

Mr. Chairman, I reluctantly rise to oppose the gentleman's amendment, well-intentioned as it is. He wants to increase the funding for economic and statistical analysis at the Commerce Department by \$4.35 million.

I will be happy to work with the gentleman as we go through the process in conference with the Senate and further, but in the process this amendment would slash double that amount from the State Department's international exchange program. The funding level in the bill for exchanges provides only for wage and price increases, so any reduction to the level in the bill would be a cut into the meat of these programs, which include the Fulbright Scholarship Program and the International Visitor Program.

Exchanges like these, Mr. Chairman, foster the international dialogue that is critical to American leadership in the world and to long-term peaceful and productive relations with other countries. Exchange programs are a vital tool to advance our foreign economic and security policies, and this amendment would cut them to below a freeze level.

I do appreciate the gentleman's concerns about the economic and statistical programs of the Commerce Department, but this bill already provides funding for those programs at the current year level, which includes an increase over last year's for an initiative to update and improve statistical measurement of the U.S. economy and the measurement of international transactions. In addition, the Department of Commerce will be able to submit a reprogramming for additional funding for these programs if they feel it necessary.

I would be happy to work with the gentleman to address his concerns, and the concerns of all of us, as we continue through the process; but the proposed offset would do real damage to the exchange program at State; and, therefore, I am constrained to urge that we reject this amendment.

Mr. Chairman, I yield 1 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to join the chairman in his comments that he has made.

Let me first say that many Members have come to me and told me that this is an area they wish would not be used for offsets. This especially cuts the Fulbright program, which has been cut by Congress by more than 25 percent in fiscal year 1995 and 1996. In addition, I am informed that this would also cut educational advising, which assists folks who are interested in attending school over here.

So, in general, while we certainly understand what the gentleman is trying to do, and under normal circumstances I probably would join him, there are many people on this side who believe that hurting this program would just

not be the proper thing to do at this time.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume to note that I am joined in opposition by the gentleman from New York (Mr. GILMAN) of the Committee on International Relations, and by the chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH), in urging that we reject the amendment.

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

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

Mr. SMITH of Michigan. I thank the gentleman from Kentucky for yielding to me, and I appreciate the Chairman's frugal manner and the fact that there are not a lot of excess appropriations in his budget. However, in this particular account, the Educational and Cultural Exchange Account, there was an increase. This amendment still leaves that account with more money than they had last year.

And, again, I would just call to the chairman's attention the fact that BEA has been cut 12 percent in real terms since 1993. It is being held flat this year, even though there are tremendous changes in our economy to calculate.

Do I understand the chairman to say that he will work, as this goes to conference and through the process, to try to more adequately fund the BEA?

Mr. ROGERS. Reclaiming my time, Mr. Chairman, the gentleman is correct. I will work with the gentleman and others to see if there is some way we can find extra money for BEA. I realize the importance of it and that they are being squeezed by this funding level. So I will work with the gentleman to see if there is something we can do along the way.

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

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

The amendment was rejected.

The CHAIRMAN pro tempore. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SMITH of Michigan) assumed the Chair.

□

#### FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3903. An act to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1651. An act to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes.

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

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#### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 50, line 18 be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 45, line 1, through page 50, line 18, is as follows:

#### BUREAU OF THE CENSUS

##### SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$140,000,000.

##### PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to conduct the decennial census, \$392,898,000 to remain available until expended: of which \$24,055,000 is for Program Development and Management; of which \$57,096,000 is for Data Content and Products; of which \$122,000,000 is for Field Data Collection and Support Systems; of which \$1,500,000 is for Address List Development; of which \$115,038,000 is for Automated Data Processing and Telecommunications Support; of which \$55,000,000 is for Testing and Evaluation; of which \$5,512,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; of which \$9,197,000 is for Marketing, Communications and Partnerships activities; and of which \$3,500,000 is for the Census Monitoring Board, as authorized by section 210 of Public Law 105-119.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, \$137,969,000, to remain available until expended.

#### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$10,975,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information

Administration Organization Act, 47 U.S.C. 902-903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES,  
PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$31,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$1,800,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE  
SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Director of Patents and Trademarks, \$650,035,000, to remain available until expended: *Provided*, That of this amount, \$650,035,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at \$0: *Provided further*, That, during

fiscal year 2001, should the total amount of offsetting fee collections be less than \$650,035,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: *Provided further*, That any amount received in excess of \$650,035,000 in fiscal year 2001 shall not be available for obligation: *Provided further*, That not to exceed \$254,889,000 from fees collected in fiscal years 1999 and 2000 shall be made available for obligation in fiscal year 2001.

SCIENCE AND TECHNOLOGY  
TECHNOLOGY ADMINISTRATION  
UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF  
TECHNOLOGY POLICY  
SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, \$7,945,000.

NATIONAL INSTITUTE OF STANDARDS AND  
TECHNOLOGY  
SCIENTIFIC AND TECHNICAL RESEARCH AND  
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$292,056,000, to remain available until expended, of which not to exceed \$282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$104,836,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$26,000,000, to remain available until expended.

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

The Clerk will read.

The Clerk read as follows:

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION  
OPERATIONS, RESEARCH, AND FACILITIES  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, \$1,606,925,000, to remain available until expended: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, \$68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: *Provided further*, That, of the \$1,734,925,000 provided for in direct obligations under this heading (of which \$1,606,925,000 is appropriated from the General Fund, \$92,000,000 is provided by transfer, and \$36,000,000 is derived from deobligations from prior years), \$260,561,000 shall be for the National Ocean Service, \$405,383,000 shall be

for the National Marine Fisheries Service, \$264,561,000 shall be for Oceanic and Atmospheric Research, \$621,726,000 shall be for the National Weather Service, \$106,585,000 shall be for the National Environmental Satellite, Data, and Information Service, \$58,094,000 shall be for Program Support, \$7,000,000 shall be for Fleet Maintenance, and \$11,015,000 shall be for Facilities Maintenance: *Provided further*, That not to exceed \$31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: *Provided further*, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 33 personnel: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

AMENDMENT NO. 79 OFFERED BY MR. FARR OF  
CALIFORNIA

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

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

The text of the amendment is as follows:

Amendment No. 79 offered by Mr. FARR of California:

Page 51, lines 3, 16, and 17, after each dollar amount, insert the following: "(increased by \$85,772,000)".

