

It is my understanding that the matter is being addressed in the State Department authorization bill, which recently passed the House. I hope that we can continue to allow the authorizers to address this issue and would hope that the gentleman, in that light, could withdraw his amendment at this time.

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

Mr. SMITH of New Jersey. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, I appreciate the comments of the chairman. And I recognize the considerable gains made in the State Department authorization bill.

Mr. CROWLEY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from New York (Mr. CROWLEY) is withdrawn.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. HANSEN) assumed the chair.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The Committee resumed its sitting.

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

Mr. Chairman, I yield to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to thank the distinguished gentleman for yielding.

Mr. Chairman, I want to address to the chairman, as a father of two young daughters, on June 7 of this year, Mr. Chairman, the House overwhelmingly passed my bill, H.R. 1915, known as Jennifer's Law.

The bill was inspired by the disappearance in 1993 of a young Long Island woman named Jennifer Wilmer, who is still missing.

The bill would provide \$2 million for grants to States to collect and input information on unidentified victims in a national database to assist in the location of missing persons, providing law enforcement officials with the tools to identify missing persons reported as unidentified and so as to close many unsolved cases.

I am wondering if I could ask the distinguished chairman of the committee if he would provide assistance in ensuring that we can fund this important program.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman from New York (Mr. LAZIO) on his leadership on this issue.

I understand that the bill has a very good chance of being signed into law this year. My bill provides \$60 million for grants authorized by the Crime

Identification Technology Act of 1998 for grants to upgrade information and ID technologies.

I believe that the authorizing legislation would include information systems like Jennifer's Law when enacted that would be covered by this grant program.

I would be happy to continue to work with the gentleman from New York (Mr. LAZIO) on this issue.

Mr. LAZIO. Mr. Chairman, if the gentleman would continue to yield, I just want to thank the chairman for his pledge to collaborate. Based on his legislative skills and his reputation, I think we can take that to the bank.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL:

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

#### TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a)(1) None of the funds provided under this Act for grants authorized by section 102(e) of the Crime Identification Technology Act of 1998 in the item relating to "DEPARTMENT OF JUSTICE—Community Oriented Policing Services" may be used to provide funds to a State that has not certified on a quarterly basis to the Attorney General that 95 percent or more of the records of the State evidencing a State judicial or executive determination by reason of which a person is described in paragraph (2) are sent to the Federal Bureau of Investigation to support implementation of the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Protection Act.

(2) A person is described in this paragraph if the person is described in paragraph (1), (2), (3), (4), (8), or (9) of subsection (g) or subsection (n) of section 922 of title 18, United States Code.

(b) The Attorney General may prescribe guidelines and issue regulations necessary to carry out this section.

(c) This section shall take effect on the date that is 180 days after the date of the enactment of this Act.

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

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

Mr. DINGELL. Mr. Chairman, the amendment is simple. It will ensure that the National Instant Criminal Background Check System, NICS, will catch more criminals and it will ensure that the system works properly as the Congress intended.

The Instant Check System took 5 years to build and cost roughly a quarter of a billion dollars of the taxpayers' money. However, despite the time and money expended, the system is not working.

The FBI has stated that 1,700 prohibited purchasers have received firearms because the Federal system does not have all the records it needs.

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The New York Times reports that Colorado has stopped using the Federal system because it is incomplete. States

are not carrying out their responsibilities under this. The amendment would fix these problems. Quite simply, it would require States to certify quarterly that 95 percent of all available records are in the national criminal database. By demanding accountability from the States, the Congress will ensure that FBI background checks will be complete, accurate and thorough. If that can be accomplished, fewer criminals will slip through the cracks and the national system of instant checks will work.

I would like to think of my amendment as putting "instant" back into instant check. There will be more records, better records and citizens will not face unnecessary delays. This is how the Congress intended it to work.

Mr. Chairman, I yield to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I would simply say that I very much agree with the intent of the gentleman's amendment and I hope that it can be accomplished.

Mr. DINGELL. I thank my good friend for his comments.

Mr. Chairman, I am happy to yield to my distinguished friend from New York.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to stand with the gentleman from Michigan and to express my support for improving the National Instant Check System.

Just this week the State of Colorado announced its intention to return to a State-based instant check system because of a deadly mistake that occurred under the Federal instant check system. In June, Simon Gonzalez, who should have been prevented from buying a firearm, was able to buy a gun. After buying the gun, he used it to kill his three sleeping children. It is clear that we need a better instant check system.

Do not get me wrong. The National Instant Check System has been an important tool in keeping guns out of the hands of felons. Since November last year, when the system was started, 50,000 prohibited persons have been stopped from purchasing firearms. But we can do better.

I look forward to working with the gentleman from Michigan to ensure that our instant check system is improved. In particular, we will be watching to ensure that States and the FBI increase their cooperation and bring the National Instant Check System up to speed.

Mr. DINGELL. I thank the gentleman for her comments.

Mr. Chairman, I yield to my good friend from Kentucky, the distinguished chairman of the subcommittee, for any comments he wants to make. I think desperately we need to make this system work and I would ask his comments.

Mr. ROGERS. Mr. Chairman, I would hope that the gentleman would be withdrawing the amendment.

Mr. DINGELL. I do intend to withdraw the amendment, but I would like to hear the thoughts of the gentleman first.

Mr. ROGERS. I commend the gentleman for taking this active interest in the matter. I will continue to work with the gentleman to ensure that the system works as Congress intended.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to withdraw the amendment and hope that we can do something to make this system work, to make the States participate, and to see to it that the Federal Government does what it is supposed to do to make the system work to catch criminals and to abate the pressure on honest, law-abiding citizens.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KUCINICH: At the end of the bill, insert after the last section (preceding the short title) the following:

#### TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the filing of a complaint, or any motion seeking declaratory or injunctive relief pursuant thereto, in any legal action brought under section 102(b)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3312(b)(2)) or section 102(b)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3512(b)(2)).

The CHAIRMAN. Under the previous order of the House, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

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

Mr. KUCINICH. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. TIERNEY).

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

Mr. TIERNEY. Mr. Chairman, I rise in strong support of the Kucinich/Ros-Lehtinen amendment.

We have a strong and proud tradition in this country of respecting local decisionmaking, particularly when it furthers broad public interests. And those public interests include clean air and water, consumer protections and workers' rights.

A good number of us in this chamber have expressed our concerns about NAFTA because of provisions in that treaty that pose a threat to our national interests in safeguarding our environment and upholding workers' rights. In one instance, a Canadian chemical firm is challenging a California law crafted to protect that state's drinking water. If the company prevails, an important environmental protection would be overturned and U.S. taxpayers would have to foot the bill for any damages awarded.

A similar scenario could also unfold through the World Trade Organization, where a foreign corporation or government can take issue with a local or state law in the United States. A favorable ruling from the WTO would compel the U.S. government to use its resources to overturn the offending local statute. The Kucinich/Ros-Lehtinen amendment would stop the federal government from taking such action, and protect the rights of state and local governments.

As the pace of economic globalization heightens, we should be very wary of sacrificing state and local laws at the altar of ill-defined international investor rights. Free trade should mean fair trade, and fair trade should not trammel the power of state and local governments to act in the public interest.

I urge adoption of the Kucinich/Ros-Lehtinen amendment.

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to divide the time, 2½ minutes for myself and 2½ minutes that would be managed by the gentleman from Florida (Ms. ROS-LEHTINEN).

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

There was no objection.

Mr. KUCINICH. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. SHOWS).

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

Mr. SHOWS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by Representatives KUCINICH and ROS-LEHTINEN, which protects American laws from being overridden by the NAFTA tribunal.

Here's the story:

A Canadian funeral conglomerate, the Loewen Group, was the defendant in a Mississippi lawsuit alleging fraudulent and malicious practices to ruin a local small funeral home operator. The jury found Loewen liable for huge damages.

Now, Loewen is claiming that the Mississippi Court ruling violated protections granted by NAFTA, and is seeking hundreds of millions of dollars in compensation. If the NAFTA tribunal finds in favor of Loewen, then the Justice Department would be obliged to sue the State of Mississippi.

This is nuts!

The Kucinich/Ros-Lehtinen amendment will deny taxpayer funds to the Justice Department for that legal challenge, thereby protecting Mississippi's laws.

We must stand together to protect the sovereignty of American laws. We should not allow American taxpayer dollars pay American lawyers to help a foreign corporation fight American state laws in court.

Support this important amendment!

Mr. KUCINICH. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding time and I support his amendment.

Earlier in the year, California issued a ban on the gasoline additive MTBE which is known to cause cancer. A Canadian company that makes the additive is now attempting to use NAFTA in order to claim \$1 billion in losses, saying their right to make a profit has been diminished, which may force California to consider rolling back the ban.

The question this amendment addresses is the question that this issue addresses, as it is very clear: Should the rights of an investor come before the rights to enact a chemical ban to

prevent cancer? What is happening in these trade laws is that they are rolling back State and local laws all across the country, designed to help the environment, designed to promote human rights, designed to move this country forward on issues that consumers care deeply about.

This is a good amendment. I urge my colleagues to support the Kucinich amendment.

The CHAIRMAN. Who seeks time in opposition to the amendment?

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment and seek the time in opposition.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I do rise in opposition to the Kucinich amendment. The U.S. Trade Representative, Ambassador Charlene Barshefsky, recently wrote a letter expressing her very strong opposition to this amendment. In that letter she said, and I quote, "This is unnecessary and ill-advised."

Mr. Chairman, I could not agree more with what Ambassador Barshefsky said. This amendment is unnecessary. Never in the history of either the GATT, its 50 years, or NAFTA, its 5 years, has the Federal Government brought suit against a State, municipal or local government to enforce a NAFTA or GATT panel decision. Never.

Now, opponents will say, well, if it is unnecessary, why not just go ahead and vote for it? Because, to use the other half of Ambassador Barshefsky's phrase, it is ill-advised. This amendment revisits a question that was resolved by the American people over 200 years ago, the relationship between the regulation of international commerce and the rights of States and local governments to enact their own laws, and we did decide that. In 1789, our Founding Fathers put this argument to rest. We had had the fiasco of the Articles of Confederation where each State could impose its own tariff and tax structure and that was put aside and replaced with, as we know, "a more perfect union."

Article 1, section 8 of the Constitution says, "The Congress shall have the power to regulate commerce with foreign nations and among the several States." Article 6 of the Constitution says the laws and the treaties of the U.S. are the "supreme law of the land." The fact is international agreements are entered into on behalf of the American people, all the American people, not just a single town or State, and they are for the benefit of all Americans, and necessarily they sometimes do preempt State, local and municipal laws.

Our Founding Fathers made that decision a long time ago. We ought not to pass this. I urge my colleagues to defeat this.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE,  
Washington, DC, August 3, 1999.

Hon. JIM KOLBE,  
U.S. House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE KOLBE: I am writing to express my strong opposition to the Kucinich/Ros-Lehtinen amendment to the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for fiscal year 2000. That amendment would prevent the Administration from taking legal action to enforce U.S. international trade and investment obligations at the State and local level. The amendment is unnecessary and ill-advised.

The amendment appears to be founded on a faulty premise. The premise is that dispute settlement panels convened under the World Trade Organization (WTO) and under our other trade and investment agreements have the authority to compel the United States to follow their recommendations and thus will inevitably lead the federal government to sue our State and local governments into compliance. That is simply wrong.

In fact, neither WTO dispute settlement panels, nor the WTO itself, has any power to compel the United States to change its laws and regulations. More specifically, the federal government is under no obligation to sue a State or municipality on the basis of any WTO or other trade panel report. Only the United States can decide how it will respond, if at all, to panel reports.

In fact, trade panel reports are not binding as a matter of U.S. law and cannot form the basis for bringing suit in U.S. Courts. Indeed, federal law (section 102(a)(2)(B)(i) of the Uruguay Round Agreements Act) specifically precludes the federal courts from giving WTO panel reports any special deference.

Global trade rules have been in effect now for over 50 years. Despite scores of panel reports over the past decades, the federal government has never brought suit, or even threatened suit, to enforce a panel report against a state or local government.

Congress has carefully considered the question of federal-state relations under both the WTO and the NAFTA. Federal law today contains elaborate consultation and cooperation requirements to ensure that the Executive Branch will work with, not against, our state and local governments both in dispute settlement proceedings and in carrying out U.S. obligations under our trade agreements. Those arrangements are working well, as our experience with the Commonwealth of Massachusetts demonstrates, where USTR worked closely and cooperatively with Commonwealth of Massachusetts officials in consultations convened by the European Union and Japan last year.

Over the past five years, fully one-third of U.S. economic growth has been tied to our dynamic export sector. American workers and companies depend on open markets around the world. Congress and the Administration have worked very hard, over many decades, to put trade rules in place that open those markets—and to keep them open through effective dispute settlement procedures. The United States is by far the most frequent user of international trade dispute settlement mechanisms. They have benefited U.S. workers and industries across a wide range of sectors, and were put in place at U.S. insistence with our sovereignty concerns fully in mind. No change in U.S. law is needed to ensure that this remains the case.

Sincerely,

CHARLENE BARSHEFSKY.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, in support of the Kucinich/Ros-Lehtinen amendment.

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

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in support of the Kucinich/Ros-Lehtinen amendment.

The States have police power rights under the Constitution that the executive branch of our Nation ought to respect.

If the States are taking action contrary to a U.S. treaty obligation, it is the Congress that should resolve the problem. On the other hand, the parties that are being hurt can sue and get relief. This is not a place for unelected Federal bureaucrats to involve themselves by attacking these laws in the courts.

The Simon Wiesenthal Center backs this amendment. That is because some States have, quite rightly, pressured foreign companies who have unreturned Holocaust-era assets to make restitution to the victims a condition of the granting of the right to do business. These policies may be subject to attack by the executive branch unless this amendment passes.

Accordingly, I fully support the amendment.

Mr. KUCINICH. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of the Kucinich/Ros-Lehtinen amendment so that NAFTA will not force California to have to live with MTBE gasoline additives.

I rise in support of the Kucinich/Ros-Lehtinen amendment because I believe that state and local governments should be able to act to protect the public interest without being unnecessarily restrained by trade agreements.

Increasingly we have seen that international trade agreements like NAFTA and the World Trade Organization, instead of promoting high international standards, can undermine the most basic protections for workers and the environment.

Federal laws to protect clean air and endangered turtles have been weakened to comply with WTO rulings, and numerous state and local laws are currently threatened. In California alone, 95 laws have been identified as potentially "WTO illegal" by the Georgetown University Law Center.

Just last month, a Canadian company initiated a NAFTA suit against the state of California's phase out of MTBE, a gasoline additive that has polluted water supplies nationwide. If the Canadian company succeeds, the federal government could sue California to change its law. This amendment would deny funding for that type of lawsuit and thereby protect state and local laws.

I think that California, like other states, has a legitimate right to protect the health of its citizens and should not be subject to a lawsuit for this action.

Unfortunately, this lawsuit against California's action is just the tip of the iceberg. The laws of many other states and local governments could be challenged next. Potentially trade-illegal are laws to promote recycled materials, encourage the purchase, of local or American goods, and protect human rights.

