should report immigrants to the immigration service in some situations. The decision to contact the immigration service, however, should be a matter of police discretion.

I urge you to vote against this amendment.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Tancredo amendment. The gentleman from Colorado (Mr. TANCREDO) stands in front of us today, as he has in the past, as a strong voice to try to gain the attention and support of Members of Congress towards a problem that we refuse to deal with. This Congress is refusing to deal with one of the greatest threats to the well-being of our people. In California, our education system is going down. The health care available to our people is being diluted and people are dying because of this. Our criminal justice system is breaking down. People are being murdered because we are not dealing with this issue. The issue, of course, is illegal immigration. We have to do something about it.

In this case, the gentleman from Colorado (Mr. TANCREDO) is simply saying the cities or States that will not help us enforce the laws that already exist, they should not be getting government money in the name of that enforcement.

If we do not handle this situation, our people are going to pay an even heavier price. I can see a day when the Social Security system totally falls apart because we have not dealt with this issue. It is a disgrace that Congress is refusing to act upon this. At least support this issue which is very reasonable.

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

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

Mr. SERRANO. Mr. Chairman, I would like to tell the gentleman from California that he left out in blaming immigrants the Chicago fire and the San Francisco earthquake, which they probably were also responsible for.

It is amazing in 2004 we continue this immigrant-bashing situation. The fact of life is the gentleman read off a list of things that are falling apart in California somehow because people are not being reported or because local police departments are not engaging in activities that local police departments do not want to engage in.

We had 24 discussion before, and it is a simple issue. Local law enforcement does not want to be involved in this issue. Regardless of what we like to see here and how much we would like to bash these folks, local law enforcement does not want to do it. Let me try to say once more why, because no one seems to be paying attention to this issue.

Local law enforcement wants to be able to have a person, regardless of their immigration status, come to them and report a crime, come to them and participate in solving a crime. If they now feel that the local police officer, the local sheriff, has been deputized, if you will, as an immigration officer, we are never going to get any help from the local community.

Now, one issue is the fact that we may have people in this country who are not here with documents. That is one issue. But since they are here, what are we going to do, ignore them, ignore their ability to help us and solve a local crime, ignore their ability to help us be involved in the community?

My God, we talk so much here about how much we want to help local law enforcement and how we stand for them and how much money we want to give them, and now we want to burden them with a situation that they, I repeat for the last time, do not want to be involved with. This amendment should be defeated for what it is, a Latino outreach program that will fail miserably.

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

Once again I keep thinking when I hear these arguments that somehow we have not gotten the point across of what exactly this is doing. I wish we had a big sign that said: This is the law and this is my amendment. This is the law that is on the books. This is not debatable at this point, or at least it is not part of my amendment.

If the gentleman does not like the fact that we have a law on the books saying that the people of the cities and counties should help, or let me put it this way, there is a law that says that

they should not actively oppose our attempts to actually enforce immigration law, that is what it is. It does not require anything. It does not require deputization of more people or to get them involved with the actual immigration enforcement. It just says you cannot take an action that prevents the flow of information or the acceptance of information. That is it. That is the law that is on the books. What we are trying to do is assess a penalty.

The idea that local law enforcement, they do not want this because somehow people will not come forward, the reality is this, their task is to enforce the law also. They take an oath to do that, just as we do. Here we sit debating as to whether or not we should enforce a law we have already passed. That is the bizarre nature of this debate. It has nothing to do with immigrant bashing or any of the other stuff that gets brought up in this discussion.

It has to do with whether or not the law on the books should be enforced. It is a simple measure that should not be clouded with all of the kind of rhetoric and epithets that are thrown around every time we start to debate this. It is the law. Should we have it? If we should not, let us repeal it. As long as it is there, let us enforce it.

Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, let us note we are not talking about legal immigrants. Over a million people are permitted in this country legally every year. We can be very proud of that. In fact, the people most concerned about illegal immigration in this country are the million legal immigrants every year who obey the rules and stand in line and who we are slapping in the face by permitting millions of illegals to come into our country.

Trying to blur the distinction between legal and illegal is not an honest way of presenting the case. The bottom line is we are only talking about illegal immigration. We are not talking about local crime. I am not in favor of having the local judiciary to enforce criminal matters that are made criminal by the Federal Government. I am, however, in favor of the Federal Government presiding over its constitutional authority and obligation to control immigration policy in this country. And if States and cities want money from the Federal Government concerning illegal immigration and the incarceration of illegal immigrants, they will have to go along and enforce that Federal law because immigration is the rightful authority of the Federal Government.

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Mr. ROHRABACHER. Mr. Chairman, let me just note this. We can make light of the fire that has swept through Chicago and destroyed homes and natural disasters. This is not a natural disaster that is befalling our people, and it is not funny. The fact is our health care system is breaking down in California and people are losing their lives. It is breaking down in other parts of the country. Our criminal justice system is breaking down. People are being murdered. Our citizens are losing their lives because we refuse to deal will illegal immigration.

The Social Security System could fall apart in 10 years if this illegal immigration continues to overwhelm us. What are we doing? Why are we permitting our children to go into our educational institutions to have a diluted education? This is ridiculous.

Mr. WOLF. Mr. Chairman, I yield to the gentleman from New York (Mr. SERRANO) 30 seconds.

Mr. SERRANO. Mr. Chairman, the gentleman from California knows me well and knows I was not being funny when I mentioned the fact that the gentleman left out the Chicago fire and the San Francisco earthquake. My point was that the gentleman is blaming immigrants for everything that is wrong in this country. The fact of life is that that is what we do, and the fact of life is that sometimes we look at people who bash immigrants on a daily basis, and then when an amendment comes before us, we cannot believe that it is anything else. But more of the same, which is immigrant bashing, that is what it is. That is what it looks like, that is what it smells like, and that is how I see it.

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

Mr. Chairman, this is a difficult issue, because I want to respond to my friend, my colleague's advice and his willingness to work on this issue, and that is a strong allure, because number one, I know he is a gentleman of great integrity, and I do want to do more than just simply make a statement to, as he said, be a Don Quixote. I do want to in fact move this issue forward; and if that is the best way to do it, then perhaps what I will do is withdraw this amendment, but I will do so only after I once again state that it is important for this body to make laws and then enforce them.