Page 51, line 20, after the dollar amount, insert the following: "(increased by \$18,277,000)".

Page 51, line 21, after the dollar amount, insert the following: "(increased by \$16,343,000)".

Page 51, line 22, after the dollar amount, insert the following: "(increased by \$35,941,000)".

Page 51, line 24, after the dollar amount, insert the following: "(increased by \$4,500,000)".

Page 52, line 1, after the dollar amount, insert the following: "(increased by \$4,459,000)".

Page 52, line 2, after the dollar amount, insert the following: "(increased by \$6,243,000)".

Page 52, line 3, after the dollar amount, insert the following: "(increased by \$9,000)".

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

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from California (Mr. FARR) and a Member opposed each will control 5 minutes.

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

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the chairman for giving us 5 minutes on this very important amendment.

I rise with this amendment to restore the whacking that the National Oceanic and Atmospheric Administration has taken in this appropriation bill. The chairman of the subcommittee and I are fond of discussing that Kentucky does not have a lot of oceans, but I am fond of reminding everyone that this land is the land from sea to shining sea and that some of those ocean waters begin in Kentucky.

□ 1615

My amendment restores the cuts to this year's current levels. I am not asking for an increase, merely a restoration of what the current level is, meeting the status quo.

The earmark in the bill is 76 percent less than what the President requested. The subcommittee cut several programs from current levels. They cut the National Ocean Service. They cut the National Marine Fisheries Service. They cut the Oceanic and Atmosphere Research Service. They cut the National Environmental Satellite Service. They cut the Pacific Salmon Treaty program by \$12 million, less than its current level funding. They cut the National Marine Sanctuary Program.

The cuts, according to NOAA, will result in staffing cuts up to a thousand of our Federal employees that will have to be laid off at a time when we are in more need of good natural science information than any other time in history. These cuts have unintended consequences.

We have programs in agriculture that need to be reviewed and need permits. We have programs in the fisheries that need to be reviewed and need permits. We have programs relating to endangered species. We have programs relating to forest management. And these staff persons are the people that review these and grant the permits that are allowed to continue in those endeavors.

If we look at where we are with NOAA, this is the 30th anniversary of that organization. We are very proud of its work here in the United States. But this bill's birthday present is kind of a slap in the face. This bill tells the story. The cuts to NOAA, essentially, went to pay for prisons.

I know it is sad that we have to cut these programs from the current expenditure because of the allocation cap given by the Republican budget resolution. That figure did not say that we had to plus up the prisons at the expense of good science.

Perhaps some cynic might suggest that the cutting of our environmental regulators will create more law breakers who have to then wait too long to get permits who violate the law and then we will have to put them in those new prisons that we are building.

I do not agree with that. I think that this Nation's inhabitants and our own economic well-being depend on our ability to have clean air and healthy oceans. These cuts promote neither, Mr. Chairman. They must be restored.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman from California (Mr. FARR) for offering this amendment.

He has outlined the kind of damage that the committee budget does to the National Marines Fisheries Service.

I would just point out that the budget for Fisheries Stock Assessment and Management programs will hinder our conservation efforts and hurt the commercial fishing industry on our Pacific Coast. In California, where we are facing the collapse of our groundfish stocks, the ability to collect data and to fund an observer program will be critical to the survival of this fishery and the fishing industry.

But this is not just a West Coast problem, however. Throughout the United States, fish stocks have become depleted, wetlands that are important nursery areas for young fish stocks are being destroyed and damaged due to pollution and human encroachment. At such a critical time, it seems illogical to cut the programs that fund the ocean and marine science that will lead to a better stewardship of our oceans and the sustainable use of these ocean resources.

This modest amendment is far below the administration's request for what they thought was necessary for NOAA. I urge the Members of Congress to support this amendment. This can have a long-term, devastating impact on the commercial fisheries, which are basically made up of small business people running their boats, running their family operations; and if we cannot keep these stocks up into healthy populations, then those people will be put out of business and they will lose their livelihood for themselves and their families and for their communities.

I thank the gentleman from California (Mr. FARR) for offering the amendment.

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

Mr. Chairman, I know that the gentleman from Kentucky (Mr. ROGERS) is going to reserve his point of order. We will probably lose on a technicality. But I just want to emphasize my sincere concern that, in conference, that these monies need to be restored.

The greatest populations of the United States live along the coastlines and they make their living off the coastlines. If we look at the cuts, these affect the essential coastal communities in the United States and their ability to do the job they need to do working in partnership with good Government. So these are going to have devastating impacts, particularly if we have to lay off a thousand employees who are now currently working for the Federal Government.

So I would request that the gentleman from Kentucky (Mr. ROGERS) work in a bipartisan fashion to help in conference restore these funds.

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Ken-

tucky (Mr. ROGERS) insist on his point of order?

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

Mr. Chairman, before I make the point of order, let me say, the interest of the gentleman is appreciated, his long-term support of NOAA, but I must oppose the amendment.

The bill provides for a whole host of coastal and ocean programs, including \$25.5 million for the Marine Sanctuaries program, including \$3 million for construction and maintenance, the same level as current year, with the exception of a one-time-only Senate project.

Last year the bill included an enhancement of \$8.6 million over the prior year. It also provides \$12 million for the National Estuarine Research Reserve System and \$59.2 million for the Coastal Zone Management Grant Program, the same level as in the current year.

The bill provides \$58 million for the Pacific salmon recovery efforts, subject to authorization, the same amount of funding in the current year. It provides an increase of \$4.2 million over the current year for the West Coast Ground Fishery, including \$2 million for a new beneficiary observer program and \$2 million for stock assessments, almost doubling the program.

The bill also provides \$61.3 million for the National Sea Grant Program, an increase of \$2 million over current year.

What it does not include is a number of new unauthorized and undefined programs. But, overall, this is a very generous bill. We will work with the gentleman from California (Mr. FARR) and others as we go along to see what may be possible.

With our tight spending constraints we are under, however, this is as far as we have been able to go at this time.

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

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, reluctantly, I do make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The amendment would provide new budget authority in excess of the subcommittee suballocation made under 302(b) and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. If there are no other Members wishing to be heard, the Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from California (Mr. FARR) would increase the level of new discretionary budget authority in the bill. As

such, the amendment violates section 302(f) of the Budget Act.

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

AMENDMENT NO. 70 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 70 offered by Mrs. MINK of Hawaii:

Page 51, line 3, after the dollar amount insert "(increased by \$1,200,000)".