I urge my colleagues to support the Kucinich/Ros-Lehtinen amendment to ensure that all levels of government are able to act in the public interest without the threat of trade lawsuits.

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

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

Mr. KUCINICH. Mr. Chairman, the Kucinich Ros/Lehtinen amendment protects State and local laws and sovereignty.

The past year has proven that State and local laws are under assault by means of NAFTA and the World Trade Organization. In the past year, foreign corporations have challenged laws in Mississippi and California, claiming that the States violated NAFTA's chapter 11 foreign investor rights.

In Mississippi, a Canadian-based funeral conglomerate is seeking hundreds of millions of U.S. taxpayer dollars in compensation. In California, a Canadian chemical company is challenging a State ban prohibiting the use of a harmful gasoline additive on the grounds that the Canadian company will lose future profits as a result of the ban. The State of New Jersey has enacted "buy local" materials requirements for the construction of public works projects that the European Union says is WTO illegal.

California, Connecticut, Illinois, Indiana, Iowa, Massachusetts, New Hampshire, New York, Ohio and West Virginia have adopted tax regulations so that foreign-owned corporations would pay their fair share of taxes. The European Union says this is WTO illegal.

Is Congress prepared to allow the States to be the subject of an assault by foreign corporations and nations? This amendment says "no."

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. CRANE), the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means.

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

Mr. CRANE. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. KUCINICH). As chairman of the Committee on Ways and Means Subcommittee on Trade, I oppose this amendment because of the damaging effect it would have on U.S.

firms and workers whose success in export markets depends on a system of fair and transparent international trade rules.

The WTO has no power to compel a change in United States Federal law or regulation or a State law or regulation. Any decision to comply with a WTO panel report is solely an internal decision of the United States. As a practical matter, this means Congress and the administration can choose to act, but only in close consultation with the States, as is required under legislation Congress passed enacting the Uruguay Round Trade Agreements and NAFTA. My colleagues should recall that Congress gave careful consideration to the interests of the States when it implemented these trade agreements.

As the world's largest exporter and the greatest beneficiary of a fair and transparent set of trade rules, the U.S. cannot afford to allow a conflicting web of international trade rules at the local level. Unless trade sanctions are well-conceived and imposed in a uniform manner, consistent with our international trade obligations, the result will be a hodgepodge of trade sanctions that tells our trading partners that the U.S. does not intend to respect the international trade agreements it signs.

I urge a "no" vote on the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio, Mr. KUCINICH.

This amendment would prohibit the use of funds appropriated by this bill to challenge a State law on the grounds that it is inconsistent with the Uruguay Round Trade Agreement or NAFTA. This is an antitrade, anti-export amendment that would encourage States and localities to enact legislation imposing trade sanctions on trading partners, in violation of our international obligations.

The House defeated this amendment soundly when it was offered last Congress to H.R. 4276 and I urge strong defeat tonight.

As chairman of the Ways and Means Trade Subcommittee, I oppose this amendment because of the damaging effect it would have on United States firms and workers whose success in export markets depends on a system of fair and transparent international trade rules. By denying the authority of the Federal Government to take legal action to enforce international trade obligations of the United States, the amendment gives free reign to those supporting the proliferation of ad hoc trade sanctions at the State and local level.

The Founding Fathers were clear in their view that local communities are not in a good position to legislate on international trade and foreign policy matters. The need for uniformity among the States in the conduct of international trade is enshrined in Article I, section 8 of the Constitution, which grants Congress the authority "to regulate commerce with foreign nations." As Daniel Webster described, "the prevailing motive (of Article I, section 8) was to regulate commerce; to rescue it from the embarrassing and destructive consequences resulting from legislation of so many States, and to place it under the protection of a uniform law." In cases where there is

a conflict between an act of Congress that regulates commerce, and state or local legislation, Federal law enjoys supremacy.

The proponents of this amendment seek to establish the ability of States and localities to pass legislation prohibiting their agencies from procuring goods and services from foreign companies that do business with target countries. The case they often cite is a Massachusetts law sanctioning companies that do business with Burma. It should be mentioned that the Federal District Court has ruled that the Massachusetts Burma law is an impermissible intrusion into areas reserved for the federal government. The First Circuit Court of Appeals upheld this decision.

Mr. Chairman, I would like to include in the RECORD a letter we received from Ambassador Charlene Barshefsky opposing this amendment. She points out that the Kucinich amendment is founded on a faulty premise. This faulty premise is that dispute settlement panels convened under the WTO have the authority to compel the Federal Government to sue State and local governments into compliance with the WTO. This is simply incorrect.

The WTO has no power to compel a change in United States federal law or regulation or a state law or regulation. Any decision to comply with a WTO panel report is solely an internal decision of the United States. As a practical matter, this means Congress and the Administration can choose to act, but only in close consultation with the States, as is required under legislation Congress passed enacting the Uruguay Round Trade Agreements and NAFTA. My colleagues should recall that Congress gave careful consideration to the interests of the States when it implemented these trade agreements. The fact of the matter is that during the 50 years of operation of the GATT/WTO trading system, the federal government has never brought suit against a state or locality, or even threatened a suit, to enforce a panel report.

As the world's largest exporter and the greatest beneficiary of a fair and transparent set of trade rules, the United States cannot afford to allow a conflicting web of international trade rules at the local level. Unless trade sanctions are well-conceived and imposed in a uniform manner, consistent with our international trade obligations, the result will be a hodgepodge of trade sanctions that tells our trading partners that the United States does not intend to respect the international trade agreements it signs.

I urge a "no" vote on the amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this amendment seeks to prevent the use of taxpayer funds to defend the interests of foreign companies and governments against our own States and municipalities and laws that are aimed at protecting the American people.

This amendment is in keeping with the commerce clause in the Constitution and with the Uruguay Round Agreements Act of 1994. Through the WTO, several doctrines which the U.S. Supreme Court has recognized govern the stewardship of property and natural resources are directly threatened. Even free speech in the form of consumer choice campaigns is being threatened. At immediate risk are laws

that various State legislatures have passed or are considering against Swiss banks that have held assets stolen from Holocaust victims. NAFTA has also become a tool of choice by corporations such as the Canadian firm Methanex which is petitioning for a NAFTA tribunal to overturn a California law which bans certain gasoline additives because it poisons the drinking water. My own State of Florida, which has enacted inspection requirements, is facing possible NAFTA and WTO challenges.

Are my colleagues to allow families' health and that of our children, our friends and neighbors to be threatened because of foreign bureaucrats? I ask my colleagues to support our amendment.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. OXLEY).

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

Mr. OXLEY. Mr. Chairman, I rise in opposition to the Kucinich amendment.

The Kucinich-Ros-Lehtinen amendment would prohibit the federal government from challenging state or local laws that are inconsistent with U.S. treaty obligations. The purpose of the amendment is to protect unconstitutional trade sanctions levied by localities and states against foreign nations.

In recent years, there has been a proliferation of economic sanctions enacted by municipalities and states against foreign countries. These laws are in direct conflict with the U.S. Constitution, in that they interfere with the federal government's exclusive authority to conduct foreign policy and regulate foreign commerce.

A key element of U.S. foreign policy is the ability of the federal government to influence the actions of foreign governments through the use of very powerful tool: the withholding of United States economic engagement. The federal government must have a cohesive and coherent policy in order to bring this power to bear.

The future of our economic prosperity in the global market depends on the United States having balanced trade relations with foreign nations. We must confront rogue nations, not as fifty states or countless municipalities, but as a strong, unified nation with a clear foreign policy agenda. The Kucinich/Ros-Lehtinen amendment would undercut these goals by promoting state and local infringements on federal foreign policy making.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN).

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

Mr. PORTMAN. Mr. Chairman, I strongly oppose the Kucinich amendment.

Make no mistake about it, Mr. Chairman, this is nothing but a back-door attempt at protectionism.

Think about what would happen if we pass this amendment. We would let our cities and states and counties decide what our trade policy is. We would be setting up the same kind

of protectionism and breaking down the kind of standards that we have fought so hard to protect under the World Trade Organization and under the GATT.

We're having enough trouble getting other countries to keep their markets open. Think about their response if we were to enact this amendment.

Those other countries whose products are being discriminated against will retaliate against the United States, and they would have every right to do it under the trade agreements we have signed. They would not have the right to do it so long as the U.S. follows the rules. But if we allow our cities and states and counties to break the trade rules we've agreed to, then we give them free license to discriminate against American products and hurt American workers.

I realize there are many in this body who do not like the NAFTA agreement who would like to take some feel-good unilateral actions without suffering any consequences.

I would say to those people—if you don't like NAFTA, let's talk about NAFTA. If you don't like WTO, which was also passed by a Democrat Congress and signed by a Democrat President, then let's talk about it. One-third of the growth of this wonderful economic situation we find ourselves in today is due to exports. If you want to pretend that American workers don't benefit from trade, we can (and will) debate that.

But it's wrong to go around and suggest that—instead of having a national trade policy—we are going to let Cleveland or Cincinnati or San Francisco or Des Moines or any other city determine our nation's trade policy. I'm as pro-federalism as any Member of this body, but I don't believe that city councils, county commissions and state legislatures should dictate our trade policy with other countries. And make no mistake about it, that's what this bill would do.

Let's fight for a fair and free trading system. Let's protect and improve the trading system we have. Reject this senseless amendment.

Mr. KOLBE. Mr. Chairman, I yield 45 seconds to the gentleman from Michigan (Mr. KNOLLENBERG).

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

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

Mr. Chairman, I respectfully rise in strong opposition to the Kucinich amendment. This is clearly an anti-trade, anti-export amendment that would have the effect of encouraging a breakdown in our system of international commerce. The Constitution specifically grants Congress and only Congress the authority to regulate commerce with foreign nations. The authors of the Constitution intended for this section to protect international commerce from the destructive consequences of varying trade legislation across hundreds and hundreds of local and State governments.

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This amendment goes in the other direction. It would effectively take away the ability to conduct foreign policy away from Congress and away from the President.

I would ask everyone in the body, strongly support a no vote on this amendment.

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

Mr. Chairman, I respectfully rise in strong opposition to the amendment offered by my friend from Ohio, Mr. KUCINICH. This is clearly an anti-trade, anti-export amendment that would have the effect of encouraging a breakdown in our system of international commerce.

Article I, Section 8 of the United States Constitution specifically grants Congress, and only Congress, the authority "to regulate commerce with foreign nations."

The authors of the Constitution intended for this section to protect international commerce from the destructive consequences of varying trade legislation across hundreds of state and local governments. As a result of this foresight, in cases where there are conflicts between an act of Congress that regulates international commerce and a state or local law, the federal law prevails.

In order to maintain our international agreements and expand trade opportunities for American workers and businesses, it is essential to uphold this constitutional authority of the federal government.

This amendment, however, proposes to take our country in another direction. This amendment would effectively take the ability to conduct foreign policy away from Congress and the President and place it in the hands of hundreds of state and local governments. Obviously, this would remove the stability of U.S. foreign relations and damage the credibility of the United States in negotiating international treaties. In addition, the stability and predictability of international business relations in the United States would be threatened, angering our allies and forcing them to consider retaliatory actions.

Numerous Congresses and presidents have worked extremely hard to establish trade agreements that open markets around the world and keep them open through effective dispute settlement procedures. These procedures have benefited American workers and companies across many sectors and were put in place at U.S. insistence with our sovereignty concerns fully in mind. This amendment would undermine this system and risk breakdowns in international agreements we have made with our allies.

One third of this country's economic growth is tied to our dynamic export sector and American companies and workers depend on open markets throughout the world. We have made great progress by encouraging the exchange of American values, goods, and services with our trading partners. Now is not the time to reverse this progress by building protectionist walls around the U.S.

I urge my colleagues to support free trade and U.S. engagement throughout the world and oppose this protectionist amendment.

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

Mr. KOLBE. Mr. Chairman, I yield 45 seconds to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Chairman, I rise in strong objection to the amendment. I regret having to do that, but

we tried the other approach; it was called the Articles of Confederation. We gave it up in 1789. My colleagues have heard reference to that. This amendment would jeopardize U.S. trade and international relations around the globe. No longer would our trading partners have any assurance that the agreements they entered into with the United States are safe from being arbitrarily changed or even nullified by any one of our 50 States.

Without the ability to speak as one voice, the United States would lose the leverage it needs in both bilateral negotiations and multilateral rules-based organizations like the WTO to break down foreign barriers to American exports. The resulting impact on American exports and American jobs on these exports would really be severely harmed.

This is a very serious amendment; it is very seriously wrong. I urge my colleagues to reject it.

Mr. Chairman, as the Vice-Chairman of the Committee on International Relations, this Member rises in strong opposition to the Kucinich-Ros-Lehtinen amendment which would prohibit the Federal Government from challenging State and local laws that conflict with valid obligations the United States has made under international agreements including the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA). This amendment strikes at the very ability of the United States Government to negotiate and implement international agreements by allowing individual States to enact their own discriminatory trade and foreign policy laws.

It appears to this Member that the underlying motivation for this amendment is that its principal proponents do not like the WTO and NAFTA and are seeking a back-door way to repeal these beneficial trade agreements behind the guise of protecting State and local laws. This amendment is nothing more than another attempt at protectionism and it comes with very serious and negative constitutional and international relations ramifications.

Article I, Section 8 of the United States Constitution grants Congress, not the individual States, the authority to "regulate commerce with foreign nations." Recognizing the inherent weaknesses of the Articles of Confederation in this regard, the drafters of the Constitution understood the need for uniformity among the States in the conduct of international trade. We tried this approach and abandoned it in 1789. In cases where there is a conflict between an act of Congress that regulates commerce and State or local legislation, Federal law enjoys supremacy. The Kucinich amendment would undermine the Federal Government's ability to challenge State and local laws in court when they conflict with Federal commitments and, therefore, upsets this important constitutional balance.

As fully debated in the House during the consideration of both the WTO and NAFTA, American sovereignty is in no way diminished by these trade agreements. The implementing statutes of both agreements clearly state that panel reports under the World Trade Organization dispute settlement mechanism or under NAFTA are not binding as a matter of U.S. law. Federal law remains supreme and neither

the WTO nor the NAFTA dispute settlement panels have any power to compel any change in U.S. law or regulation. The U.S. Government decides how it will respond, if it responds at all, to WTO and NAFTA panel reports. Indeed, no foreign entity can nullify State or local laws.

Furthermore, in consideration of both the WTO and NAFTA, the Congress established elaborate consultation procedures to protect the interests of the States and to ensure that the States do have a formal role in any international dispute settlement proceeding that affects State laws or policies. Therefore, the Kucinich-Ros-Lehtinen amendment is unnecessary.

The pending amendment could also harm American exports and the jobs these exports support in other ways. For example, with this amendment, Ohio could put in place a self-serving policy that discriminates against Japanese exports in violation of U.S.-Japan trade agreements or the WTO agreement. In response, Japan would likely retaliate against American—not just Ohio—exports. Japan, for example, could target American agricultural products, hurting farmers and agribusiness everywhere from Maine to California. Indeed, the self-serving actions of just one State to make some symbolic political statement or protect a handful of local jobs could jeopardize billions of dollars in key American exports that support tens of thousands of American jobs across the United States.