We call ourselves a Nation of laws ruled by law. There is only one way we can actually prove that. It is to stop this ridiculous winking at the laws we make. Enforce them or repeal them. That is all I ask, and that is what I hope that we will do. And I will work with the gentleman and take him up on his offer.

Mr. Chairman, I withdraw my amendment.

AMENDMENT NO. 6 OFFERED BY MR. FARR

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FARR:

Insert before the short title at the end 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, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

The CHAIRMAN. Points of order are reserved, and pursuant to the order of the House today, the gentleman from California (Mr. FARR) and the gentleman from Virginia (Mr. WOLF) each will control 10 minutes.

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

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

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

Mr. FARR. Mr. Chairman, the purpose of this amendment is very straightforward. In simple terms, the Farr-Rohrabacher-Hinchey-Paul amendment prohibits the use of funds in the bill from preventing States that have medical marijuana laws from implementing them.

As a result, the States have medical marijuana laws on the books they can implement, regulate and enforce them, just like now. States that do not have medical marijuana laws on the books remain subject to the overarching Federal law.

This amendment does not stop law enforcement officials from prosecuting illegal use of marijuana. This amendment does not encourage the use of marijuana. This amendment does not encourage the use of drugs in children. This amendment does not legalize any drugs. This amendment does not change the classification of marijuana. This amendment is recognized as States' rights to oversee the medical scope of practice of doctors in their States, to prescribe drugs as doctors see as necessary for medical conditions.

Today's Los Angeles Times points out that the Justice Department's medical marijuana war seems increasingly out of step with the whole country. Last fall, the Supreme Court upheld a lower court ruling barring Federal officials from prosecuting doctors for their recommendations.

Just 2 weeks ago, the United Methodist Church, the Presbyterian Church, the Evangelical Lutheran Church in America and other mainstream religious groups supported doctors' rights to prescribe pot as a when-all-else-fails treatment for the seriously ill. The best way to thwart casual use of this drug is to let doctors prescribe it in closely circumscribed and regulated ways such as the States do.

Now, there are nine States that have passed these laws. The voters are speaking, and they are doing it more in every State. Just recently Vermont. Alaska, California, Colorado, Hawaii, Maine, Nevada, Oregon, Vermont, and Washington have enacted State medical marijuana laws. Because of these State laws, thousands of patients are able to alleviate their pain and suffering without fear of arrest by State or local authorities.

The threat of arrest by Federal agents, however, still exists. In the past, the Federal Government has impeded research on medical use of marijuana, even though thousands of patients have testified, explained, and acknowledged that it helps relieve some of the debilitating symptoms, such as nausea, pain, loss of appetite associated with serious illness.

Despite Federal admonitions against marijuana, the American people support medical marijuana and pretty overwhelmingly. Most national polls show the support around 70 percent.

This amendment is not necessarily about the actual medical purpose of marijuana, though I know scores of doctors have attested to marijuana's medical benefits. In States where medical marijuana is legal, thousands of licensed physicians have recommended marijuana to their patients. This amendment is not about legalizing drugs, though some will argue that it should be.

No. What this amendment is about is States rights. In so many areas we trust States rights. And I think of us here in the United States Congress. We allowed States to draw our district boundary lines.

We allow States to set the fee we have to pay to run for office. We allow the States to create the primary procedures for getting elected to Congress. We allow the States to fashion Medicaid packages. We allow States to license doctors to practice. We trust the States to do what is best for their residents of that State. When it comes to health care policy or palliative care, the care of alleviating pain, nine States of the United States have determined that it is appropriate public policy to allow the use of marijuana as a prescribed treatment.

If Congress respects States rights in so many other areas, why does it not respect it with regard to medical marijuana?

Mr. Chairman, this amendment would prevent the Federal Government from interfering with state medical marijuana laws. It would end the DEA raids on medical marijuana patients and caregivers who are acting in accordance with state law. It would not—let me repeat—it would not prevent the DEA from arresting individuals who are involved in marijuana-related activities unconnected to medical use.

Here is the simple question posed by this amendment: Should the Federal Government arrest individuals who are trying to alleviate their own suffering or the suffering of others in compliance with state law?

I am only too familiar with the tension between DEA law enforcement and state and locally-sanctioned marijuana cooperatives in California. On September 5, 2002 in Santa Cruz, California—my district—dozens of heavily armed DEA agents stormed into the home of Valerie and Mike Corral where the cooperative garden of the Wo/Men's Alliance for Medical Marijuana (WAMM), a medical marijuana hospice, is tended by collective members. They destroyed 167 plants, which would have been distributed—free of charge—to more than 200 seriously and terminally ill WAMM members. Although the Corrals did not resist, the agents pointed loaded rifles to their heads, forced them to the ground, and handcuffed their hands behind their backs. The DEA agents kept them handcuffed in their home for 4 hours before taking them 30 miles to the Federal courthouse in San Jose where they were eventually released without being charged. Meanwhile, Federal agents handcuffed the Corral's over-night guest, Suzanne Pfeil, a WAMM member who was disabled by polio, and detained two other members, one with AIDS and a caregiver. Pfeil happened to be sleeping when the raid occurred. Despite the fact that her leg braces and crutches were in plain sight, the agents demanded she stand, which she was unable to do with her hands cuffed. Pfeil's blood pressure shot up and she experienced chest pains. Agents then refused to call an ambulance. All this pain, confusion and fear—yet WAMM was operating with the full knowledge and consent of state and local authorities.

Many people who oppose medical marijuana say that there is only anecdotal evidence of its effectiveness. But these anecdotes cannot be simply dismissed; they are the stories of real people who are suffering. Just this morning in Roll Call, there was a powerful example of this. Talk show host Montel Williams discussed his struggle to live with excruciating pain caused by multiple sclerosis. Montel Williams, a former Marine and decorated naval officer, who made anti-drug PSA's for the White House drug czar's office, explained in this article that marijuana is the ''only'' drug that allows him to function on a day-to-day basis. Now if he is using marijuana with his doctor's advice and is following state law, why on earth should we waste Federal resources trying to prevent him from alleviating his own pain? And taking it a step further, if someone else is growing that marijuana for him and is following state law why should we take that medicine away from him by interfering with the grower?