Page 51, line 16, after the dollar amount insert "(increased by \$1,200,000)".

Page 51, line 17, after the dollar amount insert "(increased by \$1,200,000)".

Page 51, line 21, after the dollar amount insert "(increased by \$1,200,000)".

Page 53, line 12, after the dollar amount insert "(reduced by \$1,200,000)".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer my amendment, which simply adds \$1.2 million to the National Marine Fisheries Service in order to provide needed funds for the Hawaii Longline Observer Program. Due to lack of funds, 14 observers that we had had to be cut to only a force of two observers in mid-May of this year.

The observer program began about 10 years ago to provide accurate data on the number of endangered and threatened sea turtles that are caught by the fleet of about 130 longline fishing vessels in the Pacific. They come under the jurisdiction of the United States because of the agreement that the zone which constitutes the 200 miles surrounding Hawaii is the economic zone over which we have economic as well as commercial and scientific and endangered species control.

I regret that I did not have this information in time to bring this matter to the subcommittee and to discuss it with the chairman and with the ranking member. These observers are extremely important to the proper management of the fisheries.

Under the Endangered Species Act, the National Marine Fisheries Service is responsible for evaluating the impact of the longline fishery on the endangered and threatened sea turtles. Over the past decades, several biological opinions resulted, each requiring the observer program as a condition of the ongoing operation of this longline fishery.

The most recent opinion, issued in 1998, specified that the National Marine Fisheries Service was to continue to monitor the longline fishery with this observer program. The effort is absolutely essential in order to provide us

with the data necessary to make an evaluation as to the take by this fishery.

The National Marine Fisheries Service has been under a court order to monitor these endangered species, and last year the Court ordered that the Northern Pacific area actually be banned from this fishery.

Last week, when I prepared this amendment and came to the floor, it was in terms of a crisis. Today it is a calamity. I appeal to the chairman of the subcommittee and the ranking member to agree to this amendment and to allow this very minimal funding.

On Friday last week, June 23, Judge Ezra of the United States District Court ordered the National Marine Fisheries Service to provide one observer per longline fishing vessel currently fishing in the Hawaiian waters. That means 130 observers for our fleet.

Currently, the Fishery Service maintains only two observers. As I noted earlier, they fired the other 12 on May 9.

The Court has noted that the Marine Fishery Service has had a budgetary problem. But the Court clearly stated that the compliance with the National Environment Act was a legal requirement that had to be met and, therefore, ordered the National Marine Fisheries Service to comply with NEPA in an expeditious manner in order to avoid an undue burden on the fisheries.

Well, the court order requires that within 30 days there shall be one observer on each one of the longline line vessels. That is nearly impossible.

What I am hoping today that the chairman and the ranking member will agree to, this amendment, that at least we can begin a discussion with the Court, perhaps go to the Court and seek a modification of his order. He has already blocked off whole portions of the Pacific as areas that cannot be fished. What is left is a small portion of the Pacific, but even that will be involved in a ban if we cannot come up with the observers.

This 30-day mandate may be subject to appeal. It may be subject to negotiations with the Court. But one thing I do know is that if the House, together with the Senate, acts appropriately, this could certainly be a measure of support that we could take to the Court and ask for its reasonableness.

This is a \$170 million industry that is going to go down the tubes. Not only the industry and our economy will be affected, but the tourists coming to Hawaii will not have the fresh fish source that it is accustomed to having when they come to Hawaii.

The United States has jurisdiction over the 200-mile economic zone. If we fail to support our fishery with some reasonable efforts, surely we want to save the turtles, but we also have to think about this fishery. And if the U.S. fishery collapses in this area, it means that the foreign fisheries that are now sending out its massive fleets

will simply take over the industry and we will be subject to buying from these foreign vessels.

The species that we are talking about are tuna, swordfish, mahi-mahi, the highly-prized species that make up the gourmet meals in our industry.

I would hope that the chairman would agree to this amendment together with the ranking member.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of the amendment.

Mr. Chairman, the gentlewoman makes an awfully strong case. We were just informed this morning on the subcommittee of the decision of the Court. I realize that it puts everyone in a very severe bind. I think we should agree to this. I urge adoption of the amendment.

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of Mrs. MINK's amendment supporting additional funding for the National Marine Fisheries Service. It is her intent that this funding be used to support the Hawaii Longline Fisheries Observer Program, a threatened program absolutely essential to fisheries in the Pacific. The observer program is used to ensure that the longlining industry in the Pacific is not capturing, through incidental take, rare and endangered species such as leatherback sea turtles. NMFS has stated that it is mandatory that the observer program be in place to monitor the longline fishery, yet has cut this program from 13 to 2 people because of budget shortfalls. A proposed lawsuit threatens to close down the fishery entirely without observers, and we can not allow this to happen. We need to get the observers back on the boats where they belong! The Western Pacific Fishery Management Council has been supportive of the observer program as it provides important data needed for effective management. It is my understanding that the proposed budget includes funding for other observer programs, but that the Hawaiian longline observer program is sorely neglected. I urge support of this program by Congress in order to correct this oversight as a matter of fairness to fisheries in the Pacific.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The amendment was agreed to.

□ 1630

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will read.

The Clerk read as follows:

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$564,656,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously made available in the

"Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

#### PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, \$58,000,000, subject to express authorization.

#### COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

#### FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$951,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

#### FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), and the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$189,000, to remain available until expended.

#### FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, \$238,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

#### GENERAL ADMINISTRATION SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed \$3,000 for official entertainment, \$31,392,000.

#### OFFICE OF INSPECTOR GENERAL

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

#### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

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

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

therefore, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided*, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103-356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2001 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2001 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103-356.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2001".

### TITLE III—THE JUDICIARY

#### SUPREME COURT OF THE UNITED STATES

##### SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; \$36,782,000.

##### CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$7,530,000, of which \$4,460,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE  
FEDERAL CIRCUIT

## SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$17,846,000.

UNITED STATES COURT OF INTERNATIONAL  
TRADE

## SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$12,299,000.

COURTS OF APPEALS, DISTRICT COURTS, AND  
OTHER JUDICIAL SERVICES

## SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$3,328,778,000 (including the purchase of firearms and ammunition); of which not to exceed \$17,817,000 shall remain available until expended for space alteration projects; and of which not to exceed \$10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,600,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

## DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), \$420,338,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

## FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$60,821,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

## COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services and the procurement, installation, and maintenance of security equipment for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$198,265,000, of which not to exceed \$10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED  
STATES COURTS

## SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$58,340,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

## FEDERAL JUDICIAL CENTER

## SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$18,777,000; of which \$1,800,000 shall remain available through September 30, 2002, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.