Mr. Chairman, this amendment radically changes American trade laws. Given the adverse and serious constitutional and international relations implications of this amendment, this Member strongly urges its rejection.

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

The CHAIRMAN. The gentleman from Ohio is recognized for 30 seconds.

Mr. KUCINICH. Mr. Chairman, neither NAFTA nor the Uruguay round of GATT is a treaty. Neither received a two-thirds vote of the other body as the Constitution requires for treaties. Congress can support my amendment, and the U.S. will still be in full compliance with all treaties. We must protect the States from challenges from foreign corporations and countries. Let us stand by our States and stand by our local communities. Vote for the Kucinich-Ros-Lehtinen amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN. The gentlewoman from Florida is recognized for 30 seconds.

Ms. ROS-LEHTINEN. This amendment is not anti-trade. It allows for the negotiation and implementation of trade agreements, and it even allows for constitutional challenges, but it brings that decision within our congressional jurisdiction. We are proud of the support that we have received from many different groups. Public Citizen supports the amendment, Citizen Trade Campaign, United States Business and Industry Council, and the Simon Wiesenthal Center which says that this amendment will have the effect of forcing foreign companies seeking to do business in the United States to comply with the historic responsibility to the victims of the holocaust.

I urge my colleagues to do the right thing and support our amendment.

Mr. KOLBE. Mr. Chairman to close our debate, I yield the balance of my time to the very distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules and champion of free trade under NAFTA.

The CHAIRMAN. The gentleman from California is recognized for 1½ minutes.

Mr. DREIER. Mr. Chairman, at the dawn of the second millennium it was clear that under the system of feudalism that existed in Europe virtually every single township, community, hamlet was able to embark upon negotiations for trade outside of its area. The tragic thing is that the vision that my friend from Ohio (Mr. KUCINICH) has as we are poised for the third millennium is to continue that kind of preposterous policy. This is anti-trade, anti-export at a time when our economy is thriving, because of the fact that we are gaining opportunities in new markets around the world, and the world has access to us. Let us not turn backwards. Vote no on the Kucinich amendment.

Mr. WAXMAN. Mr. Chairman, I rise in strong support of Congressman KUCINICH's amendment to the Commerce-Justice-State Appropriations Bill, which would require the Federal Communications Commission (FCC) to fix the inefficiencies in the way area codes are distributed. It would also allow states to implement their own number conservation plans if the FCC does not act in a timely manner.

The current system for managing numbers is wasteful and illogical, and it has caused a completely unnecessary proliferation of new area codes in California. From 1947 to 1992, California increased the number of area codes to thirteen. It opened a fourteenth area code in 1997 and will almost double that number to twenty-six by the end of this year. If the system is left in place, forty-one area codes will be in existence in the State by 2002. The federal government must exercise leadership and relieve this tremendous burden on consumers.

On May 27, 1999, the FCC adopted a notice of proposed rulemaking to consider ways to improve the efficiency of telephone numbers. Congressman KUCINICH's amendment would simply ensure that the FCC make this rulemaking a priority so that meaningful reforms can be adopted as quickly as possible. I urge my colleagues to vote for this important consumer amendment.

Mr. BROWN of Ohio. Mr. Chairman, I rise in strong support of this amendment.

International trade pacts like NAFTA must not be used as an excuse to put profits over public health and the environment. But that's what NAFTA's Chapter 11 does. It gives corporations the right to challenge our public health laws, environmental laws, even civil jury verdicts as "barriers to trade."

Just ask the residents of California, who don't want the gasoline additive MTBE in their wells, groundwater, and lakes.

MTBE smells and tastes like turpentine and may cause cancer, yet the Canadian corporation Methenex is suing U.S. taxpayers for nearly a billion dollars because under NAFTA

California's ban of MTBE is classified as a barrier to trade.

Mr. Speaker, we were elected to protect the health and well-being of our constituents, not corporations. We need to give our communities the right to enact legislation that protects their well-being, not Wall Street's profits. I urge my colleagues to support the amendment.

Mr. LEVIN. Mr. Chairman, I rise in reluctant opposition to this amendment.

Reluctant because I believe the underlying aim of its sponsors is a positive one.

States and local communities have played an active role in efforts to express and implement their citizens' conscience on a number of vital social, moral and economic issues.

I have been working actively for us to broaden our perspective on trade. As the nature of trade has changed, so has our need to broaden our view beyond the conventional, too-narrow focus.

Trade is about more than just opening foreign countries to our goods and services. It is also about the ways in which countries regulate their labor markets as well as their capital markets, and the discussion of trade policy must take that fact into account. That debate also must include issues of human and environmental resources, as well as intellectual property.

The trouble with the approach in this amendment is that it overreaches, as previous trade policy has underreached.

The struggle to develop a new consensus on trade policies revolves around hammering out national trade policy.

This does not mean there is no role for the States and local institutions. It does mean that it won't work if we end up with 50 or 150 different international trade policies.

In the 50 year history of the GATT, including the more recent era of the WTO, the U.S. Government has never challenged or threatened to challenge a State or local law as violative of world trade agreements.

In fact, on the rare occasions when this issue has arisen in the past, the administration has worked with State, local and foreign governments to reach out-of-court solutions.

Indeed, in enacting the laws that implement the Uruguay Round agreements, we were very careful to establish mechanisms that would ensure a cooperative relationship between the Federal administration and State and local governments on international trade matters. For example, measures in the Uruguay Round agreements act include:

A requirement that the U.S. Trade Representative establish a Federal State consultation process, including procedures for taking into account information and advice from States in formulating positions on matters that directly affect them;

A requirement that USTR notify a State and consult with its legal officers when a foreign government complains about a law of the State;

When a WTO dispute settlement panel holds a State law to be violative of WTO agreements, the USTR must "consult with the State concerned in an effort to develop a mutually agreeable response . . . and shall make every effort to ensure that the State concerned is involved in the development of the United States position regarding the response."

In short, existing law is designed to bring State and local governments into the process



of formulating trade policies that directly affect them, while preserving the Federal Government as the central decisionmaking hub. This division of labor facilitates our ability to deal with our foreign trading partners and encourages that trade policy makers take into consideration the interests of all Americans.

I understand the desire to send a message on the shortcomings of American trade policy. We also need to consider the form of our message since we are legislators and the consequences of a particular proposal if it were to become law must be taken into account.

The exact language of this amendment says, in sum, that never, under any circumstances, could funds under the act be used by the Government to participate in any legal action, brought by itself or by any other party, where it was argued that a State or local action contravened obligations of the national Government under specified comprehensive international agreements.

This kind of an absolute handcuff on Federal power has been urged in earlier decades on other vital matters. As we fight for a stronger, broader, more relevant American national trade policy, we need to remember the role of State and local initiatives. But we cannot retrogress to an article of confederation in the vital field of national and international economic/trade issues.

Accordingly, I will vote "no" on this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I strongly oppose the amendment offered by Mr. KUCINICH of Ohio, which states that none of the funds made available in this Act may be used by the Overseas Private Investment Corporation to provide any administrative or other support or assistance for any environmentally sensitive Investment Fund Project. This amendment is bad for the American people who will lose the benefits of new exports, jobs and expanding global markets. It is bad for developing countries in need of investment. And finally, environmental concerns are protected by the requirement that OPIC complete assessments and reports in accordance with stringent standards.

Private Sector investment overseas contributes substantially to both the national and foreign policy interests of U.S. citizens. It strengthens and expands the U.S. economy by improving U.S. competitiveness in the international marketplace. It also helps less developed nations expand their economies and become valuable markets for U.S. goods and services, thereby increasing U.S. exports and creating U.S. jobs.

OPIC has a broad base of clients from virtually every state and industrial sector. In Texas, there has been \$5 billion in OPIC financing and insurance commitments for projects sponsored by Texas companies, \$5 billion in U.S. exports generated by Texas Projects and 18,757 American jobs created by Texas projects. In the last five years, OPIC committed projects identified \$1 billion in goods and services that they will buy from Texas suppliers, 60% of which are small Texas businesses. These exports will create 4,515 local jobs in Texas.

This amendment is bad for developing countries. The Overseas Private Investment Corporation is an independent U.S. government agency that sells investment services to assist U.S. companies investing in some 140 emerging economies around the world.

Emerging economies need assistance in strengthening and in many cases building proper infrastructure for successful trade. These projects may involve waterways, land, trees, mountains and the atmosphere. Development of roads, railways, power sources, telecommunications and other necessary projects are all potentially environmentally sensitive. We can not stop our efforts to assist developing economies as they become competitive and enter the global marketplace. We must support these developing economies.

The House of Representatives recently passed the African Growth and Opportunity Act supporting an expanded global marketplace. We agreed that sub-Saharan Africa with its emerging economies offer a potential 700 million new consumers for our goods and products. The inclusion of developing countries into the broader market has been proven as an effective development tool. Viable infrastructures are mandatory. OPIC funding should not be hampered.

This amendment is bad for the environment. OPIC's fund investments must meet stringent environmental standards which are higher than any other bilateral export credit, investment or insurance agency in the world. Environmentally sensitive fund investments undergo a complete environmental impact assessment. Environmentally sensitive fund projects meet OPIC obligations to mitigate potential environmental harm.

I do not support any action that will reverse U.S. commitment to the expansion of the global marketplace and the continuation of our economic prosperity. I urge my colleagues to oppose this amendment.

The CHAIRMAN. All time has expired.

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

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

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

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at the end of the bill, the following new title:

#### **TITLE VIII—ADDITIONAL GENERAL PROVISIONS**

##### **SEC. 801. SHORT TITLE.**

This title may be cited as the "Hate Crimes Prevention Act of 1999".

##### **SEC. 802. FINDINGS.**

Congress finds that—

(1) the incidence of violence motivated by the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of the victim poses a serious national problem;

(2) such violence disrupts the tranquility and safety of communities and is deeply divisive;

(3) existing Federal law is inadequate to address this problem;

(4) such violence affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment or participating in other commercial activity;

(5) perpetrators cross State lines to commit such violence;

(6) instrumentalities of interstate commerce are used to facilitate the commission of such violence;

(7) such violence is committed using articles that have traveled in interstate commerce;

(8) violence motivated by bias that is a relic of slavery can constitute badges and incidents of slavery;

(9) although many State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias, Federal jurisdiction over certain violent crimes motivated by bias is necessary to supplement State and local jurisdiction and ensure that justice is achieved in each case;

(10) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes; and

(11) the problem of hate crime is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

##### **SEC. 803. DEFINITION OF HATE CRIME.**

In this title, the term "hate crime" has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

##### **SEC. 804. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.**

Section 245 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c)(1) Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both if—

"(i) death results from the acts committed in violation of this paragraph; or

"(ii) the acts omitted in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2)(A) Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived religion, gender, sexual orientation, or disability of any person—

"(i) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both, if—

"(I) death results from the acts committed in violation of this paragraph; or

"(II) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce; or

"(ii) the offense is in or affects interstate or foreign commerce."

#### **SEC. 805. DUTIES OF FEDERAL SENTENCING COMMISSION.**

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

#### **SEC. 806. GRANT PROGRAM.**

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

#### **SEC. 807. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.**

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 1998, 1999, and 2000 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 245 of title 18, United States Code (as amended by this Act).

#### **SEC. 808. SEVERABILITY.**

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. ROGERS. Mr. Chairman, on this amendment I reserve a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I heard earlier this evening one of the amendments that was discussed on this floor. The reason given to its discussion is that we have a crisis and an emergency. I believe that we have a crisis.

We have a crisis right now as it relates to the standards of violence and hatred in America. We had a hearing yesterday on the Hate Crimes Prevention Act, or 2 days ago in the Committee on the Judiciary, a bill authored by the gentleman from Michigan (Mr. CONYERS) with now 180 sponsors. And in that hearing I offered as an example of the ugly hatred in America the description of the dismembered body of James Byrd out of Jasper, Texas. Although that community rose to the occasion, it was a horrific crime that saw his head severed from his body, being dragged along a road, his arm severed, his torso one other place. And I cited as well the horrible death of Matthew Shepherd, where his attackers beat him repeatedly, a gay person in Wyoming, and left him for dead. Tragically just a few weeks ago evidence of hatred in Illinois. We find out that racial violence in 1997, 58 percent against African Americans and 17 percent religious-biased, anti-semitic, sexual orientation 13 percent.

This bill answers the question of our concern. In particular it adds protection to religion and gender and sexual orientation, and it also provides a nexus to interstate commerce. It was tragic yesterday, Mr. Chairman, to hear the grandmother of the woman killed in California with her daughter and two daughters, the mother of these two daughters killed, and that grandmother repeated to us tragically that the only reason that man beat those women to death, the mother and her two daughters, was because I wanted to kill women.

Mr. Chairman, I can tell my colleagues that now is the time for us to act. The Senate passed the Hate Crimes Prevention Act more than 2 months ago. I believe we have a crisis, and I believe the American people want us to set high community standards, and those community standards, Mr. Chairman, are in fact to pass a Hate Crimes Prevention act.

I would say we have a crisis, we have an emergency, and I would seek a waiver, as has been on other amendments, to allow this amendment to be passed.

Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. I would like to, Mr. Chairman, commend the gentlewoman from Texas for her amendment.

The Senate, as she has pointed out, has acted 2 months ago. We need to address the questions that she raises

which are before this country in so very ugly ways, the James Byrd, the Matthew Shepherd, the Illinois situation and the hatred against women that happens in this country on a regular basis needs to be addressed. This legislation has many cosponsors, it needs to come to the floor, and I commend her for her activity on this issue; and I would hope my colleagues would find it in their hearts and minds to support this amendment tonight.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentlewoman for yielding, and once again she has brought to our attention a real emergency.

I heard my colleagues debating on the floor, double booking at telephone companies as some kind of an emergency. It does not rise to the same level that the nexus affords here that the gentlewoman from Texas (Ms. Jackson-Lee) has brought to our attention with reference to hate crimes. Churches and synagogues have been bombed and desecrated often in this country. Gays have been crucified, lesbians run out of towns, Jews, blacks, Hispanics and Asians are often set upon just because of their race, their national origin or their religion. This country fully expects all of us to do all we can to assist in alleviating these terrible crimes in our society, and this is a methodology that we might employ in order to be able to do that.

A blues singer once wrote that unless man puts an end to this damnable sin, hate will put the world in a flame. If there was ever an emergency that needed a waiver, this is the one.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. SERRANO), the distinguished ranking member.

Mr. SERRANO. Mr. Chairman, I thank the gentlewoman for the work she has done on this issue and to tell her that I agree with her, as I do with other Members, that this is a serious issue. If we really want to talk about emergency in this country, we have come a long way in race relations and in understanding each other, but we have a long way to go; and it seems that now, when we are having the better economic times, this whole issue seems to come back to haunt us, and it is time we did something about it, and I commend her on this work. That legislation with all those cosponsors should come to the floor. We should address this issue and not run away from it any longer.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from Texas is recognized for 30 seconds.