The answer most opponents of this amendment will give is that marijuana simply is not a medicine. But this had become an absurd claim. First of all, both the Netherlands and Canada have enacted medical marijuana laws, with marijuana available at pharmacies in the Netherlands. In the United States, nine states have medical marijuana laws that allow doctors to recommend marijuana to their patients. And in those states, hundreds of doctors have recommended marijuana to thousands of patients.

Even our Federal Government has acknowledged the therapeutic benefits of marijuana. In 1999, the National Academy of Sciences' Institute of Medicine conducted a study funded by the White House Office of National Drug Policy. The principle investigator from the study said upon its completion, ''We concluded that there are some limited circumstances in which we recommend smoking marijuana for medical use.'' An even stronger endorsement came from the DEA in 1988. Then, Administrative Law Judge Francis Young, after an exhaustive, 2-year study of marijuana, called for its rescheduling on the grounds that ''marijuana, in its natural form, is one of the safest therapeutically active substances known to man.'' He concluded, even 60 years ago, that marijuana offered a ''currently accepted medical use in treatment.''

Over the past year, medical marijuana has gained even wider acceptance. It has been endorsed by the American Nurses Association, whose 2.6 million members care for the Nation's most seriously ill patients; by the United Methodist Church, the Nation's third largest religious denomination; by the New York and Rhode Island Medical Societies; and by many other health care organizations. Other longtime supporters of medical marijuana include the New England Journal of Medicine, the American Bar Association, and the American Public Health Association.

Do opponents of this amendment honestly believe the American Nurses Association, the New York State Medical Society, United Methodist Church, the Episcopal Church, and others are supporting this issue because they hope to legalize marijuana for all purposes? Of course that isn't the reason. These organizations support legal access to marijuana for medical purposes because they know one simple fact: it helps sick people.

Other opponents of this amendment say that they will not support medical marijuana until more research is complete. The problem is that the Federal Government has effectively blocked research. To cite just one example, in July 2001, the University of Massachusetts applied to the DEA for a license to manufacture marijuana for medical research. This is the same kind of license a company called GW Pharmaceuticals applied for in England a few years ago. While GW Pharmaceuticals has now concluded Phase III trials and is nearing market approval for its marijuana spray, the DEA—3 years later—has not even bothered to deny the University of Massachusetts' license. Of course, they have not granted it, either. They have just let the application sit in limbo.

Antoher application to the Federal Government, requesting permission to import just 10 grams of marijuana for research has languished for 10 months. Does our government think 10 grams of marijuana is going to increase the drug problem in this Nation? Of course not. The Federal goal seems to be to purposely to block research that would prove—or disprove, once and for all—that marijuana has therapeutic benefits.

But let's assume for a minute that all of the obstacles to research were suddenly removed. That does not get us past the immediate question: Should the Federal Government, over the course of the next year, while research is proceeding, arrest patients and caregivers who are complying with state law in order to alleviate their own suffering or the suffering of others?

Another objection raised by opponents of this amendment is that passing it would send the wrong message to children. It would make children think that marijuana is not dangerous. Let me tell you something. Children know how dangerous marijuana is already. Allowing seriously ill patients to use it will not change that. And associating the use of marijuana with AIDS and chemotherapy is not likely to increase its appeal. On the other hand, if you deny cancer, AIDS, and MS patients the opportunity to use this drug to alleviate their pain—while permitting the medical use of powerful addictive drugs like vicodin and oxycontin—the only message you are sending to children is that you are intellectually dishonest and completely lacking in compassion.

The truth is, where medical marijuana is legal, there has been no increase in marijuana

use among teens. In fact, in my home state of California, teen use of marijuana has dropped 34 percent among 7th graders, 44 percent among 9th graders, and 21 percent among 11th graders since the California medical marijuana initiative passed in 1996. The same Institute of Medicine study described earlier noted, "there is no evidence that the medical marijuana debate has altered adolescents' perceptions of the risks associated with marijuana use." Listen closely today to hear whether opponents of this amendment back their warning about sending the wrong message to children with any evidence demonstrating that medical use has caused a change in attitude about recreational use; I doubt there will be any with any scientific weight.

Mr. Chairman, this amendment is reasonably drafted and built on scientific evidence, judicial review, and medical studies. It reflects the grass roots demand and legislative will of nine of our United States. It is time for Congress to recognize the powerful dynamics of this issue and adopt my amendment.

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

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in strong opposition to this amendment. This is a bad amendment. It will be bad for the country.

Marijuana is the most abused drug in the United States. According to the Department of Health and Human Services, more young people are now in treatment for marijuana dependency than for alcohol or for all other legal drugs combined. The amendment does not address the problem of marijuana abuse and possibly, perhaps probably, makes it worse by sending a message to young people that there can be health benefits from smoking marijuana.

In testimony before the Committee on Government Reform, the DEA provided an example of how marijuana trafficking is occurring under the guise of medicine. And there is so much more I could say, and we have the gentleman from Indiana (Mr. SOUDER) here and the gentleman from California (Mr. OSE). This is not a good amendment. The message that this sends to the young people is absolutely wrong. This was overwhelmingly defeated the last time it came up. I urge defeat of the amendment.

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

Mr. FARR. Mr. Chairman I yield 3 minutes and 15 seconds to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, today I call for a broad coalition of my colleagues to support the Hinchey-Rohrabacher amendment to H.R. 4754, introduced by the gentleman from California (Mr. FARR).

Over the past 8 years, 10 States have adopted laws that decriminalize the use of marijuana for medical purposes. These States have passed these laws to allow the use of marijuana to relieve intense pain that accompanies several debilitating diseases, including AIDS, cancer, multiple sclerosis, and glaucoma. In seven of these States, such as my own State of California, these laws were adopted by a direct referendum of the people.