## JUDICIAL RETIREMENT FUNDS

## PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$25,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$8,100,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$1,900,000.

## UNITED STATES SENTENCING COMMISSION

## SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$9,615,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

## GENERAL PROVISIONS—THE JUDICIARY

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

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

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

SEC. 304. (a) The Director of the Administrative Office of the United States Courts (the Director) may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. These disbursing officers will (1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b) of this section, (2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved, and (3) be held accountable as provided by law. However, a disbursing officer will not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b) of this section.

(b)(1) The Director may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to certify payment requests payable from appropriations and funds. These certifying officers will be responsible and accountable for (A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers, (B) the legality of the proposed payment under the appropriation or fund involved, and (C) the correctness of the computations of certified payment requests.

(2) The liability of a certifying officer will be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(c) A certifying or disbursing officer (1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification, and (2) is entitled to relief from liability arising under this section as provided by law.

(d) The Director shall disburse, directly or through officials designated pursuant to this section, appropriations and other funds for the maintenance and operation of the courts.

(e) Nothing in this section affects the authority of the courts to receive or disburse moneys in accordance with chapter 129 of title 28, United States Code.

(f) This section shall be effective for fiscal year 2001 and hereafter.

This title may be cited as the "Judiciary Appropriations Act, 2001".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill

through page 69, line 19 be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to those sections?

The Clerk will read.

The Clerk read as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the United States Information and Educational Exchange Act of 1948, as amended, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by section 801 of such Act; expenses authorized by section 9 of the Act of August 31, 1964, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized by the Arms Control and Disarmament Act of September 26, 1961, as amended; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, \$2,689,825,000: *Provided*, That, of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, in fiscal year 2001, all receipts collected from individuals for assistance in the preparation and filing of an affidavit of support pursuant to section 213A of the Immigration and Nationality Act shall be deposited into this account as an offsetting collection and shall remain available until expended: *Provided further*, That, of the amount made available under this heading, \$246,644,000 shall be available only for public diplomacy international information programs: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$342,667,000 of offsetting collections derived from fees collected under the authority of section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) during fiscal year 2001 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further*, That any fees received in excess of \$342,667,000 in fiscal year 2001 shall remain available until expended, but shall not be available for obligation until October 1, 2001: *Provided further*, That advances for services authorized by 22 U.S.C. 3620(c) may be credited to this account, to remain available until expended for such services.

AMENDMENT NO. 17 OFFERED BY MR. BILBRAY

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

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

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. BILBRAY: Page 71, line 1, after the dollar amount, insert the following: "(reduced by \$500,000)".

Page 79, line 19, after the dollar amount, insert the following: "(increased by \$500,000)".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from California (Mr. BILBRAY) and a Member opposed each will control 5 minutes.

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

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

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

Mr. Chairman, I would like to thank the gentleman from Kentucky (Mr. ROGERS). I appreciate the fact that he has been working with us on this amendment and other related amendments that directly affect the constituency of South San Diego County.

Mr. Chairman, in my hometown of Imperial Beach, we spend our summers being greeted by this sign. It is a sign that many people in America see every once in awhile, but in I.B., sadly much too often. As a surfer and a diver, it is something that all of us who spend time in the water care a lot about, especially those of us who have children who spend time in the water.

The difference in Imperial Beach and in Coronado is that the pollution that causes this sign does not come from a factory or a business or a community in America that is not taking care of its problems. Imperial Beach and Coronado in South San Diego County has been required by the EPA and the Federal Government to clean up their act so they do not pollute their beaches.

The pollution that causes this sign comes from a foreign country crossing our international boundary and entering the United States and polluting our U.S. territorial waters and endangering the lives of children and the families of American citizens on American soil.

Mr. Chairman, these two photos are a classic example of a technology that I have been working with the chairman on, remote sensing. One will actually be able to picture here the pollution or the turbidity coming across and entering the United States. One of the problems we have in San Diego is the Tijuana River flows from the urban areas of Tijuana, Mexico, and flows north into the United States and then enters the Pacific Ocean after going through a Federal estuarine and wildlife preserve. Supposedly one of the most protected Federal lands in America is an estuary and preserve with a designation of research capabilities.

This pollution is not something new. It is something we have been putting up with since I was a child. It has become chronic over the last 20 years with the extensive growth in Mexico, and at the same time the Federal Government is requiring every city and

every community in America to address its nonpoint sources coming out of its flood control channels and its storm drains.

The United States Federal Government, through the International Boundary and Water Commission, has owned a flood control channel entering the country that constitutes the largest single pollutant source in San Diego County, and I am here to ask for support for an amendment that says the Federal Government will hold itself to the same standards that it demands on everybody else. We will not allow sewage to enter this country and run down a federally owned flood control system and pollute our estuaries and our preserve areas and our beaches and our children and their playground.

Mr. Chairman, my amendment provides \$500,000 to be able to develop a system so that at this flood control channel as it enters the United States, the United States will be able to defend its citizens by catching the sewage, diverting it out of the flood control system and put it into a sewage system through an outfall and treatment concept.

Without this system, without this \$500,000, the citizens of the United States who live in this area are exposed to a foreign government's whim, at when they want to dump raw sewage on the United States and when they do not.

Now I strongly believe that we need to have peacekeeping and intervention all over the world, but I would ask my colleagues on both sides of the aisle, and I would ask the ranking member to consider this: Who do we owe more obligation to to defend from foreign intervention than U.S. citizens on their own soil in their own neighborhoods?

Now, understand that this is not a wealthy area. This is a working-class neighborhood. It has high minority numbers, and some of us may say, well, that is why it has been ignored for so long.

I do not think so. I think it is because we do not understand the border and the border region. I like to think that it is a misunderstanding that has caused this situation.

So I am asking that both the majority and the minority accept an amendment that says we have ignored this public health threat too long; we are willing to address this issue, and we are willing to make this commitment. Just as we make a commitment to people all over the world to stop the pollution problems that are affecting their neighborhoods, we are now finally going to address the issue here in the United States.