Ms. JACKSON-LEE of Texas. Let me say, Mr. Chairman, in closing, and I would like to be able to yield to the



distinguished chairman, this is not a bill that is going to be rampant across the Nation, ensnaring any criminal that would act upon a violent act. This is specific. It deals with multiple weapons and multiple perpetrators as defined by the FBI, mutilation overkill. We will know when it is a hate crime. We will not have to convince prosecutors whether to proceed under a simple assault or murder as opposed to a hate crimes offense.

This is a crisis in our Nation. We must stand up and be heard that we do not adhere to hate crimes.

Mr. Chairman, I want to take this time to express my gratitude to Chairman HYDE and Ranking Member CONYERS for recently convening an oversight hearing on hate crimes violence in the House Judiciary. I listened with keen interest to the testimony of the panelists who were invited by the majority. They were overwhelmingly opposed to enacting H.R. 1082, the Hate Crimes Prevention Act of 1999. I was moved by the testimony of the victims and family of victims and I am convinced more now than ever before that Congress must move with all deliberate speed to enact H.R. 1082 this session.

Mr. Chairman, this nation just celebrated Independence day. We reaffirmed the truths that are self-evident, that all men [and women] are created equal, that they are endowed by their Creator with certain unalienable rights, that among these rights, are life, liberty and the pursuit of happiness. And yet there are individuals out there who believe that if you are not of their race, nationality, gender, religion or sexual orientation you do not deserve these rights.

Opponents of hate crimes legislation claim that prosecution of hate crimes would be indistinguishable from offenses that are presently on the books on the state and local level. I respect the sophistry and sophistication of the arguments that the witnesses posted. However, I must state in the most emphatic manner that I can that I disagree with their reasoning. I am sure that by now all of you are familiar with brutal murder of James Byrd. Can anyone honestly state that it is difficult to determine that his killers were motivated by racial animus as they dragged his struggling body behind their pickup truck until his head and right arm were sheared off upon striking a culvert in the road?

Is it that hard to perceive, after viewing Matthew Shepard's badly fractured skull and nearly frozen body left for dead that he was beaten by his savage attackers because he was gay? It is this kind of excessive brutality that readily indicates that a crime is intended to put a whole group in their place. The wounding of community spirit caused by these crimes is not addressed anywhere in our laws—hence the need for the Hate Crimes Prevention Act of 1999.

Benjamin Nathaniel Smith's intent was certainly clear, as he went on murderous, hate-filled rampage during the Fourth of July weekend in Illinois and Indiana. Smith, a follower of the white supremacist group, the World Church of the Creator, wounded six Orthodox Jews leaving their synagogue in Chicago on Friday, July 2, 1999. Later that day, former Northwestern University basketball coach Ricky Byrdson died after being shot in the back by Smith while walking with two of his

four young children near his suburban Chicago home. Smith then proceeded to fire at an Asian couple in the suburb of Northbrook, Illinois.

Mr. Smith's diabolical work did not end there. Saturday, July 3, 1999 Smith continued his assault by firing at two black men in Springfield, Illinois. Twelve hours later, near the University of Illinois, Smith shot at six Asian men. One of the men, a graduate student, was seriously wounded.

In the July 4th attack, Smith lay in wait outside of the Korean United Methodist Church in Bloomington, Indiana before fatally shooting 26-year-old Won-Joon Yoon in the back twice. Smith then ended his own life after being cornered by the police in a high speed chase. In the aftermath of this killing spree, people are asking why this 21-year-old college student and son of affluent parents committed such atrocities. Chicago Police Department spokesman Patrick Camden may have summed it up best when he said that "... beyond just pure hate, we may never know what set him off."

According to a Sunday, July 11, 1999 Washington Post article, hate is what led two brothers, Benjamin Matthew Williams and James Tyler Williams to have allegedly shot and killed a gay couple sleeping in their home north of San Francisco. These same brothers are suspects in the arsons at three Sacramento area synagogues where the damage is estimated to be more than \$1 million. Police authorities discovered an arsenal in the Williams' car which included two assault rifles, two handguns, a shotgun and a substantial amount of ammunition. Authorities have also found in the brothers' home materials from the World Church of the Creator.

World Church of the Creator members have been connected to numerous hate crimes in recent years, including the 1993 bombing of an NAACP office in Tacoma, Washington, the 1997 beating of a black man and his teenage son outside a theater in Sunrise, Florida, and last year's beating of a Jewish video store owner in Hollywood, Florida.

The World Church of the Creator and its members are not the only individuals responsible for hate crimes. Indeed, the number of hate crimes may be vastly underreported. Silent victims afraid of reporting crimes to the police, bureaucratic snags and confusion over what constitutes a hate crime are some of the reasons such crimes are underreported and undercounted nationwide, experts say.

The Hate Crimes Statistics Act, passed in 1990, required the FBI to report annually on the number of bias crimes committed. The problem, according to Donald Green, a Yale University Professor of Political Science and an expert on hate crimes is that the reporting of hate crimes is voluntary. In the study that Professor Green conducted in the State of New York, for example, only 32 of the 502 law enforcement agencies submitted reports to the FBI in 1997. Nationwide, of the 100 most populous cities in the U.S., 10 did not participate in the reporting of hate crime data at all. Professor Green sums it up, thusly, "The places where hate crimes are taken seriously and reported get singled out as bastions of hate, [b]ut jurisdictions that don't give a hoot seem like happy bastions of tolerance."

What more has to happen before we move to pass H.R. 1082, the Hate Crimes Prevention Act of 1999? Existing federal laws are inadequate to assist the States and local au-

thorities in prosecuting those who commit violent acts against others based upon race, color, national origin, religion, sexual orientation, gender or disability. H.R. 1082 would rectify this by making it a federal crime to commit a hate crime. I am a staunch supporter of the First Amendment right to freedom of speech. I defend an individual's right to believe in whatever his or her mind can so conceive, however morally repugnant. When these beliefs spawn hate-related violence, we need to have a mechanism to bring perpetrators like Benjamin Smith and Williams brothers to justice.

Currently, only 22 States and the District of Columbia have adopted hate crimes laws that extend protection to individuals targeted based on their sexual orientation. Only 22 States cover gender, and 21 cover disability. These critical gaps in State laws underscore the need for stronger hate crimes protection on the national level.

Out of the 8,049 hate crimes reported in the most recent FBI statistics, 58.5% were racially based; 17.2% were religious based; 10.4% were based on ethnicity; and 13.7% were based on sexual orientation.

This bill is bipartisan with more than 180 cosponsors, I am confident that H.R. 1082 will pass on the House floor, if partisan polarization does not kill the bill in committee. We in the Congress have a higher moral authority to address crimes that are an affront to human dignity; H.R. 1082 is the appropriate measure to address these particularly heinous crimes.

I ask the Chairman to accept this amendment.

Mr. Chairman, with the point of order now being expressed against this, let me ask that we can work on this together, and with great sadness I ask unanimous consent to withdraw the amendment.

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

There was no objection.

Mr. ROGERS. Mr. Chairman I move to strike the last word.

I yield to the gentleman from Illinois (Mr. BLAGOJEVICH) to engage in a colloquy.

Mr. BLAGOJEVICH. Mr. Chairman, I have recently introduced legislation with the gentleman from Florida (Mr. STEARNS) regarding a national instant background check system. The NIC system has been, as my colleagues know, very successful. Since 1998 over 50,000 prescribed people have been restricted persons, that is, criminals and others are restricted from getting guns. We are learning that this is a tool that law enforcement can even do better with; and therefore this legislation would require the immediate notification of local law enforcement authorities when an individual fails an NICS background check. Even though criminals and other restricted persons who attempt to purchase firearms are in violation of Federal, State and local laws, rarely are such violations reported in a timely manner to proper law enforcement authorities.

Mr. Chairman, establishing a timely notification system would allow law enforcement to determine when they

believe that there is a threat to public safety in their communities. The Illinois State Police has recently established a voluntary program modeled on my legislation to notify local law enforcement of such checks. I hope to work with the gentleman from Kentucky (Mr. ROGERS) and the Justice Department to implement this system at a national level.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman bringing his proposal to our attention. We have not really had a full amount of time to study the proposal, but I would be happy to work with him to enhance our enforcement efforts.

Mr. BLAGOJEVICH. Mr. Chairman, if the gentleman would continue to yield, I would again like to thank him and the ranking member for their support and willingness to work with me on this very important matter. As my colleagues know, this is a concept that has the support of both Handgun Control and the NRA, and when we think of Charlton Heston, I have heard him several times talk about the necessity to enforce existing laws so that criminals do not get guns. It is as if he were playing Moses again, and he came down from the mountain top, and this was his eleventh commandment. I think we are working in that direction to do that, and I again would applaud the gentleman from Kentucky (Mr. ROGERS) for allowing us to work together on this.

□ 2000

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

Mr. Chairman, we are at the conclusion of this bill. We have several amendments ready for the Members to cast their votes on very shortly. Before we do that, I wanted to take a moment to thank some people for their help on this bill. This has been a tough bill to draft and to mark up and to process through this great body. We have had the cooperation of so many people.

I want to first mention my compadre, my friend, our coworker, the gentleman from New York (Mr. SERRANO), the ranking member of this subcommittee, who has been a real gentleman in his first year on the subcommittee, and that year as the ranking member. This is a tough bill to understand and to comprehend, it covers a lot of ground, and the gentleman did so with great grace and humor and expertise.

I want to thank him personally, as well as the chairman of the full committee, the gentleman from Florida (Mr. YOUNG) and the ranking member of the full committee, the gentleman from Wisconsin (Mr. OBEY), and all the members of the subcommittee who put so many hours into the hearings, a total of 23 hearings on this bill.

I want to thank the members of the full Committee, and, of course, the Members of this body who have paid attention to this debate, who participated, who had a lot of amendments

and had their full say. So we appreciate that very much.

We would not be here without our staff on both sides of the aisle and of the Committee staff, who have done such a wonderful job in trying to keep track of all the amendments and all the major portions of this bill. The staff that is with us on the floor on both sides of the aisle, the staff in our offices, who participated in this as well. We could not be here without their great work in making this happen.

I want to say also, and I think my colleagues would join me, in saying what a great job the Chairman of this Committee of the Whole has done in governing the debate of this bill. The gentleman from Washington (Mr. HASTINGS) has done a wonderful job, and we all appreciate the great fair-mindedness and fair-handedness with which he has handled this debate. We appreciate it.

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

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

Mr. SERRANO. Mr. Chairman, I also want to join the gentleman in thanking and congratulating the Chair. I have done that in the past, and hope to do it in the future, by the way, but I sat there in the past and know how it is. I also want to thank him for a very liberal stop watch. I think the word "liberal" is fitting at this point.

To you, Mr. Chairman, I want to thank you for setting the tone for the debate the last 2 days. They have been long hours, a lot of amendments, a lot of discussion, but I think your opening remarks kind of set the tone for the behavior.

I want to join the gentleman in thanking the staff on both sides and thanking the staffs in our offices, who only got to see us on TV and have not seen us for the last 2 days.

Once again, I want to thank you, sir, for the respect you show me and the courtesy you show me. No matter what the end vote is tonight, as we move on to conference and to the work we have to do, I look forward to working with you in the same friendship and amity that we have shared for all this time.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman.

The CHAIRMAN. The Clerk will read the last 3 lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000".

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 273, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

First amendment in House Report 106-284 by Mr. BASS of New Hampshire; Amendment No. 13 by Mr. GEORGE MILLER of California;

Amendment by Mr. HAYWORTH of Arizona;

Amendment by Mr. TAUZIN of Louisiana;

Amendment No. 1 by Mr. KUCINICH of Ohio.

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

AMENDMENT OFFERED BY MR. BASS

The CHAIRMAN. The pending business is the demand for a recorded vote on the first amendment printed in House Report 106-284 offered by the gentleman from New Hampshire (Mr. BASS), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 8, as follows:

[Roll No. 381]

AYES—169

Abercrombie	Goodling	Moakley
Ackerman	Green (TX)	Myrick
Allen	Gutierrez	Nadler
Andrews	Gutknecht	Napolitano
Baldacci	Hall (OH)	Owens
Barcia	Hall (TX)	Pallone
Barr	Hastings (WA)	Pascrell
Bartlett	Heger	Pastor
Bass	Hinchey	Paul
Becerra	Holden	Payne
Bentsen	Holt	Pelosi
Bereuter	Horn	Petri
Berman	Hostettler	Pitts
Biggert	Hulshof	Portman
Bishop	Hunter	Quinn
Blagojevich	Hyde	Radanovich
Blunt	Jackson (IL)	Ramstad
Boehlert	Jackson-Lee	Reynolds
Bono	(TX)	Rodriguez
Brown (OH)	Jenkins	Rohrabacher
Campbell	Johnson (CT)	Rothman
Capps	Jones (NC)	Roybal-Allard
Capuano	Jones (OH)	Royce
Cardin	Kaptur	Rush
Carson	Kasich	Ryun (KS)
Castle	Kelly	Sanchez
Chabot	Kennedy	Sanders
Clay	Kingston	Sawyer
Clyburn	Klecza	Schakowsky
Conyers	Kucinich	Sensenbrenner
Cook	LaFalce	Serrano
Costello	Lampson	Shays
Coyne	Larson	Sherman
Davis (IL)	Lee	Sherwood
DeFazio	Levin	Simpson
DeGette	Lewis (GA)	Slaughter
Delahunt	Lipinski	Stark
DeLauro	LoBiondo	Sununu
Dixon	Lofgren	Tancredo
Dreier	Maloney (CT)	Tauscher
Duncan	Manzullo	Taylor (MS)
Edwards	Martinez	Terry
Ehlers	Matsui	Thompson (MS)
Engel	McGovern	Thornberry
English	McHugh	Tiahrt
Eshoo	McInnis	Toomey
Evans	McIntosh	Towns
Farr	McIntyre	Udall (CO)
Filner	McKinney	Velazquez
Forbes	McNulty	Walden
Fowler	Meehan	Wamp
Franks (NJ)	Menendez	Waters
Frelinghuysen	Millender	Waxman
Gejdenson	McDonald	Weldon (PA)
Gilchrest	Miller, Gary	Whitfield
Gilman	Miller, George	Wise
Goode	Mink	Woolsey