The Federal Government, however, has made it nearly impossible for these States to implement their own laws, the laws that the people voted for. The DEA has conducted numerous raids on homes of medical marijuana users, prosecuting patients who were using marijuana in accordance with State law to relieve intense pain and other symptoms caused by a variety of illnesses. Despite these State laws, the Justice Department is working overtime to put sick people and those who would help them in jail.

It is time for the Federal Government to respect the rights of individual States to determine their own health and criminal justice policies on this matter. A growing movement of Americans from conservative to liberal is calling for the Federal Government to keep its hands off the States that wish to allow their citizens to use marijuana for medical purposes. In my State, the people have spoken overwhelmingly. Both Republican and Democrat counties voted for medical freedom. Our new Governor, Arnold Schwarzenegger, has made it clear in regard to the Federal Government's interference with California's medical marijuana policy in his message to Washington, and what is it? It is ''Hasta la vista, baby.'' Even more poignant, Tom McClintock, Arnold's leading conservative opponent in the recent recall election, has spoken out even more strongly against the Federal interference with California's medical marijuana laws. The Governor of Maryland also, our former Republican colleague, Robert Ehrlich, has signed Maryland's new medical marijuana law and has lobbied Members of Congress on this issue.

As a conservative, I am increasingly troubled by the federalization of criminal law that has occurred in recent years. It seems that more and more crimes are being declared to be Federal crimes. While sometimes this is appropriate, for example in immigration law, which is a federally mandated issue by our Constitution, but criminal justice constitutionally is the domain of the State and local government. This is especially true when the people of these many States determine by their own vote the policy concerning this specific personal behavior.

It is time for the conservatives and liberals to join together in calling for the Federal Government to keep its hands off. Liberals, moderates, and conservatives should unite in order to protect the freedom of our people. This is a freedom issue, and it is also a humanitarian issue. We should make sure that the local people have a right to determine if the doctors in their community, and that is what we are talking about, the doctors are able to prescribe marijuana for people who are suffering from AIDS and suffering from cancer and other types of diseases. This is not fair, and it is not humane to go the other way; and it is un-American to centralize this type of criminal justice matter in the hands of Federal bureaucrats rather than the people who vote in our specific communities.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I would just like to point out that as a physician before I came to Congress, medical marijuana is actually not necessary because the active ingredient in medical marijuana is delta-9-tetrahydrocannabinol. This is a compound that is readily available not in a handful of States as medical marijuana is, but in every State of the Union. It is legal today. It is called Marinol. It is a pill. It is easy to take. And people who suffer from cancer, people who have anorexia from chemotherapy, people who suffer from AIDS may use Marinol today to their benefit.

Mr. Chairman, it just challenges the imagination. As a physician, I wrote a lot of prescriptions for morphine for patients who were in pain. I would have never recommended to a patient that they go home and score some opium and smoke it. That would be an inappropriate way for them to deliver the drug.

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This drug is delivered in a humane and compassionate way. It is delivered in a way that deals with the symptoms it is designed to deal with, and we do not explode the drug culture in this country by doing so.

Mr. FARR. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

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

Mr. Chairman, I, too, am a physician from Texas, but I have a little different opinion about Marinol. No doctor that I know of ever prescribes Marinol.

I think marijuana is a helpful medical treatment for the people who have intractable nausea. I would like to point out this is not something strange that we are suggesting here. For the first 163 years of our history in this country, the Federal Government had total hands off, they never interfered with what the States were doing. They interfered only after 1938 through tax law. So this is something new.

The States' rights issue is almost a dead issue in the Congress, but we ought to continue to talk about it, and I am delighted somebody has brought this up.

But if you do have compassion and care for patients, they ought to have a freedom of choice. I think that is what this is all about, freedom of choice.

I would like to point out one statistic. One year prior to 9/11 there were 750,000 arrests of people who used marijuana; there was one arrest for a suspect that was committing terrorism.

Now, that, to me, is a misdirected law enforcement program that we could help address here by at least allowing the States to follow the laws that they already have on the books.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Chairman, in 2001, the FDA approved the pain killer OxyContin, knowing that it had a high probability of being diverted for illicit use. We felt that the gain was worth the risk. The abuse, unfortunately, of OxyContin is now a nationwide epidemic.

In spite of the fact that, unlike OxyContin, there are safe and effective and legal alternatives to smoking pot for pain relief, we are now considering the use of marijuana for its medical purposes.

The active ingredient, as the gentleman from Texas (Mr. BURGESS) pointed out, is readily available in an FDA-approved capsule. This pill delivers THC, it does not carry the dangers inherent with smoking marijuana, nor does it undermine the law enforcement efforts that fight illegal drug use.

Mr. Chairman, the legalization of medical marijuana is simply the first step in a scheme to overturn all the substance abuse laws that we work hard to enforce today. We need to vote ''no'' on legalization of marijuana and its use in America.

Mr. WOLF. Mr. Chairman, I yield 1 minute of the 3 minutes to the gentleman from California (Mr. OSE)

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

Mr. Chairman, I rise in absolute, 100 percent opposition to this amendment. I have listened to the arguments of my friends from Texas and my friend from California in one case and my friend from California in the other, and I have to say that their argument on States' rights is a unique application as it relates to so-called ''medical marijuana.'' But I have not yet heard a single bit of testimony dealing with whether or not there is any medical value to the application of marijuana in this case.

Now, the so-called phrase ''medical marijuana'' is a misnomer. It was invented by the people who passed the proposition in California that, frankly, hoodwinked the voters of California into voting in favor of it. But I just want to run through a couple of things here.

The FDA looks at all sorts of prescription drugs and pharmacological treatments, and they have looked at marijuana, and by and large, we have deferred to the FDA on all these analyses. But, all of a sudden, when it comes to so-called ''medical marijuana,'' the FDA is no longer competent. But I do want to enter into the RECORD that the FDA, in fact, did look at marijuana as a medical substance and found absolutely no value whatsoever to its use.

Now, the FDA has, in fact, looked at Marinol, in which the active ingredient in so-called ''medical marijuana'' is present, THC, and has approved that for use in treating nausea and pain and the like, and it is readily available by prescription, a true prescription, from a doctor.