Again, this is not a problem being created by the people in this neighborhood. This is a threat that begins in a foreign government and then travels.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BILBRAY) has expired.

Mr. BILBRAY. Mr. Chairman, I ask unanimous consent for one additional minute.

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

There was no objection.

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

Mr. Chairman, there are a whole lot of other things that I want to work with the chairman on. We have maintenance issues at this plant. We built a \$200 million plant, and it is not properly maintained; the parts are not there. But I am asking just for this amendment now as a sign that the United States will do everything it can to defend its citizens from foreign pollution on U.S. soil.

At this time, I ask both the majority and the minority, this is a chance for us to all pull together. The gentleman from California (Mr. FILNER) represents part of this area. I represent the other. Here is a chance to show true bipartisan support, true bipartisan commitment, to defending Americans and protect the environment no matter what their party affiliation, no matter what neighborhoods they live in.

Mr. Chairman, I have three amendments before the committee today which I would like to explain for my colleagues. The purpose of my amendments is very straightforward. Let me first express that I have great respect and appreciation for the subcommittee chairman, HAL ROGERS, and the challenges he's had to address in order to prepare his bill. I know that the limits of your allocation have made for difficult decisions, and I commend you for assembling such a good bill under these tough circumstances. I am also very appreciative of the chairman's willingness to work with me in order to address the difficult public health and environmental problems my district faces as a result of untreated sewage flows from Mexico.

In mid-1999, at my request, the city of San Diego initiated a study to determine the usefulness of satellite remote imaging for mapping and monitoring the dispersion of sewage discharges in the United States-Mexico border region.

The objectives of this study were to (1) to demonstrate what type of remote sensing data can be useful for imaging effluent plumes, and (2) to validate information obtained by remote sensing data with field data. While the number of image sets available were limited, the results of this study indicate that all the remote sensing data types can significantly contribute to determining the contributions and extent of the sewage runoff discharges that affect the United States-Mexico border region. Among other things, this will help in isolating the true effects of the South Bay Ocean Outfall from "false" signals created from effluent from other shoreline sources.

The satellite images in this study, two of which I have enlarged here today for my colleagues to see, show distinct near-shore turbidity patterns as well as larger-scale patterns extending further offshore. It is helpful to understand that the major turbidity signals within the near-shore zone are linked to terrestrial effluent discharges or runoff, as opposed to the stirring up of bottom sediments by winds, waves, or tidal currents.

The image in figure 1 of the report was not preceded by any appreciable rain for more than three days. There are four areas where

fresh discharge can be identified—the Tijuana River, a couple of smaller areas just south of there, the San Antonio Los Buenos treatment facility, and Los Buenos Creek. In figure 2, this image was acquired just 24 hours after a 2-day rain event, and clearly shows fresh runoff plumes from numerous sources.

Clearly, this type of imaging can yield tremendous volumes of information which will be critical in helping to monitor, track, and respond to sources of ocean pollution plumes. I have prepared an amendment (#45) that would provide \$200,000 to the IBWC, for the purposes of continuing to provide this kind of satellite image monitoring. My amendment would be offset from the Department of State's Diplomatic and Consular Affairs account.

I also have at the desk another amendment which these photos will help to explain—located here in the photo, on the border, is the International Wastewater Treatment Plant. As the chairman is well aware, the IBWC has since 1998 been operating the U.S. International Wastewater Treatment Plant (IWTP), which sits along our southern border with Mexico and is presently treating up to 25 mgd of Mexican sewage to primary levels. This effluent is then discharged via the South Bay Ocean Outfall. Since this plant began operation in 1998, its operations and maintenance costs have increased considerably, as a result of several factors.

1. Pumps and other processing equipment consume large amounts of electrical power, and power costs at the IWTP are directly related to the volume of wastewater treated. Power costs at the plant have risen as a result of increased pumping needs at the IWTP, Smugglers' pump station, and Goat Canyon pump station.

2. Perhaps even more important, is the increasing recognition of the need to begin recurring nonannual preventive maintenance and testing—this includes such things as pump rebuilding, testing of electrical systems, and conveyor overhaul—the basic functions that make the plant work. What we have here is a brand new plant, which is now beginning to reach its maintenance cycles, and in some instances, cycles which were projected as 2 or 3 year are starting to be seen as annual maintenance needs.

This may sound like a lot of nuts and bolts, but the outcome is what is critical to me and my communities, Mr. Chairman, and that is whether the beaches are open and safe for people to use. To paraphrase the old saying, for want of a pump, the plant was lost—clearly, this is the situation we must avoid. The IBWC has worked hard to help keep the beaches open in the south San Diego county region, and I don't want to see that change out of maintenance needs.

I recognize that the subcommittee worked hard to level fund these Commissions at the existing FY 2000 levels, Mr. Chairman, but I believe we must find a way to provide assurances that basic maintenance needs do not result in threats to the public health and environment in the upcoming summer months. Additionally, as I have discussed with the chairman, it is important to ensure that the IBWC will have adequate funds available to operate the emergency connection to the city of San Diego's Point Loma treatment plant, in the event of an emergency need this summer.

My amendment (#16) would transfer \$5.1 million to the IBWC's salaries and expenses

account, for the purposes of ensuring that this routine but critical maintenance will continue to occur. I want to clarify for my colleagues that, as the chairman well knows, it is in this salaries and expenses account that operations and maintenance funds are located; this amendment is not going for additional salaries, or administrative overhead.

The offset for my amendment is provided out of the Department of State's Contributions for International Peacekeeping Activities, which is funded in the bill at \$498,100,000. I don't mean to diminish the importance of our peacekeeping operations abroad, but I feel very strongly that we must first protect our own borders, in this case from the public health threat generated by flows of Mexican sewage that has been confronting my constituents for decades. Chairman ROGERS knows how strongly I feel about this, and is due a lion's share of the credit for the great work this committee has done on border environmental issues up to this point.

My third amendment (#17) addresses an issue with which the chairman is very familiar, from our ongoing discussions.

With my previous amendment on the IBWC, I talked about ensuring that the IBWC is able to continue operating the plant, which treats captured sewage. This amendment addresses what can be a far greater problem, which is the flows of renegade sewage that doesn't make it into any pipes or plants for treatment.