## NOES—256

Aderholt	Gonzalez	Peterson (MN)
Archer	Goodlatte	Phelps
Armey	Gordon	Pickering
Bachus	Goss	Pickett
Baird	Graham	Pombo
Baker	Granger	Pomeroy
Baldwin	Green (WI)	Porter
Ballenger	Greenwood	Price (NC)
Barrett (NE)	Hansen	Pryce (OH)
Barrett (WI)	Hastings (FL)	Rahall
Barton	Hayes	Rangel
Bateman	Hayworth	Regula
Berkley	Hefley	Riley
Berry	Hill (IN)	Rivers
Bilirakis	Hill (MT)	Roemer
Bliley	Hilleary	Rogan
Blumenauer	Hilliard	Rogers
Boehner	Hinojosa	Ros-Lehtinen
Bonilla	Hobson	Roukema
Bonior	Hoeffel	Ryan (WI)
Borski	Hoekstra	Sabo
Boswell	Hooley	Salmon
Boucher	Houghton	Sandlin
Boyd	Hoyer	Sanford
Brady (PA)	Hutchinson	Saxton
Brady (TX)	Inslee	Scarborough
Brown (FL)	Isakson	Schaffer
Bryant	Istook	Scott
Burr	Jefferson	Sessions
Burton	John	Shadegg
Buyer	Johnson, E.B.	Shaw
Callahan	Johnson, Sam	Shimkus
Calvert	Kanjorski	Shows
Camp	Kildee	Shuster
Canady	Kilpatrick	Sisisky
Cannon	Kind (WI)	Skeen
Chambliss	King (NY)	Skelton
Chenoweth	Klink	Smith (MI)
Clayton	Knollenberg	Smith (NJ)
Clement	Kolbe	Smith (TX)
Coble	Kuykendall	Smith (WA)
Coburn	LaHood	Snyder
Collins	Largent	Souder
Combest	Latham	Spence
Condit	LaTourette	Spratt
Cooksey	Lazio	Stabenow
Cox	Lewis (CA)	Stearns
Cramer	Lewis (KY)	Stenholm
Crane	Linder	Strickland
Crowley	Lowe	Stump
Cubin	Lucas (KY)	Stupak
Cummings	Lucas (OK)	Sweeney
Cunningham	Luther	Talent
Danner	Maloney (NY)	Tanner
Davis (FL)	Markey	Tauzin
Davis (VA)	Mascara	Taylor (NC)
Deal	McCarthy (MO)	Thomas
DeLay	McCarthy (NY)	Thompson (CA)
DeMint	McCollum	Thune
Deutsch	McCrery	Thurman
Diaz-Balart	McKeon	Tierney
Dickey	Meek (FL)	Trafficant
Dicks	Meeks (NY)	Turner
Dingell	Metcalf	Udall (NM)
Doggett	Mica	Upton
Dooley	Miller (FL)	Vento
Doolittle	Minge	Visclosky
Doyle	Moore	Vitter
Dunn	Moran (KS)	Walsh
Ehrlich	Moran (VA)	Watkins
Emerson	Morella	Watt (NC)
Etheridge	Murtha	Watts (OK)
Everett	Neal	Weiner
Ewing	Nethercutt	Weldon (FL)
Fattah	Ney	Weller
Fletcher	Northup	Wexler
Foley	Norwood	Weygand
Ford	Nussle	Wicker
Fossella	Oberstar	Wilson
Frost	Obey	Wolf
Galleghy	Olver	Wu
Ganske	Ortiz	Wynn
Gekas	Ose	Young (AK)
Gephardt	Oxley	Young (FL)
Gibbons	Packard	
Gillmor	Pease	

## NOT VOTING—8

Bilbray	Leach	Peterson (PA)
Frank (MA)	McDermott	Reyes
Lantos	Mollohan	

## □ 2025

Ms. MCCARTHY of New York, and Messrs. DEUTSCH, ROEMER, PHELPS, ROGAN, KING, and WU, Mrs. MALONEY of New York, Mr.

CUMMINGS, and Mr. DOYLE changed their vote from “aye” to “no.”

Messrs. PITTS, GILCHREST, TIAHRT, and BEREUTER, Ms. DEGETTE, and Messrs. MCHUGH, HOLDEN, and ROHRABACHER, Ms. SLAUGHTER, Ms. NAPOLITANO, and Mr. WHITFIELD changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 273, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

## AMENDMENT NO. 13 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 13 offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 211, noes 215, not voting 7, as follows:

[Roll No. 382]

## AYES—211

Abercrombie	Crowley	Hilliard
Ackerman	Cummings	Hinchey
Allen	Davis (FL)	Hoeffel
Andrews	Davis (IL)	Holden
Baird	DeFazio	Holt
Baldacci	DeGette	Hooley
Baldwin	Delahunt	Horn
Barcia	DeLauro	Hoyer
Barrett (WI)	Deutsch	Inslee
Becerra	Dicks	Jackson (IL)
Bentsen	Dingell	Jackson-Lee
Berkley	Dixon	(TX)
Berman	Doggett	Jefferson
Berry	Dooley	Johnson, E. B.
Bilirakis	Doyle	Jones (OH)
Blagojevich	Edwards	Kanjorski
Blumenauer	Engel	Kaptur
Bonior	Eshoo	Kennedy
Borski	Etheridge	Kildee
Boucher	Evans	Kilpatrick
Brady (PA)	Farr	Kind (WI)
Brown (FL)	Fattah	Kleccka
Brown (OH)	Filner	Klink
Burr	Forbes	Kucinich
Campbell	Ford	LaFalce
Capps	Franks (NJ)	Lampson
Capuano	Frost	Larson
Cardin	Gejdenson	Lee
Carson	Gephardt	Lewis (GA)
Chabot	Gilman	Lipinski
Clay	Gonzalez	Lofgren
Clayton	Goode	Lowe
Clement	Goodlatte	Lucas (KY)
Clyburn	Gordon	Luther
Condit	Green (TX)	Maloney (CT)
Conyers	Gutierrez	Maloney (NY)
Costello	Hall (OH)	Markey
Coyne	Hall (TX)	Martinez
Cramer	Hastings (FL)	Mascara
Crane	Hill (IN)	Matsui

McCarthy (MO)	Peterson (MN)	Sllaughter
McCarthy (NY)	Petri	Smith (WA)
McGovern	Phelps	Snyder
McKinney	Pickett	Spratt
McNulty	Pomeroy	Stabenow
Meehan	Portman	Stark
Meek (FL)	Price (NC)	Strickland
Meeks (NY)	Rahall	Stupak
Metcalf	Ramstad	Tauscher
Millender-	Rangel	Taylor (MS)
McDonald	Rivers	Thompson (CA)
Miller, George	Roemer	Thompson (MS)
Minge	Rothman	Thurman
Mink	Roybal-Allard	Tierney
Moakley	Rush	Towns
Moore	Sabo	Turner
Moran (VA)	Sanchez	Udall (CO)
Murtha	Sanders	Udall (NM)
Myrick	Sandlin	Velazquez
Nadler	Sanford	Vento
Napolitano	Sawyer	Visclosky
Neal	Scarborough	Waters
Obey	Schakowsky	Watt (NC)
Olver	Scott	Waxman
Owens	Sensenbrenner	Weiner
Pallone	Serrano	Wexler
Pascarell	Sessions	Weygand
Pastor	Shays	Wise
Paul	Sherman	Woolsey
Payne	Shows	Wu
Pelosi	Sisisky	Wynn

## NOES—215

Aderholt	Galleghy	Miller (FL)
Archer	Ganske	Miller, Gary
Armey	Gekas	Moran (KS)
Bachus	Gibbons	Morella
Baker	Gilchrest	Nethercutt
Ballenger	Gillmor	Ney
Barr	Goodling	Northup
Barrett (NE)	Goss	Norwood
Bartlett	Graham	Nussle
Barton	Granger	Oberstar
Bass	Green (WI)	Ortiz
Bateman	Greenwood	Ose
Bereuter	Gutknecht	Oxley
Biggert	Hansen	Packard
Bishop	Hastings (WA)	Pease
Bliley	Hayes	Pickering
Blunt	Hayworth	Pitts
Boehlert	Hefley	Pombo
Boehner	Herger	Porter
Bonilla	Hill (MT)	Pryce (OH)
Bono	Hilleary	Quinn
Boswell	Hinojosa	Radanovich
Boyd	Hobson	Regula
Brady (TX)	Hoekstra	Reynolds
Bryant	Hostettler	Riley
Burton	Houghton	Rodriguez
Buyer	Hulshof	Rogan
Callahan	Hunter	Rogers
Calvert	Hutchinson	Rohrabacher
Camp	Hyde	Ros-Lehtinen
Canady	Isakson	Roukema
Cannon	Istook	Royce
Castle	Jenkins	Ryan (WI)
Chambliss	John	Ryun (KS)
Chenoweth	Johnson (CT)	Salmon
Coble	Johnson, Sam	Saxton
Coburn	Jones (NC)	Schaffer
Collins	Kasich	Shadegg
Combest	Kelly	Shaw
Cook	King (NY)	Sherwood
Cooksey	Kingston	Shimkus
Cox	Knollenberg	Shuster
Cubin	Kolbe	Simpson
Cunningham	Kuykendall	Skeen
Danner	LaHood	Skelton
Davis (VA)	Largent	Smith (MI)
Deal	Latham	Smith (NJ)
DeLay	LaTourette	Smith (TX)
DeMint	Lazio	Souder
Diaz-Balart	Leach	Spence
Dickey	Levin	Stearns
Doolittle	Lewis (CA)	Stenholm
Dreier	Lewis (KY)	Stump
Duncan	Linder	Sununu
Dunn	LoBiondo	Sweeney
Ehlers	Lucas (OK)	Talent
Ehrlich	Manzullo	Tancred
Emerson	McCollum	Tanner
English	McCrery	Tauzin
Everett	McHugh	Taylor (NC)
Ewing	McInnis	Terry
Fletcher	McIntosh	Thomas
Foley	McIntyre	Thornberry
Fossella	McKeon	Thune
Fowler	Menendez	Tiahrt
Frelinghuysen	Mica	Toomey

Traficant	Watkins	Wicker
Upton	Watts (OK)	Wilson
Vitter	Weldon (FL)	Wolf
Walden	Weldon (PA)	Young (AK)
Walsh	Weller	Young (FL)
Wamp	Whitfield	

## NOT VOTING—7

Bilbray	McDermott	Reyes
Frank (MA)	Mollohan	
Lantos	Peterson (PA)	

## □ 2034

Mr. ROTHMAN and Mr. DOOLEY of California changed their vote from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. HAYWORTH

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

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

[Roll No. 383]

## AYES—217

Aderholt	Deal	Isakson
Archer	DeLay	Istook
Armey	DeMint	Jenkins
Bachus	Diaz-Balart	John
Baker	Dickey	Johnson, Sam
Ballenger	Doolittle	Jones (NC)
Barcia	Dreier	Kasich
Barr	Duncan	Kelly
Barrett (NE)	Dunn	King (NY)
Bartlett	Ehrlich	Kingston
Barton	Emerson	Knollenberg
Bass	Everett	Kolbe
Bateman	Ewing	Kuykendall
Berry	Fletcher	LaHood
Biggert	Foley	Largent
Bilirakis	Fossella	Latham
Bliley	Fowler	LaTourette
Blunt	Galleghy	Lazio
Boehner	Gekas	Lewis (CA)
Bonilla	Gibbons	Lewis (KY)
Bono	Gillmor	Linder
Brady (TX)	Gilman	LoBiondo
Bryant	Goode	Lucas (KY)
Burr	Goodlatte	Lucas (OK)
Burton	Goodling	Manzullo
Buyer	Goss	McCollum
Callahan	Graham	McCrery
Calvert	Granger	McHugh
Camp	Green (WI)	McInnis
Campbell	Gutknecht	McIntosh
Canady	Hall (TX)	McIntyre
Cannon	Hansen	McKeon
Chabot	Hastings (WA)	Metcalfe
Chambliss	Hayes	Mica
Chenoweth	Hayworth	Miller (FL)
Coble	Hefley	Miller, Gary
Coburn	Herger	Moran (KS)
Collins	Hill (IN)	Myrick
Combest	Hill (MT)	Nethercutt
Cook	Hilleary	Ney
Cooksey	Hobson	Northup
Cox	Hoekstra	Norwood
Crane	Hostettler	Nussle
Cubin	Hulshof	Ose
Cunningham	Hunter	Oxley
Danner	Hutchinson	Packard
Davis (VA)	Hyde	Paul

Pease	Schaffer	Taylor (MS)
Peterson (MN)	Sensenbrenner	Taylor (NC)
Petri	Sessions	Terry
Pickering	Shadegg	Thomas
Pitts	Shaw	Thornberry
Pombo	Sherwood	Thune
Portman	Shinkus	Tiahrt
Pryce (OH)	Shows	Toomey
Quinn	Shuster	Trafficant
Radanovich	Simpson	Upton
Ramstad	Skeen	Vitter
Regula	Skelton	Walden
Reynolds	Smith (MI)	Wamp
Riley	Smith (NJ)	Watkins
Roemer	Smith (TX)	Watts (OK)
Rogan	Souder	Weldon (FL)
Rogers	Spence	Weldon (PA)
Rohrabacher	Stearns	Weller
Ros-Lehtinen	Stenholm	Whitfield
Royce	Stump	Wicker
Ryan (WI)	Sununu	Wilson
Ryun (KS)	Sweeney	Wolf
Salmon	Talent	Young (AK)
Sandlin	Tancredo	Young (FL)
Sanford	Tanner	
Scarborough	Tauzin	

## NOES—209

Abercrombie	Gephardt	Murtha
Ackerman	Gilchrest	Nadler
Allen	Gonzalez	Napolitano
Andrews	Gordon	Neal
Baird	Green (TX)	Oberstar
Baldacci	Greenwood	Obey
Baldwin	Gutierrez	Olver
Barrett (WI)	Hall (OH)	Ortiz
Becerra	Hastings (FL)	Owens
Bentsen	Hilliard	Pallone
Bereuter	Hinchey	Pascrell
Berkley	Hinojosa	Pastor
Berman	Hoeffel	Payne
Bishop	Holden	Pelosi
Blagojevich	Holt	Phelps
Blumenauer	Hooley	Pickett
Boehlert	Horn	Pomeroy
Bonior	Houghton	Porter
Borski	Hoyer	Price (NC)
Boswell	Inslee	Rahall
Boucher	Jackson (IL)	Rangel
Boyd	Jackson-Lee	Rivers
Brady (PA)	(TX)	Rodriguez
Brown (FL)	Jefferson	Rothman
Brown (OH)	Johnson (CT)	Roukema
Capps	Johnson, E. B.	Roybal-Allard
Capuano	Jones (OH)	Rush
Cardin	Kanjorski	Sabo
Carson	Kaptur	Sanchez
Castle	Kennedy	Sanders
Clay	Kildee	Sawyer
Clayton	Kilpatrick	Saxton
Clement	Kind (WI)	Schakowsky
Clyburn	Klecza	Scott
Condit	Klink	Serrano
Conyers	Kucinich	Shays
Costello	LaFalce	Sherman
Coyne	Lampson	Sisisky
Cramer	Larson	Slaughter
Crowley	Leach	Smith (WA)
Cummings	Lee	Snyder
Davis (FL)	Levin	Spratt
Davis (IL)	Lewis (GA)	Stabenow
DeFazio	Lipinski	Stark
DeGette	Lofgren	Strickland
Delahunt	Lowe	Stupak
DeLauro	Luther	Tauscher
Deutscher	Maloney (CT)	Thompson (CA)
Dicks	Maloney (NY)	Thompson (MS)
Dingell	Markey	Thurman
Dixon	Martinez	Tierney
Doggett	Mascara	Towns
Dooley	Matsui	Turner
Doyle	McCarthy (MO)	Udall (CO)
Edwards	McCarthy (NY)	Udall (NM)
Ehlers	McGovern	Velazquez
Engel	McKinney	Vento
English	McNulty	Visclosky
Eshoo	Meehan	Walsh
Etheridge	Meek (FL)	Waters
Evans	Meeks (NY)	Watt (NC)
Farr	Menendez	Waxman
Fattah	Millender	Weiner
Finler	McDonald	Wexler
Forbes	Miller, George	Weygand
Ford	Minge	Wise
Franks (NJ)	Mink	Woolsey
Frelinghuysen	Moakley	Wu
Ganske	Moore	Wynn
Gejdenson	Moran (VA)	
	Morella	