Let us dwell for a minute in California, which I am familiar with, on this so-called ''medical marijuana'' and the facade that people go through to obtain it.

First of all, the referendum requires that a doctor issue a so-called prescription. However, the doctor refuses to issue a prescription on a prescription form for so-called medical marijuana. They write it on a piece of blank paper, because the doctors know that it is not a prescription, it is a facade perpetrated upon the people of California that this has any medical qualities whatsoever.

Now, my friend from Indiana is going to share with you the story of a tragic occurrence in San Francisco, and I am not going to jump the gun on him, because this is absolutely heartbreaking, what he is going to tell you. But I do want to tell you, that incident is not singular in nature.

The fact of the matter is we have children, young people across this country, watching you and me and our peers across this country as it relates to the use of so-called medical marijuana, and if you think for one minute that they are going to turn a blind eye to our acquiescence, that just because it happens to be a little bit difficult to tell people ''No, you are not going to be able to smoke dope,'' just because it happens to be a little bit difficult to tell people that, that we are going to roll over and pass this prohibition on funds, just begs the imagination about what leadership really constitutes.

Mr. WOLF. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Virginia has the right to close.

PARLIAMENTARY INQUIRY

Mr. FARR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FARR. Mr. Chairman, I thought the author of the amendment has the right to close.

The CHAIRMAN. The chairman of the subcommittee, controlling time in opposition to the amendment, has the right to close.

The gentleman from California (Mr. FARR) has 1¾ minutes remaining, and the gentleman from Virginia (Mr. WOLF) has 4 minutes remaining.

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

Ms. WOOLSEY. Mr. Chairman, I rise in support of this amendment because my mother had glaucoma and we bought her marijuana because it was a relief, and that was before this bill was passed in the State of California.

I support this amendment because it respects State authority, because the people in our State believe medical marijuana is a way to relieve those suffering from cancer, from glaucoma, from AIDS, from spastic disorders and other debilitating diseases.

This amendment will do only one thing: It will stop the Justice Department from punishing those who are abiding by their State laws. It changes no law.

Mr. Chairman, I ask my colleagues, support this amendment so that those who suffer from debilitating diseases can get the relief that they need, and they can get it without fear of the Federal Government.

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

Mr. Chairman, I would like to respond to the comment of the gentleman from Virginia (Mr. WOLF). I am going to read here that in the State of California, teen use of marijuana has dropped 34 percent among seventh graders, 44 percent among ninth graders and 21 percent among eleventh graders since the California medical marijuana initiative passed in 1996.

Also, I would like to point out that this is not such a radical amendment. It only affects the States that have State laws, that have the enforcement. We have not heard from law enforcement opposing this. We have heard from the American Nursing Association, the United Methodist Church, the New York Medical Society, the Rhode Island Medical Society, the New England Journal of Medicine, the American Bar Association, the American Public Health Association and the Episcopal Church. They all support this amendment.

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

The CHAIRMAN. The gentleman is recognized for 4 minutes.

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

Mr. SOUDER. Mr. Chairman, first, do not let any Member kid themselves; if you cannot enforce a Federal law, you do not have a Federal law. This would eliminate our ability to enforce marijuana laws in States that have passed this.

My friend from California alluded to a very sad case in the State of California. When we as Members use phrases like ''medical marijuana'' and responsible officials imply that drugs like marijuana are medical, tragedies like this happen.

Irma Perez, age 14, the late Irma Perez, was overdosing on Ecstasy. Her friends had heard that marijuana was medical, and instead of getting her to a doctor, where they said she would have been saved, they gave her marijuana on top of her Ecstasy and she died.

When we have silly debates like this, quite frankly, we bear responsibility. Yesterday, in Ohio, six people died, including a family of four, two adults and two children, when a young person on marijuana and alcohol collided into a truck that hit two other vehicles and killed six people.

If you have medical marijuana laws, like has happened in a court case in the State of Oregon, drug testing laws for truck drivers have been thrown out. It is now being appealed higher, but it is not even clear that you can be assured that our congressional drug testing law for truck drivers will stand up, given the way the courts are interpreting this.

In California, we have a doctor that has given 348 patients under this medical marijuana, including for anxiety and restless leg syndrome. In Oregon, we have a doctor who gave it to 4,000 people over the last few years. We have another doctor in California who uses it, we actually had this person at our hearing, for ADD and hyperactivity, even though she admitted she has no evidence that it worked for those things, but she felt it would make them feel better.

You either believe you have an FDA or you do not have an FDA. We hear about all kinds of other things that FDA cracks down on. Either you have a national FDA or you do not have an FDA.

Furthermore, just last week in Oakland, California, they pulled over a group of guys with about 66 pounds of marijuana. They said it was for medicinal purposes. They found where it was coming from, and they found a warehouse. In this warehouse, they found millions of dollars of marijuana where the people started fleeing, and then these advocates of medical marijuana in California said, Oh, it was so medical.

The person who owned the building had already been busted for transporting illegal drugs. He had lost his license as a pawnbroker. But, no, this was medical marijuana. Some estimate that up to 90 percent of the cases, this is the pro-medical marijuana cases, of marijuana use in California, would be classified as medical.

That is why we have letters, and I will include these in the records, from the Community Antidrug Coalition, and Dr. Dean, who coordinates these efforts, says he opposes it; the Fraternal Order of Police; the Partnership for a Drug-Free America, who plead on behalf of the drug treatment and prevention groups in America to oppose this; the Drug-Free America Foundation; and the U.S. Department of Justice, which is concerned that they will not be able to enforce any drug laws if we do not allow the Federal Government to enforce.

We need to defeat this amendment because it is the wrong message to our youth, it is the wrong message to our law enforcement, it is the wrong message to our drug treatment people, it is the wrong message to the people in the streets of their neighborhoods trying to reclaim their often crime-ridden neighborhoods from drug dealers and addicts in their areas, and it is, quite frankly, unconstitutional.

We fought a Civil War over nullification. States do not have the right. If we can have States nullify an existing Federal law, then on what grounds can this not happen under the same precedent, a lack of enforcement on environmental laws, of civil rights laws, of the Americans with Disabilities Act, of any law? Because once a State can nullify a Federal law by saying, We cannot enforce it, you do not have a Federal system.