An odd fact of nature is that in this part of the region the watershed, rivers, and urban runoff flow north, into the United States. When there are rain events, or when Mexican infrastructure breaks, fails, or is simply turned off without warning (which happens far too often), raw sewage runs downhill into the canyons along the border and into the Tijuana Estuary, or down the Tijuana River into the flood control channel where it enters the United States and continues toward the beaches in my hometown of Imperial Beach.

All the treatment plants in the world won't end our contamination problem, if there are still significant volumes which aren't ending up "in the pipe". The IBWC is presently working on a plan to improve the capacity of the canyon sewage collectors which are now in place at Goat Canyon and Smuggler's Gulch, and this will certainly help.

But the biggest "non-point" source of the United States side (I say U.S. because clearly, as the images from this report show, runoff from Los Buenos Creek is a major problem for both Mexican and United States beaches as the current takes it northward) is the Tijuana River, which is why I've gone to Chairman ROGERS with a specific request. I believe it is essential that a diversionary structure be built in the flood control channel as it enters the United States, which could then capture renegade flows and divert them to the IWTP or other facilities for at least some level of treatment. IBWC agrees with this need, and is prepared to move forward with this project.

My amendment would provide \$500,000 for this purpose to the IBWC's construction account. It is offset from the State Department's Diplomatic and Consular Programs account, which is presently funded at \$2,689,000.

Mr. Chairman, I have some additional background materials, along with my full statement and amendments, which I would ask be entered into the RECORD at the appropriate point. I would urge my colleagues to support these

amendments, and would reserve the balance of my time.

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

The CHAIRMAN pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) seek to claim the time in opposition?

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes.

The CHAIRMAN pro tempore. Without objection, and without objection, the time in opposition is increased to 6 minutes as a result of the unanimous consent request of the gentleman from California (Mr. BILBRAY).

The gentleman from Kentucky (Mr. ROGERS) is recognized for 6 minutes.

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

Mr. Chairman, I want to congratulate and thank the gentleman from California (Mr. BILBRAY) for his devotion to this cause. This is a long-standing problem that is getting worse, and the gentleman has focused on this problem and devoted himself to trying to solve it. It is a vexing problem that crosses the international boundary line with Mexico and is a problem that has to be addressed really on both sides of the border, but the gentleman from California (Mr. BILBRAY) has indeed focused our attention on the problem. It is a matter that needs to be addressed; and this amendment, I think, will go a long way towards starting the effort to solve this long-standing problem.

So I am very pleased to accept the amendment on our side as a beginning point for trying to solve this long-standing problem for the residents of the entire area around San Diego and the adjoining area in Mexico.

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

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

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

Mr. FILNER. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for yielding, and I thank the gentleman from California (Mr. BILBRAY) for offering this amendment. We represent adjacent districts. He talked about a bipartisan approach. I want to illustrate that on the floor today. The gentleman from California (Mr. BILBRAY), when he was a county supervisor in San Diego, was at the same time that I was a city councilman in San Diego. Our districts pretty much meshed; and we worked on this together for many, many, many years. We are at the point of solving these problems, and with the help of this Congress we will.

We have tried to get this diversionary structure in place. It helps protect our citizens from health hazards caused by the river of sewage; but it was built quickly and now that the international treatment plant is in operation, we must expand and improve the capacity. It has limited capacity. It

clogs with silt and debris, as I am sure the gentleman from California (Mr. BILBRAY) pointed out, and it must be shut down for maintenance when the rains and other events make it exceed its capacity.

So what the amendment of the gentleman from California (Mr. BILBRAY) does is provide the funding to design improvements needed to increase its capacity, solve these problems.

I am sure the gentleman from California (Mr. BILBRAY) and I are the only two Congressmen in this House that can say that raw sewage flows through our districts; up to 50 million gallons a day.

We have a series of attempts to improve this situation, legislation that we hope will follow in the authorization process, and I thank the Chair and the gentleman for making this amendment and supporting it.

I urge my colleagues to support this amendment. In 1991, as a San Diego City Councilman, I worked with the IBWC to build a diversionary structure in the international flood control channel to capture 13 million gallons per day of sewage that flowed through the Tijuana River to our beaches. This diversionary structure helped protect our citizens from the health hazards caused by this river of sewage. But it was built quickly. Now that the International Treatment Plant is in operation, the structure must be improved and its capacity expanded. Currently, it has a limited capacity of often clogs with silt and debris. Whenever flows exceed its capacity or it must be shut down for maintenance, raw sewage flows freely throughout the Tijuana River. This amendment would provide the funding to design improvements needed to increase its capacity and solve these problems.

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

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

Mr. SERRANO. Mr. Chairman, I rise in support of the amendment, in support of the comments of the gentleman from California (Mr. FILNER). I would hope that this is the kind of issue that we can continue to solve.

Just as an aside, I thank the gentleman from California (Mr. BILBRAY) for bringing a sign in two languages.

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

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

Mr. BILBRAY. Mr. Chairman, actually I was a county supervisor which had supervision over county health; and because of all of the activities at the border, we decided when I was Chair that we needed to have it in both languages so everybody knew what was going on, including those who might have been visiting from down south.

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

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

Mr. SERRANO. Mr. Chairman, I support the gentleman from California (Mr. BILBRAY) in that. I support him in his amendment, and I hope he remembers that when we discuss another bill later on.

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

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

Mr. BILBRAY. Mr. Chairman, I would like at this time to really thank the gentleman from Kentucky (Mr. ROGERS) for his cooperation on this specific issue but also with the other issues, as the gentleman from California (Mr. FILNER) has so appropriately brought up, that we have a comprehensive problem here and I look forward to working with the chairman as this bill moves forward, making sure that we address these issues, these environmental issues.

I want to sincerely thank him very much for being so sensitive to a problem that has been ignored for much too long.

Mr. ROGERS. Mr. Chairman, I want to thank the gentleman from California (Mr. BILBRAY) again for his persistence on this matter. There are other areas that he is working with our subcommittee on in this regard, and we will continue to work with the gentleman to try to help solve a massive problem on our border with Mexico.

I urge adoption of the amendment.

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

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to this section of the bill?

The Clerk will read.

The Clerk read as follows:

In addition, not to exceed \$1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

In addition, for the costs of worldwide security upgrades, \$410,000,000, to remain available until expended.

#### CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$79,670,000, to remain available until expended, as authorized in Public Law 103-236, as amended: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$28,490,000, notwithstanding section 209(a)(1) of the Foreign

Service Act of 1980, as amended (Public Law 96-465), as it relates to post inspections.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977, as amended (91 Stat. 1636), \$213,771,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided*, That not to exceed \$800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e).

#### REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), \$5,826,000.

#### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, \$8,067,000, to remain available until September 30, 2002.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), \$416,976,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized by the Secure Embassy Construction and Counterterrorism Act of 1999, \$648,000,000, to remain available until expended.

#### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), and as authorized by section 804(3) of the United States Information and Educational Exchange Act of 1948, as amended, \$5,477,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

#### REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$591,000, as authorized by section 4 of the State Depart-

ment Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$604,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

#### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8, \$16,345,000.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$131,224,000.

#### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

#### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$880,505,000: *Provided*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That, of the funds appropriated in this paragraph, \$100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding 6 months to increase funding for any United Nations program without identifying an offsetting decrease during that 6-month period elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000-2001 of \$2,535,700,000: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

#### AMENDMENT NO. 71 OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment. I am acting as the designee of the gentleman from Wisconsin (Mr. OBEY).

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

The text of the amendment is as follows:

Amendment No. 71 offered by Mr. SERRANO:

Page 77, strike the proviso beginning on line 2.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from New York (Mr. SERRANO) and a Member opposed each will control 5 minutes.

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

□ 1645

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

Mr. Chairman, as I said, I am acting as the designee of the gentleman from Wisconsin (Mr. OBEY). Let me first tell the gentleman from Kentucky (Mr. ROGERS) that it is our intention to withdraw this amendment, but we want to bring this issue up and discuss it properly.

Mr. Chairman, included in the bill is language that would withhold \$100 million in regular dues to the United Nations until the United Nations certifies a no-growth budget. This is of great concern to us on this side, because we believe that this would have a significant and devastating impact on ongoing negotiations.

What happened is that last year we did something great in this bill, we were able to pay our arrears, but payment was based also on our claim that our assessment should be lower, that the dues that were assessed should be lower. Those negotiations are going on right now.

In our opinion, to put this language in the bill would just send a very bad message, not only to those folks at the U.N. and our government to have to negotiate this issue, but also to other countries who we are trying to negotiate with.

On one hand, we are telling them that it is our intent to pay our dues, at the same time we are telling them we think we are paying too much and we should not carry such a load. While that is going on, we then send a message that we will withhold amounts which, one, as I said, would just send a very bad message. It would make us look like we are negotiating in bad faith, and at the same time begin to put us again in arrears, something we are working hard and in a bipartisan fashion of last year, to try to do away with.

While it is our intent to withdraw this amendment, I would just hope that in the comments of the gentleman from Kentucky (Chairman ROGERS), if he wishes to make some, he would begin to send us the message that this is not the way we want to go, and that we have to continue to send a positive message to the U.N.

Lastly, we in this Chamber take great credit for all the activities that this country undertakes throughout the world, and I think that more and more every day we have to understand that we do not take those activities alone. In the last few years and in the last decade, we have been taking them very closely and in conjunction with the U.N. as part of members of the U.N., and we should not continue to on one hand work closely with the U.N. to deal with issues throughout the world that are of great importance to our national security and to peace and prosperity throughout the world and at the same time continue to bash the U.N.

I think that what we are seeing in this language is in fact U.N. bashing, and I will wait for some comments from the gentleman from Kentucky (Mr. ROGERS), if he has any, and then I withdraw the amendment.

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Kentucky (Mr. ROGERS) claim the time in opposition?

Mr. ROGERS. I do, Mr. Chairman.

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

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

Mr. Chairman, I rise in opposition. The provision that the gentleman from New York (Mr. SERRANO) proposes to strike has been a critical part of what we have been able to achieve thus far in bringing fiscal discipline and responsibility back to the United Nations.

It is part of the overall approach the Congress has taken toward the U.N. since 1997, an approach that the administration has in turn adopted; that is, to establish zero nominal growth budgets at the United Nations and other international organizations. Then once those budgets have been adopted at the U.N., to insist on a discipline to live within the budget that they have adopted.

Mr. Chairman, consider what this provision really does. Does it underfund the anticipated U.S. share of the U.N. regular budget? The answer is no. The bill contains the full \$300 million for our U.N. assessment.

Does the provision require that the U.S. reopen budget issues that the U.N. already has agreed upon? The answer is no. It accepts the budget that the U.N. adopted in December, even though that budget exceeded zero nominal growth, which is what I would have preferred.

The provision that the amendment proposes to strike conditions only one-third of our dues on a simple certification by the State Department. They must certify to the Congress that the U.N. is living within the biennial budget that the U.N. members themselves adopted in December. In other words, any increase in the U.N. budget from this point forward should be accompanied by an equal offset in their spending, much the same as we are required to do here in the Congress.

It is the same provision we carried in 1997, Mr. Chairman; the same one we carried in 1998; the same one we carried in 1999. It is a well-known U.S. policy and should not come as a surprise to anybody. In previous years, the State Department made these certifications and the U.S. paid its dues in full. No arrears were created as a result of this provision. Unless people at the U.N. are already planning to bust the current U.N. budget, which they agreed to only a few short months ago, the Department should have no problem making the certifications and paying the calendar year 2000 assessment in full.

This exact, same amendment was defeated convincingly in the committee 18-34, 2 weeks ago. I urge that it be rejected again today.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the Obey amendment which will allow the United States to pay all the annual dues we owe to the United Nations this year.

Mr. Chairman, it was just last year that this Congress finally met our international obligations and paid our back dues to the U.N. We also required reforms at the U.N. which are now being implemented.

Congress just solved this problem and now, with this bill, we will go back into debt again.

The United Nations is a beacon of hope for the world. It promotes world peace and is a leader in the fight against hunger and poverty.

The Obey amendment will allow all of our 2000 U.N. dues to be paid in the year 2000. Without the Obey amendment, \$100 million of the dues we owe will be late.

Mr. Chairman, great nations pay their bills on time. I would urge all Members to support the Obey amendment.

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

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

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

There was no objection.

The Clerk will read.

The Clerk read as follows:

CONTRIBUTIONS FOR INTERNATIONAL  
PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$498,100,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

AMENDMENT NO. 62 OFFERED BY MR. JACKSON OF  
ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. JACKSON of Illinois:

In title IV, in the item relating to "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES", after the aggregate dollar amount, insert the following: "(increased by \$240,566,000)".