## NOT VOTING—7

Bilbray	McDermott	Reyes
Frank (MA)	Mollohan	
Lantos	Peterson (PA)	

## □ 2042

Mr. HOBSON and Mr. DAVIS of Virginia changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. TAUZIN

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

The Clerk will designate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 374, noes 49, not voting 10, as follows:

[Roll No. 384]

## AYES—374

Abercrombie	Capps	Fattah
Ackerman	Capuano	Fletcher
Aderholt	Cardin	Foley
Allen	Carson	Ford
Andrews	Castle	Fossella
Archer	Chabot	Fowler
Armey	Chambliss	Frank (MA)
Bachus	Chenoweth	Frost
Baker	Clay	Galleghy
Baldacci	Clayton	Ganske
Baldwin	Clyburn	Gekas
Ballenger	Coble	Gephardt
Barcia	Coburn	Gibbons
Barr	Collins	Gilchrest
Barrett (NE)	Combest	Gillmor
Bartlett	Condit	Gilman
Barton	Cook	Gonzalez
Bass	Cooksey	Goode
Bateman	Costello	Goodlatte
Becerra	Cox	Goodling
Bentsen	Cramer	Gordon
Bereuter	Crane	Goss
Berkley	Crowley	Graham
Berman	Cubin	Granger
Berry	Cummings	Green (TX)
Biggert	Cunningham	Green (WI)
Bilirakis	Danner	Greenwood
Bishop	Davis (FL)	Gutknecht
Blagojevich	Davis (IL)	Hall (OH)
Bliley	Davis (VA)	Hall (TX)
Blumenauer	Deal	Hansen
Blunt	Delahunt	Hastings (FL)
Boehlert	DeLay	Hastings (WA)
Boehner	DeMint	Hayes
Bonilla	Diaz-Balart	Hayworth
Bonior	Dickey	Hefley
Bono	Dicks	Herger
Borski	Dingell	Hill (IN)
Boswell	Dixon	Hill (MT)
Boucher	Dooley	Hilleary
Boyd	Doolittle	Hilliard
Brady (PA)	Doyle	Hinojosa
Brady (TX)	Dreier	Hobson
Brown (FL)	Duncan	Hoeffel
Bryant	Dunn	Hoekstra
Burr	Ehlers	Holden
Burton	Ehrlich	Holt
Buyer	Emerson	Hooley
Callahan	Engel	Horn
Calvert	English	Hostettler
Camp	Etheridge	Houghton
Campbell	Evans	Hoyer
Canady	Everett	Hulshof
Cannon	Ewing	Hunter

□ 2049

Ms. PELOSI changed her vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. LEVIN. Mr. Chairman, I was absent on rollcall vote 384. Had I been present, I would have voted “aye.”

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 226, not voting 11, as follows:

[Roll No. 385]

AYES—196

Hutchinson	Moran (VA)	Shows
Hyde	Morella	Shuster
Inslee	Murtha	Simpson
Isakson	Myrick	Sisisky
Istook	Napolitano	Skeen
Jackson (IL)	Neal	Skelton
Jackson-Lee	Nethercutt	Slaughter
(TX)	Ney	Smith (MI)
Jefferson	Northup	Smith (NJ)
Jenkins	Norwood	Smith (TX)
John	Nussle	Smith (WA)
Johnson (CT)	Olver	Snyder
Johnson, E. B.	Ortiz	Souder
Johnson, Sam	Ose	Spence
Jones (NC)	Oxley	Spratt
Jones (OH)	Packard	Stabenow
Kanjorski	Pascrell	Stearns
Kaptur	Pastor	Stenholm
Kasich	Paul	Strickland
Kelly	Payne	Stump
Kennedy	Pease	Sununu
Kildee	Pelosi	Sweeney
Kilpatrick	Peterson (MN)	Talent
Kind (WI)	Petri	Tancred
King (NY)	Phelps	Tanner
Kingston	Pickering	Tauscher
Klecza	Pickett	Tauzin
Klink	Pitts	Taylor (MS)
Knollenberg	Pombo	Taylor (NC)
Kolbe	Porter	Terry
Kuykendall	Portman	Thomas
LaHood	Price (NC)	Thompson (CA)
Lampson	Pryce (OH)	Thompson (MS)
Larson	Quinn	Thornberry
Latham	Radanovich	Thune
LaTourette	Rahall	Thurman
Lazio	Ramstad	Tiahrt
Leach	Rangel	Tierney
Lewis (CA)	Regula	Toomey
Lewis (KY)	Reynolds	Towns
Linder	Riley	Trafficant
Lipinski	Rivers	Turner
LoBiondo	Rodriguez	Udall (CO)
Lucas (KY)	Roemer	Udall (NM)
Lucas (OK)	Rogan	Upton
Maloney (NY)	Rohrabacher	Velazquez
Manzullo	Ros-Lehtinen	Vento
Mascara	Rothman	Visclosky
Matsui	Roukema	Vitter
McCarthy (NY)	Roybal-Allard	Walden
McCollum	Rush	Walsh
McCrery	Ryan (WI)	Wamp
McGovern	Ryun (KS)	Watkins
McInnis	Sabo	Watt (NC)
McIntosh	Salmon	Watts (OK)
McIntyre	Sanchez	Weiner
McKeon	Sandlin	Weldon (FL)
McNulty	Sanford	Weldon (PA)
Meehan	Sawyer	Weller
Meek (FL)	Saxton	Wexler
Meeks (NY)	Scarborough	Weygand
Menendez	Schaffer	Whitfield
Metcalf	Scott	Wicker
Mica	Sensenbrenner	Wise
Millender-	Serrano	Wolf
McDonald	Sessions	Woolsey
Miller (FL)	Shadegg	Wu
Miller, Gary	Shaw	Wynn
Minge	Shays	Young (AK)
Moakley	Sherman	Young (FL)
Moore	Sherwood	
Moran (KS)	Shimkus	

NOES—49

Baird	Hinchey	Nadler
Barrett (WI)	Kucinich	Oberstar
Brown (OH)	LaFalce	Obey
Clement	Largent	Owens
Conyers	Lee	Pallone
Coyne	Lewis (GA)	Pomeroy
DeGette	Lofgren	Rogers
DeLauro	Lowe	Royce
Deutsch	Luther	Sanders
Doggett	Maloney (CT)	Schakowsky
Eshoo	Markey	Stark
Farr	Martinez	Stupak
Filner	McCarthy (MO)	Waters
Forbes	McHugh	Waxman
Franks (NJ)	McKinney	Wilson
Frelinghuysen	Miller, George	
Gejdenson	Mink	

NOT VOTING—10

Bilbray	Lantos	Peterson (PA)
DeFazio	Levin	Reyes
Edwards	McDermott	
Gutierrez	Mollohan	

Smith (NJ)	Thurman	Waters
Spratt	Tiahrt	Watt (NC)
Stabenow	Tierney	Waxman
Stark	Towns	Weiner
Strickland	Trafficant	Weldon (PA)
Stupak	Udall (NM)	Wicker
Sweeney	Velazquez	Wise
Tancred	Vento	Wolf
Taylor (MS)	Visclosky	Woolsey
Taylor (NC)	Walsh	Wynn
Thompson (MS)	Wamp	Young (FL)

NOES—226

Allen	Graham	Ose
Archer	Granger	Oxley
Armey	Green (WI)	Packard
Bachus	Greenwood	Pastor
Baker	Gutknecht	Payne
Ballenger	Hall (TX)	Pease
Barrett (NE)	Hansen	Petri
Barton	Hastings (WA)	Pickett
Bass	Hayworth	Porter
Bateman	Hefley	Portman
Becerra	Herger	Price (NC)
Bentsen	Hill (IN)	Pryce (OH)
Bereuter	Hill (MT)	Radanovich
Berman	Hinojosa	Ramstad
Berry	Hobson	Rangel
Biggert	Hoekstra	Regula
Blumenauer	Hoolley	Reynolds
Blunt	Horn	Rodriguez
Boehlert	Houghton	Rogan
Boehner	Hoyer	Rogers
Bonilla	Hulshof	Roukema
Bono	Hutchinson	Royce
Boswell	Hyde	Ryan (WI)
Boucher	Inslee	Sabo
Brady (TX)	Isakson	Salmon
Bryant	Jefferson	Sanchez
Burr	John	Sandlin
Buyer	Johnson (CT)	Sanford
Callahan	Johnson, E. B.	Sawyer
Calvert	Johnson, Sam	Schaffer
Camp	Kasich	Sensenbrenner
Campbell	Kind (WI)	Sessions
Canady	Kingston	Shadegg
Cannon	Knollenberg	Shaw
Cardin	Kolbe	Shays
Castle	Kuykendall	Sherwood
Chambliss	LaFalce	Shimkus
Clement	LaHood	Simpson
Coble	Lampson	Skeen
Collins	Largent	Skelton
Combest	Larson	Smith (MI)
Cooksey	Latham	Smith (TX)
Cox	LaTourette	Smith (WA)
Crane	Lazio	Snyder
Cunningham	Leach	Souder
Davis (FL)	Levin	Spence
Davis (VA)	Lewis (CA)	Stenholm
DeLay	Lewis (KY)	Stump
DeMint	Linder	Sununu
Dickey	Lofgren	Talent
Dicks	Lowe	Tanner
Dingell	Lucas (KY)	Tauscher
Dooley	Maloney (CT)	Tauzin
Doolittle	Maloney (NY)	Thomas
Dreier	Manzullo	Thompson (CA)
Dunn	Matsui	Thornberry
Edwards	McCarthy (MO)	Thune
Ehlers	McCollum	Toomey
Ehrlich	McCrery	Turner
English	McInnis	Udall (CO)
Eshoo	McKeon	Upton
Etheridge	Menendez	Vitter
Fletcher	Miller (FL)	Walden
Foley	Miller, Gary	Watkins
Fossella	Moore	Watts (OK)
Frelinghuysen	Moran (KS)	Weldon (FL)
Frost	Moran (VA)	Weller
Gallegly	Morella	Wexler
Ganske	Myrick	Weygand
Gejdenson	Napolitano	Whitfield
Gekas	Neal	Wilson
Gilchrest	Nethercutt	Wu
Gillmor	Northup	Young (AK)
Gonzalez	Norwood	
Goodlatte	Nussle	
Goss	Ortiz	

NOT VOTING—11

Bilbray	Istook	Peterson (PA)
Bliley	Lantos	Reyes
Cubin	McDermott	Stearns
Ewing	Mollohan	

□ 2055

Ms. PELOSI changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Chairman, on rollcall No. 385, I was inadvertently detained. Had I been present, I would have voted "yes."

Stated against:

Mr. EWING. Mr. Chairman, on rollcall No. 385, I was inadvertently detained. Had I been present, I would have voted "no."

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to H.R. 2670, the Commerce, Justice, State and Judiciary Appropriations Bill for Fiscal Year 2000.

This is my first year on the Appropriations Committee as well as on the Commerce-Justice Subcommittee, and I have very much enjoyed my tenure so far. Chairman HAL ROGERS, who has served on the subcommittee for many years and who demonstrated his experience through weeks of budget oversight hearings, graciously welcomed my participation and made me and other new members of the subcommittee feel at home. The new members also include JOSÉ SERRANO, who has been a pleasure to work with and has demonstrated outstanding ability as ranking member.

The wide range of agencies and activities funded by the bill present a real challenge. The FBI, the Drug Enforcement Administration (DEA), the Bureau of Prisons in the Department of Justice and the trade, science, and economic development activities of the Department of Commerce as well as the operations of the State Department, create significant budget tensions as we wrestle with the fairest way in which to distribute our limited budget allocation. In addition to the entire judicial branch of government, the bill also funds important independent agencies such as the Federal Communications Commission (FCC), the Securities and Exchange Commission (SEC), and the Small Business Administration (SBA). To say this is a complex bill to put together and to fund adequately is an understatement.

I would like to thank Chairman ROGERS for including a number of projects and issues that are important to me, my congressional district and California.

Funding is included for two important crime prevention activities which affect my district directly. The Los Angeles Dads Young Men and Fathers Program is a collaborative effort between the juvenile court and community schools and the Los Angeles County Probation Department working together with law enforcement, business and community partners. This program reaches out to males, ages 14 to 18, who are under the authority of the Juvenile Court and are either fathers themselves or father figures. The goal is to help young fathers take responsibility for the health and well-being of their families and themselves.

Funding is also provided for a community violence initiative in Los Angeles that will expand the successful LAPD domestic abuse response team that both deals with women and children at the scene and allocates special investigative and prosecution services to act quickly against crimes of domestic violence.

I was also pleased that the full committee adopted report language about sexual misconduct by staff of the Bureau of Prisons (BOP). The Bureau of Prisons generally has a good record of dealing with sexual misconduct

by staff and sexual harassment of female inmates. However, a recent General Accounting Office report revealed that there were some deficiencies in the records maintained by BOP about sexual abuse that prevented them from recognizing trends and responding to problem areas. The language directs BOP to comply with the GAO recommendations, and I'm pleased that BOP already is moving ahead to do so.

Several items are of enormous importance to California.

The State Criminal Alien Assistance Program (SCAAP) is funded at last year's funding level, \$585 million. However, I will be working with other members of a united California delegation to see if we can't increase this funding level to \$650 million this year. California will spend over \$570 million this year for housing and parole supervision of undocumented aliens. Since California receives only a portion of this SCAAP funding, it is important to raise this funding level as high as possible.

Within Community Oriented Policing Services, the methamphetamine program is very important to California. Recent Justice Department statistics indicate that 90% of the "meth" seized throughout the United States originated in California. These funds will assist the California Bureau of Narcotics in coping with this newer but alarming drug threat.

As a coastal state, California is very dependent on the important oceanic and atmospheric research underway by NOAA's National Ocean Service. Funding for the geodesy programs will play a key role in the important research underway at the Scripps Institute at the University of California at San Diego and its California Spatial Reference Center.

Despite these many worthwhile initiatives, I will reluctantly have to vote against the bill.

Simply put, this bill's budget allocation is not sufficient to fund the many other deserving programs and activities carried out by the Departments of State, Justice, and Commerce.

Trying to overcome this inadequate funding, the Republican majority has decided to designate \$4.5 billion for the census to be emergency spending outside the budget caps and our budget allocation. However, the total amount is still nearly \$3 billion less than the President's budget request. As a result, many programs or agencies are cut severely, and other important agencies are set at the level of last year's appropriations bill, meaning they must absorb both cost-of-living adjustments for personnel and other uncontrollable cost increases.