This is an amendment fraught with difficulties and should be overwhelmingly defeated by both sides for a multitude of reasons.

Mr. Chairman, I include for the RECORD the letters referred to earlier in my statement.

COMMUNITY ANTI-DRUG
COALITIONS OF AMERICA,
Alexandria, VA, July 1, 2004.

Hon. MARK SOUDER,
House of Representatives, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Rayburn House Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 5,000 coalition members that Community Anti-Drug Coalitions of America (CADCA) represents, I am writing to strongly urge you to oppose an amendment to be offered by Representative Maurice D. Hinchey (D–NY) to the Commerce, Justice, State, Judiciary and Related Agencies FY 2005 Appropriations bill which would effectively prohibit enforcement of Federal law with respect to use of ''medical'' marijuana. I strongly urge you to oppose this amendment not only because marijuana is an illegal, addictive Schedule I drug, with no medicinal value, but also because this sends the entirely wrong message to the youth of America.

Marijuana is not a harmless drug: it is the most widely abused illicit drug in the nation. According to the Substance Abuse and Mental Health Services Administration's Treatment Episode Data Set, approximately 60% of adolescent treatment cases in 2001 were for marijuana abuse. Research shows that the decline in the use of any illegal drug is directly related to its perception of harm or risk by the user. Advertising smoked marijuana as medicine sends the wrong message to America's youth—that marijuana is not dangerous. Congressman Hinchey's amendment goes even further by removing the ability of law enforcement officials to enforce Federal law. The efforts of the drug legalization movement, to promote the myth of ''medical'' marijuana and to stifle the efforts of law enforcement agencies to enforce Federal law severely dilutes the prevention efforts that community anti-drug coalitions across America are undertaking to communicate marijuana is dangerous, it has serious consequences, and is illegal.

Congressman Hinchey's amendment is offered under the guise of compassion towards seriously ill patients, when in reality it is a ''Trojan horse'' to legalize marijuana. To date, the FDA has not approved nor has it found any medicinal value in smoked marijuana, which is why it remains a Schedule I controlled substance. Furthermore, in the States that have legalized marijuana for so-called ''medicinal'' purposes, seriously ill, elderly patients are not the only patients receiving marijuana—children are also. At a hearing before your Subcommittee on Criminal Justice, Drug Policy and Human Resources, Dr. Claudia Jensen, of Ventura, California, testified that she prescribes marijuana as medicine for adolescents under her care who have been diagnosed with Attention Deficit Disorder (ADD). In a policy statement from the American Academy of Pediatrics stating their opposition to the legalization of marijuana, they state that ''Any change in the legal status of marijuana, even if limited to adults, could effect the prevalence of use among adolescents.'' What kind of a message are the youth of America receiving when doctors willingly give children marijuana—it tells children that marijuana is not a dangerous drug.

Mr. Chairman, I strongly urge you to help us protect our nation's youth and oppose any and all amendments limiting the enforcement of the Federal law pertaining to marijuana use. Thank you for considering my views.

Sincerely,

ARTHUR T. DEAN,
Major General, U.S. Army, Retired,
Chairman and CEO.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, July 6, 2004.

Hon. MARK SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our strong opposition to an amendment which may be offered to H.R. 4754, the appropriations measure for the Departments of Commerce, Justice, State and the Judiciary, which is scheduled to be considered on the House floor this week. The amendment, which was offered last year by Representative Maurice D. Hinchey (D–NY), would effectively prohibit enforcement of Federal law with respect to marijuana in States that do not provide penalties for the use of the drug for so-called ''medical'' reasons.

In these States, Federal enforcement is the only effective enforcement of the laws prohibiting the possession and use of marijuana. Federal efforts provide the sole deterrent to the use of harder drugs and the commission of other crimes, including violent crimes and crimes against property, which go hand-in-hand with drug use and drug trafficking. Federal investigations of marijuana producers also serve to disrupt larger drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals for methamphetamines, and in the Sate of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin on many of our nation's streets.

Such an amendment threatens to cause a significant disruptive effect on the combined efforts of State and local law enforcement to reduce drug crime in every region of the country. On behalf of the more than 318,000 members of the Fraternal Order of Police, we urge its defeat. If I can be of any further help on this issue, please feel free to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

PARTNERSHIP FOR A
DRUG-FREE AMERICA,
New York, NY, July 7, 2004.

Hon. FRANK WOLF,
Chairman, House Subcommittee on Commerce, Justice, and State, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is to express our opposition to an amendment being proposed to the Commerce, Justice, State FY 2005 appropriations bill, scheduled for consideration today. Congressman Maurice Hinchey is proposing an amendment that again seeks to prohibit the enforcement of

federal law pertaining to marijuana in states that have decriminalized the use of marijuana for medicinal application. The proposed amendment is likely to have the unintended effect of handicapping federal law enforcement agents from enforcing all laws pertaining to marijuana use and trafficking. Therefore, we encourage you and members of the committee to oppose this amendment.

The issue of medical applications of smoked marijuana is one for the medical and scientific communities to evaluate. As you know, state-based referenda on this issue are not homegrown initiatives, but rather are being driven and financed by a handful of national organizations that seek to legalize marijuana and other drugs. The position of the medical community is quite clear on this issue. The American Medical Association, for example, calls for further adequate and well-controlled studies of smoked THC for serious medical conditions, but the AMA recommends that marijuana be retained in Schedule I of the Controlled Substances Act pending the outcome of such studies.

The last thing we need to do is making marijuana more available on the streets of America. Please ensure that federal law enforcement officials can enforce federal laws relevant to marijuana.

Thank you for your consideration.

Sincerely,

STEPHEN J. PASIERB,
President, Chief Executive Officer.

NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS COALITION,
West Covina, CA, July 1, 2004.