In addition, the bill provides no funding for the President's 21st Century policing initiative modeled after the Community Oriented Policing Services (COPS) initiative which has been so successful in helping our cities and communities reduce crime. The original committee recommendation cut Legal Services Corporation severely—from \$300 million to \$141 million—thereby undermining our commitment to ensuring that all Americans, regardless of income, have access to the judicial system. Reduced funding affects the FBI, the DEA, anti-drug program initiatives as well as activities to protect against chemical and biological weapons and other counter-terrorism activities. The successful Advanced Technology Program, which Congress has established at a level of approximately \$200 million for many years, is eliminated. Inadequate funding is provided for the President's Lands Legacy initiative, and

other National Oceanic and Atmospheric Administration (NOAA) funding is significantly reduced. The SBA's salaries and expenses account is cut so severely that the Office of Management and Budget (OMB) estimates that 75 percent of the agency's current staff level—up to 2,400 staff positions—would have to be eliminated. There is no funding for SBA's promising new markets initiatives which many of us are counting on to spur economic development in targeted urban and rural areas.

In short, the funding is inadequate, so our bill falls short of what the American people require and should expect from the important programs and agencies in this bill. I believe Chairman ROGERS and those who serve on this subcommittee recognize its shortcomings, and I believe we will need to make this a far better bill before it becomes law later this year.

Although I must in all good conscience vote against the bill today, I will be working with Chairman ROGERS, Ranking Democrat SERRANO and the rest of our members to fund this bill adequately and pass it into law so our people and our communities can continue to receive the types of assistance provided in this bill, and we can work together to fight crime, improve trade, stimulate economic development, and carry out the many important activities represented by the Commerce-Justice-State bill.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in strong opposition to this appropriations bill because it cuts funding for some of the most important programs that we provide for this nation.

For instance, this bill seriously cuts funding for the COPS program by 81%. When President Clinton was first elected in 1992, he promised to put 100,000 additional cops on the streets. With the help of Congress, he managed to do this. However, it is imprudent to think that the hiring of these cops is enough. There is still much more we can do to ensure that our streets are safe.

President Clinton asked for funding to his 21st Century Policing Initiative which would put 50,000 more officers in our districts. It would also allow our communities to hire new prosecutors, and more importantly it would expand community-based prevention efforts. We need to continue funding this program adequately to ensure that our streets are safe. Unfortunately, H.R. 2670 does not do that.

And I am extremely disappointed that this bill eliminates funding for the East-West and the North-South Centers.

The East-West Center is an internationally respected research and educational institution based in Hawaii with a 39-year record of achievement. It is an important forum for the development of policies to promote stability and economic and social development in the Asia-Pacific region.

The Asia-Pacific region accounts for more than half the world's population, about a third of the world's economy, and vast marine and land resources. The United States has a vital national interest in connecting itself in partnership with the region. As the Asia-Pacific region continues to develop and change, it is essential that the United States be seen as a part of the region rather than an outsider.

The East-West Center is the only program that has a strategic mission of developing a



consensus on key policy issues in U.S.-Asia-Pacific relations through intensive cooperative research and training. Likewise, the North-South Center plays a key role in the development of U.S. interest in Latin America.

These Centers are small but very cost-effective organizations. They complement the foreign policy objectives of the United States by providing another dimension of engagement with leaders in Asia, the Pacific. And they help to increase the mutual understanding and cooperation that is essential for constructive relationships among the nations of these important regions. They must not be cut.

H.R. 2670 also appropriates \$4.8 billion for the Census Bureau. Although this is an increase of \$3.4 billion, the appropriators designated \$4.5 billion of this as emergency spending.

This should not be classified as an emergency. It is not an emergency. We have known for over 200 years that we were going to need money for the 2000 Census; it is required by our Constitution. We have had all that time to plan for this Census, yet we did nothing.

Classifying this money as emergency spending, does nothing more than take money away from our surpluses. We keep taking money away from our surpluses for emergencies that aren't really emergencies. Our surpluses should be reserved for saving Social Security and Medicare.

In all actuality, we don't even have surpluses to use for this emergency spending. This excess money that we keep touting as our wonderful budget surpluses is Social Security's money. If we don't count the revenue that is brought in from Social Security taxes, our surplus would be nonexistent.

An increase to the Census Bureau is essential. The 1990 census left out four million Americans. It was the most inaccurate census in history, and the undercount severely impacted communities with large minority populations. For Asians and Pacific Islanders, the undercount was 2.3 percent, which led to a significant reduction in funding for federal programs.

According to the National Academy of Sciences, the key to an accurate census is the use of modern statistical methods. However, a recent Supreme Court decision is requiring the Census Bureau to do a traditional head count next year. That system is an expensive, slow and cumbersome process. And it is incredibly difficult to count the urban and rural poor and minorities under the traditional approach. The increased funding is needed to ensure everyone is counted.

We cannot afford to make the same mistakes as we did in 1990. The stakes are too high. We need increased funding, however, we can't do it at the expense of Social Security and Medicare.

Unfortunately, I could go on and on about the horrible cuts in this bill.

For instance, cuts in the Small Business Administration could lead to the elimination of 75% of the agency's current staff level. My colleagues across the aisle are often touting their commitment to small businesses, however, this bill fails to live up to their promises. It is apparent from this bill, that their main concern does not lie with small businesses but with large ones.

The Small Business Administration is vital to small business across the country. It provides

technical services, financial advice, and general support for those businesses. Large corporations have the luxury of in-house counsel to assist in these needs. Small businesses do not. They often turn to the SBA to provide them with the guidance and assistance they need. Unfortunately, without the proper staffing levels, the SBA will be unable to assist the majority of the businesses that make requests for help.

This bill also has deep cuts in the National Oceanic and Atmospheric Administration and the National Weather Service that will have a devastating impact on all Americans. The National Weather Service is essential to the safety of every single one of us. I am always amazed when there is an effort to eliminate or cut the funding for this agency.

The National Weather Service provides warnings to thousands of Americans about tornadoes, hurricanes, flash floods, and countless other weather conditions that are or could be dangerous to communities. Because of these warnings, thousands of lives are saved each year. In my state of Hawaii, it is essential that we are kept up to date about possible hurricanes.

I cannot support a bill that could hurt my state's ability to deal with these natural disasters.

This bill has a number of good things in it. It calls for increases in a number of extremely important programs and services. However, I cannot support it. I cannot support this bill, because at the same time it increases funding for essential and vital programs, it slashes or eliminates funding for countless others.

Because of these unwise and crippling cuts, I urge my colleagues to oppose H.R. 2670.

Mr. COSTELLO. Mr. Chairman, I want to express my concerns about the funding level included in this bill for NOAA's programs, particularly those of the National Weather Service. The funding levels in this bill fall short of the Administration's request and the Science Committee's recommendations for these programs.

The programs of the National Weather Service are of great importance to the people of my district, and indeed to all of our constituents. Over the past few Congresses, we have invested several billion dollars in the weather service modernization program. The Weather Service has not completed the deployment of the Advanced Weather Information Processing System (AWIPS). Now, when we are about to reap the largest benefits of this program, we are unable to provide the additional \$18 million to deploy advanced software which will improve severe storm warning lead times, reduce false alarm rates, and improve severe storm detection—improvements which can save lives. The importance of this new technology was recently demonstrated during the May tornado outbreak in Oklahoma and Kansas. The funding levels in this bill represent a penny-wise, pound-foolish approach to government spending.

In order to accommodate the funding needs of the Small Business Administration and the Census Bureau, the Committee designated almost \$5 billion dollars as "emergency" spending to take these expenditures off-budget. I don't deny the importance of these programs, but they can hardly be classified as emergencies. We know the Census Bureau has a constitutional responsibility to conduct the census periodically. The Small Business Adminis-

tration programs are worthy of our support, but if they are funded under emergency provisions, I cannot understand why we wouldn't fully fund the National Weather Service Programs under the same criteria.

The National Weather Service is a critical federal agency that affects every citizen, every day. The employees in the National Weather Service offices across this country need adequate resources to continue to deliver the fine service to us that we have all become accustomed to. I hope that the Conference with the Senate will produce a bill that contains more realistic funding levels for NOAA and for the other essential programs funded under this appropriations bill.

Mr. SMITH of Washington. Mr. Chairman, I rise today in support of funding to help the Northwest Region respond to the listings of 13 salmon and steelhead populations under the Endangered Species Act and to implement the recently signed Pacific Salmon Treaty between the U.S. and Canada.

I understand that the Commerce, Justice, State Subcommittee was unable, under the current allocations, to provide funding for these administration requests. Unfortunately, this puts our region in a very difficult position for trying to comply with the federal law.

In March, the National Marine Fisheries Service listed the salmon and steelhead populations whose habitat encompasses nearly the entire west coast. In the Puget Sound region, which I represent, we are working to respond to these listings. The listings threaten to completely halt all routine activities in the area such as development, operations of ports, and basic transportation projects.

Our state has responded positively, with both the state and local government taking a proactive approach to dealing with these problems, but federal funds are critical. Currently, we are working with the National Marine Fisheries Services to develop locally-driven, scientifically credible recovery strategies to restore these populations but we cannot do this alone. I ask that we find the federal funding to help address this situation.

In addition, I am extremely please about the recently announced agreement between the U.S. and Canada on the Pacific Salmon Treaty which sets harvest and conservation measures for the multi-jurisdictional salmon populations. This agreement solves a number of long-standing disputes and is an incredibly important step for saving the salmon in the Northwest region. Now, to ensure that the necessary conservation and restoration goals are met, the White House has asked Congress to create an endowment fund for both the Northern and Southern boundary areas. I strongly support Congress finding the funding to ensure implementation of this historic agreement.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express his great appreciation to the Chairman of the Commerce, Justice, State, and Judiciary Subcommittee, the distinguished gentleman from Kentucky (Mr. ROGERS), and the Ranking Member on the Subcommittee, the distinguished gentleman from New York (Mr. SERRANO), and to all members of the Subcommittee for the inclusion of a \$500,000 appropriation for planning and site money for a detention center in Grand Island, Nebraska.

This country's interior illegal immigration problems have grossly been ignored, in part

because the Immigration and Naturalization Service (INS) has been unwilling to acknowledge the exponential increase in the interior's illegal alien population. In addition to failing to acknowledge the population increase, the agency has not devoted the necessary funds for the development of the infrastructure to allow its officials to implement one of this country's fundamental immigration laws—that illegal aliens are to be deported from the United States.

Although the proposed project will not be in this Member's district, this Member strongly believes the facility will serve an important role in building the aforementioned infrastructure. The detention facility will provide a crucial link between the apprehension and the deportation of illegal aliens in Nebraska and Iowa. It will be beneficial not only in conjunction with work-site enforcement programs such as Operation Vanguard, which the Subcommittee mentions, but also with efforts to deter alien smuggling.

In recent years, Interstate 80, which traverses the states, has become a popular venue for alien smuggling. After apprehending suspected illegal aliens, the Immigration and Naturalization Service (INS) has few options for detaining the suspects. Detention space in county jails has become severely limited. As a city centrally located along I-80, Grand Island, Nebraska, certainly will serve well as the primary site of the modular detention center.

In closing Mr. Chairman, this Member wishes to acknowledge and express his most sincere appreciation for the assistance that Chairman ROGERS, the Subcommittee, especially the gentleman from Iowa (Mr. LATHAM), and the Subcommittee staff provided thus far on this important project.

The CHAIRMAN. There being no further amendments under a previous order of the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) 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. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 273, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BONIOR. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BONIOR moves to recommit the bill H.R. 2670 to the Committee on Appropriations with instructions to report the same back to the House with an amendment that increases the amount provided for community oriented policing services to the amount requested in the President's budget, with corresponding adjustments to keep the bill within the committee 302(b) allocation.

POINT OF ORDER

Mr. OBEY. Mr. Speaker, I make a point of order that the House could not hear the motion, and I would ask that the Clerk reread the motion.

The Speaker pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The Clerk will reread the motion.

The Clerk reread the motion to recommit.

□ 2100

Mr. BONIOR. Mr. Speaker, before I begin, let me just take this opportunity to commend the distinguished gentleman from Washington State (Mr. HASTINGS) for the efficient and fair way in which he handled the proceedings over the last 2 days and, I might also add, the way that the chairman of the committee the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) have also conducted themselves. We appreciate their work this evening.

Mr. Speaker, the shootings in Littleton, Atlanta, and just today in Pelham, Alabama, strike fear into our hearts. As parents, we worry about our children. We worry about our safety. We worry about our children's safety in the schools.

Fortunately, Mr. Speaker, the statistics show that crime is declining in America. Thanks to the bravery and the hard work of our police, the numbers of burglaries and assaults and vehicle thefts and murders and robberies all dropped again last year.

But we still have a long way to go. We need tougher law enforcement. We need to keep our streets and our schools and our homes safe. We cannot do any of this without more police officers in our communities, Mr. Speaker, walking the beat, patrolling our neighborhoods, cracking down on crime.

The COPS program helps local police departments hire more officers and puts them out on the street. To date this funding has put 80,000 officers into action across this country fighting crime and getting results.

In my district alone, 85 extra police officers now walk the beat or patrol the streets. Just this spring, Macomb County, Port Huron, Fort Gratiot, Capac and Clay Townships all got grants to hire new officers. And that has happened in every district throughout this country. They help avert problems before they happen and give people a sense of security.

Mr. Speaker, all this is happening in communities, as I say, across the country. So why in the world would this Congress slash funding for more police officers? Why would we cut \$1 billion below last year's level? It just does not make any sense.

I am offering this motion to restore full funding for the COPS program for community policing so that we can win the war on crime.

The President has promised to veto this bill if it arrives at his desk without enough money to hire police that this country needs. If we are going to win the fight against crime, we are going to have to restore these monies.

Mr. Speaker, we are going to win this battle. It is going to happen either tonight in this motion or it is going to happen in conference. But we will win this battle.

Let us send back this bill and fund the COPS program and then bring it back to this body. Please vote "yes" on the motion to recommit.

Mr. ROGERS. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, this bill provides \$268 million, that is the authorized level, for fiscal 2000 for the COPS program. Every penny of the authorized level is in this bill.

About 3 weeks ago there was a big ceremony down at the White House where they celebrated, they say, the addition and the completion of the COPS program, 100,000 cops on the beat. Now they want a new program. We fully funded the COPS program as we have known it. Now they want a new program.

In fact, the administration's request is not only not authorized, but the administration has not even bothered to submit authorizing legislation for this new \$1.3 billion program.

Instead of the administration's so-called COPS II program, this bill provides big grant programs for our local and State police. It gives our local governments the ability to decide how best to spend the money on fighting crime, not what some bureaucrat in Washington says we should do in spending the money.

By the way, on school violence, in this bill is \$192.5 million for school violence programs, \$130 million for local law enforcement technology grant, \$25 million for bulletproof vests for law enforcement, and \$285 million for juvenile justice prevention programs.

In this bill is the Congressional version of COPS, the local grants that allow our communities to decide how and when to spend the money. It does not require a matching grant, as does the COPS program. We give it all, and we do not limit it to what they can spend it for.

In this bill we provide \$1.2 billion, more than the administration requested, for State and local law enforcement; \$523 million for local law enforcement block grants, they requested zero; \$686 million for truth-in-sentencing block grants, they requested \$75 million; \$250 million for the

juvenile accountability block grant, they requested zero; \$585 million for the State Criminal Alien Assistance Program, more than they requested; \$552 million for the Byrne Grant Program, for which they requested \$100 million less.

These grants provide the assistance to our State and local law enforcement that they want, not what the bureaucrats in Washington want.