Hon. MARK SOUDER,
Chairman, Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SOUDER: I am writing on behalf of the forty state narcotic officers associations and more than 60,000 state and local law enforcement officers that are represented by the National Narcotic Officers' Associations' Coalition (NNOAC) to offer our strong opposition to an amendment that will be offered in the United States House of Representatives that would effectively prohibit the enforcement of Federal marijuana laws in states that do not provide penalties for the use of what has been deemed ''medical'' marijuana.

As you know, despite opposition by the American Medical Association and other credible medical and health organizations, drug legalization activists have chosen to seek the medicalization or legalization of marijuana by relying on the emotions of local voters rather than science based data and the recommendations of the medical community. This reckless approach has resulted in several states adopting medical marijuana laws and relying on public emotion rather than science to approve crude, smoked marijuana for medical use. This action has circumvented the patient protections provided in the Pure Food and Drug Act, which have served to keep Americans safe from dangerous or untested remedies since it was enacted in 1906.

Because marijuana enforcement by Federal officials is now the only effective enforcement of the marijuana laws in several states where medical initiatives have all but legalized the drug, the passage of this amendment would have disastrous results. This enforcement of marijuana laws provides a strong deterrent to the use of marijuana, which also helps reduce the use of hard drugs and the resulting property and violent crimes. Enforcement also sends a strong message to our young people that marijuana use is dangerous and unacceptable. And finally, law enforcement provides a social stigma to marijuana use that helps to prevent the normalization of drug use. Without this enforcement, many people will be lured into believing that marijuana use is safe and poses no threat of addiction.

Federal investigations of marijuana cultivators also serve to disrupt larger drug trafficking organizations, particularly in the state of California, where marijuana is sometimes traded for precursor chemicals for methamphetamine into the state of Washington, which is a significant gateway for high potency marijuana that can sell for the same price as heroin. The HINCHEY Amendment threatens to cause a significant disruptive effective on state and local law enforcement of both drug laws and of other crimes affecting public safety in states where it would apply.

The members of the NNOAC strongly encourage you and your colleagues in the Congress to support their local law enforcement officers, health-care workers, educators, and community anti-drug activists, who are dedicated to working towards safe drug free communities by vigorously opposing this dangerous amendment. The passage of the HINCHEY Amendment would have a catastrophic effect and would result in increased drug use and related violence, marijuana related DUI collisions, lost productivity and work place accidents.

Please accept the thanks of our 60,000 members for all that you and your colleagues do to support law enforcement and to help us keep this great nation safe and drug free.

Sincerely,

RONALD E. BROOKS,
President.

JULY 6, 2004.

DEAR REPRESENTATIVE: I have dedicated the past three decades to fighting the war on drugs and as such, I am urging you to oppose the Hinchey-Rohrabacher amendment because of the staggering effect it will have on society.

I have helped form public policy in the United States' campaign against drugs through participation in the White House Conference for a Drug Free America, as a member of the Governor's Drug Policy Task Force in Florida and as a board member of DARE Florida (Drug Abuse Resistance Education.) I presently reside in Rome while my husband serves as the United States Ambassador to the Republic of Italy.

With this experience, I can tell you that drug legalization efforts abound today in the United States with deceptive campaigns that exploit the sick and dying. Medical excuse marijuana is the most common tactic used by legalization proponents. This new amendment intends to prohibit the U.S. Justice Department (including the DEA) from interfering with state medical excuse marijuana laws. If passed, the pro-drug lobby will once again undercut the federal government.

In reference to using the medical marijuana excuse, there has never been controversy about the use of purified chemicals in marijuana to treat any illness; however, marijuana cigarettes are not medicine. The false portrayal of smoked marijuana as a helpful medicine has contributed to the increased use of marijuana and other drugs by young people. Sixty percent of youths in drug treatment today are there for marijuana addiction.

In areas where medical excuse marijuana is legal, people are toking up under the guise of treating conditions such as premenstrual syndrome, athlete's foot and migraines. The Institute of Medicine (IOM), found marijuana effective in addressing symptoms of nausea, appetite loss, pain and anxiety. However, the same report concluded that, ''smoked marijuana is unlikely to be a safe medication for any chronic medical condition.''

Our nation is under attack by extremely well-financed groups, whose sole intention is to profit from drug legalization. They don't care about civil liberties or our nation's children. They only care about getting rich at the cost of a deteriorated society. They frequently use compassion for the sick and dying as one of their manipulative tactics to normalize drug use. These groups would like nothing more than to eliminate governmental regulation. It is imperative that state government be accountable to federal government, especially when it comes to drug policy.

As a drug prevention and policy expert, caring mother and grandmother, I urge you—do not vote for the Hinchey-Rohrabacher amendment.

Sincerely,

BETTY S. SEMBLER,
Founder and Chair,
Drug-Free America Foundation.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 7, 2004.

Hon. FRANK WOLF,
Chairman, Subcommittee on Commerce, Justice, State, and the Judiciary, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice would oppose any amendment to appropriations legislation preventing the Justice Department or the Drug Enforcement Administration (''DEA'') from enforcing the Controlled Substances Act with respect to marijuana either generally or in specified States. Any such limitation would interfere with the protection of public health and safety against marijuana, which is dangerous to both users and non-users and is the most widely abused illicit drug in America. Moreover, a provision applying only to certain States would unfairly and inappropriately prevent uniform enforcement of Federal law nationwide.

Marijuana is a widespread health and social concern. More young people are currently in treatment for marijuana dependency than for alcohol and all other illegal drugs combined, and mentions of marijuana use in emergency room visits have risen 176 percent since 1994, surpassing those of heroin. Marijuana also can have a dangerous impact on non-users, as demonstrated by the problem of drugged driving. Marijuana affects alertness, concentration, perception, coordination, and reaction time—skills that are necessary for safe driving. Use of marijuana and other illicit drugs also comes at significant expense to society in terms of lost productivity, public health care costs, and accidents. Accordingly, the Justice Department and the DEA continue to vigilantly enforce Federal laws against marijuana trafficking. Any limitation on enforcement of the Controlled Substances Act with respect to marijuana would jeopardize our efforts to continue reducing youth drug use and to protect the public.