These are the programs, my colleagues, that would be required to be cut to fund this new, unauthorized COPS program that the administration feels so strongly about that they have not even bothered to send up legislation to authorize it. These are the programs that have helped bring about the crime rate reductions that are making historic notes today.

We can tell our colleagues today that, mainly because of the local block grants that this Congress provided over the last 3 years, the violent crime rate is at its lowest level since it has been recorded. These are the programs that would be cut by this recommittal amendment.

Let me finish by saying this: This motion would kill this bill. It would require the whole bill to go back to subcommittee and full committee for rehearings and a re-determination of how we would fund the cut required by this amendment.

We would be here tomorrow, we would be here Saturday, we would be here next week, at least, trying to find the money. I urge a "no" vote.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion to recommit offered by the gentleman from Michigan (Mr. BONIOR).

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

#### RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 208, noes 219, not voting 6, as follows:

[Roll No. 386]

AYES—208

Abercrombie	Bonior	Conyers
Ackerman	Borski	Costello
Allen	Boswell	Coyne
Andrews	Boucher	Cramer
Baird	Boyd	Crowley
Baldacci	Brady (PA)	Cummings
Baldwin	Brown (FL)	Danner
Barcia	Brown (OH)	Davis (FL)
Barrett (WI)	Capps	Davis (IL)
Becerra	Capuano	DeFazio
Bentsen	Cardin	DeGette
Berkley	Carson	Delahunt
Berman	Clay	DeLauro
Berry	Clayton	Deutsch
Bishop	Clement	Dicks
Blagojevich	Clyburn	Dingell
Blumenauer	Condit	Dixon

Doggett	Larson	Rangel
Dooley	Lee	Rivers
Doyle	Levin	Rodriguez
Edwards	Lewis (GA)	Roemer
Engel	Lipinski	Rothman
Eshoo	Lofgren	Roybal-Allard
Etheridge	Lowey	Rush
Evans	Lucas (KY)	Sabo
Farr	Luther	Sanchez
Fattah	Maloney (CT)	Sanders
Filner	Maloney (NY)	Sandlin
Forbes	Markey	Sawyer
Ford	Martinez	Schakowsky
Frank (MA)	Mascara	Scott
Frost	Matsui	Serrano
Gedjenson	McCarthy (MO)	Sherman
Gephardt	McCarthy (NY)	Shows
Gonzalez	McGovern	Sisisky
Goode	McIntyre	Skelton
Gordon	McKinney	Slaughter
Green (TX)	McNulty	Smith (WA)
Gutierrez	Meehan	Snyder
Hall (OH)	Meek (FL)	Spratt
Hall (TX)	Meeks (NY)	Stabenow
Hastings (FL)	Menendez	Stark
Hill (IN)	Millender-McDonald	Stenholm
Hilliard	Miller, George	Strickland
Hinchey	Minge	Stupak
Hinojosa	Mink	Tanner
Hoefel	Moakley	Tauscher
Holden	Moore	Taylor (MS)
Holt	Moran (VA)	Thompson (CA)
Hoolley	Murtha	Thompson (MS)
Hoyer	Nadler	Thurman
Inslee	Napolitano	Tierney
Jackson (IL)	Neal	Towns
Jackson-Lee (TX)	Oberstar	Trafigant
Jefferson	Obey	Turner
John	Olver	Udall (CO)
Johnson, E. B.	Ortiz	Udall (NM)
Jones (OH)	Owens	Velazquez
Kanjorski	Pallone	Vento
Kaptur	Pascarella	Visclosky
Kennedy	Pastor	Waters
Kildee	Payne	Watt (NC)
Kilpatrick	Pelosi	Waxman
Kind (WI)	Peterson (MN)	Weiner
Klecza	Phelps	Wexler
Klink	Pickett	Weygand
Kucinich	Pomeroy	Woolsey
LaFalce	Price (NC)	Wu
Lampson	Rahall	Wynn

#### NOES—219

Aderholt	Cubin	Herger
Archer	Cunningham	Hill (MT)
Armey	Davis (VA)	Hilleary
Bachus	Deal	Hobson
Baker	DeLay	Hoekstra
Ballenger	DeMint	Horn
Barr	Diaz-Balart	Hostettler
Barrett (NE)	Dickey	Houghton
Bartlett	Doolittle	Hulshof
Barton	Dreier	Hunter
Bass	Duncan	Hutchinson
Bateman	Dunn	Hyde
Bereuter	Ehlers	Isakson
Biggart	Ehrlich	Istook
Bilirakis	Emerson	Jenkins
Bliley	English	Johnson (CT)
Blunt	Everett	Johnson, Sam
Boehlert	Ewing	Jones (NC)
Boehner	Fletcher	Kasich
Bonilla	Foley	Kelly
Bono	Fossella	King (NY)
Brady (TX)	Fowler	Kingston
Bryant	Franks (NJ)	Knollenberg
Burr	Frelinghuysen	Kolbe
Burton	Gallegly	Kuykendall
Buyer	Ganske	LaHood
Callahan	Gekas	Largent
Calvert	Gibbons	Latham
Camp	Gilchrest	LaTourette
Campbell	Gillmor	Lazio
Canady	Gilman	Leach
Cannon	Goodlatte	Lewis (CA)
Castle	Goodling	Lewis (KY)
Chabot	Goss	Linder
Chambliss	Graham	LoBiondo
Chenoweth	Granger	Lucas (OK)
Coble	Green (WI)	Manzullo
Coburn	Greenwood	McCollum
Collins	Gutknecht	McCrery
Combest	Hansen	McHugh
Cook	Hastings (WA)	McInnis
Cooksey	Hayes	McIntosh
Cox	Hayworth	McKeon
Crane	Hefley	Metcalfe

Mica	Rogan	Stump
Miller (FL)	Rogers	Sununu
Miller, Gary	Rohrabacher	Sweeney
Moran (KS)	Ros-Lehtinen	Talent
Morella	Roukema	Tancred
Myrick	Royce	Tauzin
Nethercutt	Ryan (WI)	Taylor (NC)
Ney	Ryun (KS)	Terry
Northup	Salmon	Thomas
Norwood	Sanford	Thornberry
Nussle	Saxton	Thune
Ose	Scarborough	Tiahrt
Oxley	Schaffer	Toomey
Packard	Sensenbrenner	Upton
Paul	Sessions	Vitter
Pease	Shadegg	Walden
Petri	Shaw	Walsh
Pickering	Shays	Wamp
Pitts	Sherwood	Watkins
Pombo	Shimkus	Watts (OK)
Porter	Shuster	Weldon (FL)
Portman	Simpson	Weldon (PA)
Pryce (OH)	Skeen	Weller
Quinn	Smith (MI)	Whitfield
Radanovich	Smith (NJ)	Wicker
Ramstad	Smith (TX)	Wilson
Regula	Souder	Wolf
Reynolds	Spence	Young (AK)
Riley	Stearns	Young (FL)

#### NOT VOTING—6

Bilbray	McDermott	Peterson (PA)
Lantos	Mollohan	Reyes

□ 2125

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

#### LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, I would like to announce the schedule for the rest of the evening.

Mr. Speaker, we will next take up the rule for VA-HUD which is debatable for 1 hour. We expect a recorded vote on the VA-HUD rule.

We then plan to call up the conference report on H.R. 1905, the Legislative Branch Appropriations Act. The conference report will be debated for 20 minutes, followed by a recorded vote. Mr. Speaker, Members should note that we expect the vote on the Legislative Branch conference report to be the last vote for the evening.

The House will then consider a number of noncontroversial bills:

H.R. 2116, the Veterans Millennium Health Care Act; a motion to go to conference on S. 1467, a bill to extend the funding levels for aviation programs for 60 days; S. 507, the conference report for the Water Resources Development Act.

Mr. Speaker, that means we will be in late tonight, but I know that Members will be pleased to finish all legislative business tonight so that they can return to their districts and their families first thing in the morning.

The SPEAKER pro tempore (Mr. QUINN). The question is on the passage of the bill.

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

The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 210, not voting 7, as follows:

[Roll No. 387]

## YEAS—217

Abercrombie Gillmor Oxley  
 Aderholt Gilman Packard  
 Archer Goodlatte Pease  
 Arney Goodling Petri  
 Bachus Goss Pickering  
 Baker Graham Pitts  
 Ballenger Granger Pombo  
 Barcia Green (WI) Porter  
 Barrett (NE) Greenwood Portman  
 Bartlett Gutknecht Pryce (OH)  
 Barton Hansen Quinn  
 Bass Hastert Radanovich  
 Bateman Hastings (WA) Ramstad  
 Bereuter Hayes Regula  
 Biggert Hayworth Reynolds  
 Billakis Herger Riley  
 Bliley Hilleary Rodriguez  
 Blunt Hobson Rogan  
 Boehlert Hoekstra Rogers  
 Boehner Horn Rohrabacher  
 Bonilla Houghton Ros-Lehtinen  
 Bono Hulshof Roukema  
 Boucher Hunter Royce  
 Brady (TX) Hutchinson Ryan (WI)  
 Bryant Hyde Ryun (KS)  
 Burr Isakson Saxton  
 Burton Istook Scarborough  
 Buyer Jenkins Serrano  
 Callahan Johnson (CT) Sessions  
 Calvert Johnson, Sam Shadegg  
 Camp Kasich Shaw  
 Campbell Kelly Shays  
 Canady King (NY) Sherwood  
 Cannon Kingston Shimkus  
 Chambliss Knollenberg Shows  
 Coble Kolbe Shuster  
 Collins Kuykendall Simpson  
 Combest LaHood Skeen  
 Cook Largent Smith (MI)  
 Cooksey Latham Smith (NJ)  
 Cox LaTourette Smith (TX)  
 Cramer Lazio Souder  
 Crane Leach Spence  
 Cubin Lewis (CA) Stearns  
 Cunningham Lewis (KY) Stump  
 Davis (VA) Linder Sununu  
 Deal LoBiondo Sweeney  
 DeLay Lucas (KY) Talent  
 DeMint Lucas (OK) Tauzin  
 Diaz-Balart Maloney (NY) Taylor (NC)  
 Dickey Manzuillo Terry  
 Dicks McCarthy (NY) Thomas  
 Doolittle McCollum Thornberry  
 Dreier McCrery Thune  
 Duncan McHugh Tiahrt  
 Dunn McInnis Traficant  
 Ehlers McIntosh Vitter  
 Ehrlich McKeon Walden  
 Emerson Metcalf Walsh  
 Engel Mica Wamp  
 English Miller (FL) Watkins  
 Everett Miller, Gary Watts (OK)  
 Ewing Moran (KS) Weldon (FL)  
 Fletcher Morella Weldon (PA)  
 Foley Murtha Weller  
 Fossella Myrick Whitfield  
 Fowler Nethercutt Wicker  
 Franks (NJ) Ney Wilson  
 Frelinghuysen Northup Wolf  
 Gallegly Norwood Young (AK)  
 Gekas Nussle Young (FL)  
 Gibbons Ortiz  
 Gilchrest Ose

## NAYS—210

Ackerman Brown (FL) Davis (FL)  
 Allen Brown (OH) Davis (IL)  
 Andrews Capps DeFazio  
 Baird Capuano DeGette  
 Baldacci Cardin Delahunt  
 Baldwin Carson DeLauro  
 Barr Castle Deutsch  
 Barrett (WI) Chabot Dingell  
 Becerra Chenoweth Dixon  
 Bentsen Clay Doggett  
 Berkley Clayton Dooley  
 Berman Clement Doyle  
 Berry Clyburn Edwards  
 Bishop Coburn Eshoo  
 Blagojevich Condit Etheridge  
 Blumenauer Conyers Evans  
 Bonior Costello Farr  
 Borski Coyne Fattah  
 Boswell Filner Filner  
 Boyd Cummings Forbes  
 Brady (PA) Danner Ford

Frank (MA) Lowey  
 Frost Luther  
 Ganske Maloney (CT)  
 Gejdenson Markey  
 Gephardt Martinez  
 Gonzalez Mascara  
 Goode Matsui  
 Gordon McCarthy (MO)  
 Green (TX) McGovern  
 Gutierrez McIntyre  
 Hall (OH) McKinney  
 Hall (TX) McNulty  
 Hastings (FL) Meehan  
 Hefley Meek (FL)  
 Hill (IN) Meeks (NY)  
 Hill (MT) Menendez  
 Hilliard Millender-  
 Hinchey McDonald  
 Hinojosa Miller, George  
 Hoeffel Minge  
 Holden Mink  
 Holt Moakley  
 Hooley Moore  
 Hostettler Moran (VA)  
 Hoyer Nadler  
 Inslee Napolitano  
 Jackson (IL) Neal  
 Jackson-Lee Oberstar  
 (TX) Obey  
 Jefferson Oliver  
 John Owens  
 Johnson, E. B. Pallone  
 Jones (NC) Pascarell  
 Jones (OH) Pastor  
 Kanjorski Paul  
 Kaptur Payne  
 Kennedy Pelosi  
 Kildee Peterson (MN)  
 Kilpatrick Phelps  
 Kind (WI) Pickett  
 Klink Pomeroy  
 Kucinich Price (NC)  
 LaFalce Rahall  
 Lampson Rangel  
 Larson Rivers  
 Lee Roemer  
 Levin Rothman  
 Lewis (GA) Roybal-Allard  
 Lipinski Rush  
 Lofgren Sabo

## NOT VOTING—7

Bilbray McDermott Reyes  
 Kleczka Mollohan  
 Lantos Peterson (PA)

□ 2142

Mr. DINGELL changed his vote from “yea” to “nay.”

Mr. CRANE and Mr. ROHRABACHER changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KLECZKA. Mr. Speaker, on rollcall No. 387, I was unavoidably detained. Had I been present, I would have voted “no.”

# CONFERENCE REPORT ON H.R. 2587, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. ISTOOK submitted the following conference report and statement on the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes:

## CONFERENCE REPORT (H. REPT. 106-299)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2587) “making appropriations for the govern-

ment of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2000, and for other purposes, namely:*

## TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

### FEDERAL FUNDS

#### FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

*For a Federal payment to the District of Columbia for a program to be administered by the Mayor for District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, \$17,000,000, to remain available until expended: Provided, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: Provided further, That if the authorized program is a nationwide program, the Mayor may expend up to \$17,000,000: Provided further, That if the authorized program is for a limited number of states, the Mayor may expend up to \$11,000,000: Provided further, That the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.*

#### FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

*For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, \$5,000,000: Provided, That such funds shall remain available until September 30, 2001 and shall be used in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That funds provided under this heading may be used to cover the costs to the District of Columbia of providing tax credits to offset the costs incurred by individuals in adopting children in the District of Columbia foster care system and in providing for the health care needs of such children, in accordance with legislation enacted by the District of Columbia government.*

#### FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

*For a Federal payment to the District of Columbia for administrative expenses of the Citizen Complaint Review Board, \$500,000, to remain available until September 30, 2001.*

#### FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

*For a Federal payment to the Department of Human Services for a mentoring program and for hotline services, \$250,000.*

#### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

*For salaries and expenses of the District of Columbia Corrections Trustee, \$176,000,000 for the administration and operation of correctional*