The same considerations are important for persons who, contrary to controlling Federal law, would use smoked marijuana for purported medical purposes. States are free to define criminal acts and impose corresponding penalties, under State law, in the manner they see fit. However, it does not follow that the absence of penalties in a particular State for marijuana use in these circumstances ''legalizes'' conduct that remains clearly illegal under the Controlled Substances Act. Moreover, this issue is not only one of legal form; it also is a compelling problem of public health and safety. Smoked marijuana has not been approved for use

under the rigorous Federal drug approval process conducted by the Food and Drug Administration (''FDA''), which prohibits drugs from being sold or distributed in interstate commerce as medicine unless they have been proven in sound clinical studies to be both safe and effective for their intended use. To date, no sound scientific study has shown that smoking marijuana is safe and effective for any disease or condition. The Institute of Medicine has concluded that ''[t]here is little future in smoked marijuana as a medically approved medication,'' and the British Medical Association linked its use to greater risk of heart disease, lung cancer, bronchitis, and emphysema. The DEA, in conjunction with the FDA, has approved and will continue to approve research into whether discrete ingredients of marijuana can be adapted for medical use. However, with respect to smoked marijuana, the clear weight of evidence is that it is not medicine—it is harmful.

Finally, any amendment that would restrict enforcement and prosecution in certain specifically named States, but not in others, would prevent the Department of Justice from uniformly enforcing the law throughout the United States. As a practical matter, residents of States listed in such an amendment would be exempted from Federal enforcement and persecution for cultivation, distribution, and use of marijuana in certain circumstances, while residents of other States would continue to face potential criminal liability for precisely the same conduct. We also note that the amendment would effectively establish a classification among residents of different States with respect to the enforcement of the Federal drug laws. Consequently, Federal persecution of persons in non-covered States for marijuana-related drug violations potentially could be subject to challenge under the equal protection requirements of the Due Process Clause of the Fifth Amendment, particularly in States that may enact future medical marijuana laws that are not covered by the language of this provision.

Again, the Department of Justice opposes any amendment restricting enforcement of the Controlled Substances Act. We appreciate your continued support of our efforts to continue meeting the goals of the President's strategy to reduce youth drug use in America.

If we may be of further assistance in this matter, please do not hesitate to contact us. The Office of Management and Budget has advised that there is no objection to this report from the standpoint of the Administration's program.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Ms. PELOSI. Mr. Chairman, I rise in support of this amendment offered by my colleagues SAM FARR, DANA ROHRABACHER, MAURICE HINCHEY, AND RON PAUL, and I salute their courage in bringing it to the House floor.

This amendment to the Fiscal Year 2005 Commerce, Justice, State, and Judiciary Appropriations bill would prohibit the Justice Department from spending any funds to undermine state medical marijuana laws. It would leave to the discretion of the states how they would alleviate the suffering of their citizens.

Eleven states, including my home state of California, have adopted medical marijuana laws since 1996. Most of these laws were approved by a vote of the people. More than 70 percent of Americans support the right of patients to use marijuana with a doctor's recommendation.

I am pleased to join organizations that support legal access to medical marijuana, including the American Academy of Family Physicians, the American Bar Association, the American Nurses Association, the American Public Health Association, and the AIDS Action Council.

Religious denominations supporting legal access to medical marijuana or state discretion on this issue include the Episcopal Church, the Evangelical Lutheran Church, the National Council of Churches, the National Progressive Baptist Convention, the Presbyterian Church, the Union for Reform Judaism, the United Church of Christ, the Unitarian Universalist Association, and the United Methodist Church.

Proven medicinal uses of marijuana include improving the quality of life for patient with cancer, multiple sclerosis, and other severe medical conditions.

In my city of San Francisco, we have lost nearly 20,000 people to AIDS over the last two decades, and I have seen firsthand the suffering that accompanies this awful disease. Medical marijuana alleviates some of the most debilitating symptoms of AIDS, including pain, wasting, and nausea.

In 1999, the Institute of Medicine issued a report that had been commissioned by the Office of National Drug Control Policy. The study found that medical marijuana ''would be advantageous'' in the treatment of some diseases, and is ''potentially effective in treatment pain, nausea, and anorexia of AIDS wasting and other symptoms.''

To fight the war on drug abuse effectively, 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.

Again, I commend Mr. FARR, Mr. ROHRABACHER, Mr. HINCHEY, and Mr. PAUL for their leadership on this issue, which affects the health and well-being of so many Americans.

Mr. KUCINICH. Mr. Chairman, I rise to support the Farr/Rohrabacher/Hinchey amendment, which will end federal raids on medical marijuana patients and providers in states where medical marijuana is legal.

Despite marijuana's recognized therapeutic value, including a National Academy of Sciences' Institute of Medicine report recommending its use in certain circumstances, federal law refuses to recognize its medicinal importance and safety. Instead, federal penalties for all marijuana use, regardless of purpose, includes up to a year in prison for the possession of even small amounts.

But since 1996, eight states have enacted laws to allow very ill patients to use medical marijuana in spite of federal law. The present administration, however has sought to override such state statutes, viewing the use of marijuana for medicinal purposes in the same light as the use of heroin or cocaine. In 2002, federal agents raided the Wo/Men's Alliance for Medical Marijuana or WAMM, an organization that under California state law legally dispensed marijuana to patients whose doctors had recommended it for pain and suffering. Eighty-five percent of WAMM's 225 members were terminally ill with cancer or AIDS.

The federal government should use its power to help terminally ill citizens, not arrest them. And states deserve to have the right to make their own decisions regarding the use of medical marijuana. I strongly urge my colleagues to support this amendment.

The CHAIRMAN. All time has expired on this amendment. The question is on the amendment offered by the gentleman from California (Mr. FARR).

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

Mr. FARR. 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. FARR) will be postponed.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER PRO FORMA AMENDMENT BY CHAIRMAN AND RANKING MEMBER TO EACH AMENDMENT MADE IN ORDER DURING FURTHER CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4754 in the Committee of the Whole pursuant to House Resolution 701 and the order of the House of earlier today, the chairman and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to each amendment for the purpose of further debate.

□ 2030

The Speaker pro tempore (Mr. OSE). 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, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 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. 4754.

□ 2031

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