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

The CHAIRMAN. The gentleman from Illinois (Mr. JACKSON) is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Chairman, let me thank the gentleman from Ohio (Mr. OBEY), the ranking member and the gentleman from Kentucky (Mr. ROGERS), chairman of the full committee for allowing me the opportunity to offer this amendment.

It is my understanding, Mr. Chairman, under the ruling, we are entitled to 30 minutes on this side and the other side will have 30 minutes as well. Is that correct, Mr. Chairman?

The CHAIRMAN. No. Under the unanimous consent agreement, the gentleman from Illinois is entitled to 5 minutes and a Member in opposition has 5 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, let me just get some clarification.

The CHAIRMAN. Is the gentleman from Illinois (Mr. JACKSON) offering his own amendment?

Mr. JACKSON of Illinois. Mr. Chairman, I am offering the Dixon amendment, it is the Dixon-Jackson-Crowley amendment, as his designee, Mr. Chairman. I believe it is Amendment No. 60, Mr. Chairman.

AMENDMENT NO. 60 OFFERED BY MR. JACKSON OF  
ILLINOIS

The CHAIRMAN. Without objection amendment 62 is withdrawn and the Clerk will designate the Dixon amendment for which the gentleman from Illinois (Mr. JACKSON) is the designee.

The text of the amendment is as follows:

Amendment No. 60 offered by Mr. JACKSON of Illinois as designee of the gentleman from California (Mr. DIXON):

In title IV, in the item relating to "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES", after the aggregate dollar amount, insert the following: "(increased by \$240,566,000)".

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Illinois (Mr. JACKSON) and a Member opposed each will control 30 minutes.

Mr. ROGERS. Mr. Chairman, just to be sure that a point of order is reserved on this amendment as well.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

The Chair recognizes the gentleman from Illinois (Mr. JACKSON) for 30 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first begin by commending the distinguished gentleman from California (Mr. DIXON) for bringing the amendment that has been offered to the committee's attention. The CJS appropriations bill reduces the administration's contributions to international peacekeeping activities request of \$739 million by \$241 million, almost one-third.

The committee report is not amendable on the floor, the report does did not include funding for following peacekeeping missions in Africa: MINURSO in Western Sahara; UNAMSIL in Sierra Leone, Ethiopia, Eritrea populations; and phase 2 of the MONUC in the Congo.

The report languages for this bill singles out peacekeeping missions in Africa by failing to provide funding for these missions, unless it is reprogrammed for other missions. In this bill, the committee has underfunded the contributions to international peacekeeping activities and has directed the State Department, and I quote "to take no action to extend existing missions or create new missions for which funding is not available."

This amounts to a direction to veto U.N. peacekeeping missions. The requests by the President of \$739 million would provide 25 percent, that is the U.S. portion agreed to last year, in the Helms-Biden compromise of the total estimated costs of the 15 current U.N. peacekeeping missions.

The amount approved by the committee for fiscal year 2001, \$498 million, is frozen at the level appropriated for fiscal year 2000. Our distinguished chairman, the gentleman from Kentucky (Chairman ROGERS), argues that the administration and the U.N. must live within the appropriation and approve no new missions; however, this ignores the realities of international conflict, of wars and conflicts that are unpredictable and that can erupt at any given time.

Mr. Chairman, I find it quite interesting that of all of the U.N. missions, the report language, which I already indicated is unamendable on the floor, specifically singles out all of the peacekeeping missions in Africa. It does not deal with the U.N. force in Cyprus, U.N. operation in Georgia, the U.N. mission in Tazikstan, the war crimes tribunal in Yugoslavia, while funding the war crimes tribunal in Rwanda, U.N. transitional administration in East Timor, U.N. mission in Kosovo, but specifically looks at peacekeeping missions in Africa.

Mr. Chairman, with the balance of our time, I hope that during the course of this hour, we have a very informed debate to find out what is behind why African life in this report and in this bill is being treated differently than life of Europeans. We will discuss that at great length.

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

The SPEAKER pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) claim the time in opposition?

Mr. ROGERS. Mr. Chairman, I do claim such time.

The CHAIRMAN. Does the gentleman reserve his point of order?

Mr. ROGERS. Mr. Chairman, yes, and I reserve the balance of my time.

Mr. JACKSON of Illinois. Mr. Chairman, I am honored to yield 5 minutes to the gentleman from Wisconsin (Mr.

OBEY), the distinguished ranking member of the full committee.

Mr. OBEY. Mr. Chairman, the 21st century in terms of American lives lost was the bloodiest in our history and the meanest, except for the 19th, in which we conducted an American Civil War which put brother against brother and from which we are still suffering some of the consequences. Now, we are turning into a different century, and it is to be hoped that America's role in the world is changing somewhat. At this point, there is no other power in the world that even comes close.

We have the military might to cover any region, to reach any region, to sail any sea, to find and hit virtually any target, if we want; but we also have another role, and that role has been to try to serve not so much as a fighter, but as a separator of parties in many regional fights, in a peacekeeping role.

Now, that is going to be a very messy situation. It is not always going to work, and there will be Americans who die. But if we do it right, there will be far less for America to pay in human terms than we have seen in each of the previous two centuries; that is what we try to do through the peacekeeping operations in the United Nations.

Mr. Chairman, I do not happen to be thrilled with all of those peacekeeping operations, but I would point out one thing. We created the United Nations and we created the rules. Under those rules, when the United Nations votes for a peacekeeping operation in the security council, that requires a mandatory contribution from this country to fulfill our share of the financial burden.

We are very lucky in comparison to a number of other countries in the world, because we more often than not do not supply the troops. We supply a little cash, and we supply a lot of advice, but we supply a very tiny percentage of the troops. We ought to be grateful for that.

Now, what this bill asks us to do is to support the idea that a subcommittee of this House somehow has the right to interpose its judgment and to decide for itself just what peacekeeping operations the United Nations will support and which ones they will not.

□ 1700

Well, that is not the way it is supposed to work. I did not realize that the gentleman from Kentucky had been confirmed as our ambassador to the United Nations and also as our Secretary of State and Secretary of Defense at the same time. I kind of missed that. I did not see those headlines.

So what we have here in this bill is an attempt to say to the President of the United States and to the U.N. Security Council, "Sorry, but regardless of the conditions in the world, you are limited to a specific dollar amount for peacekeeping operations. And the world can change overnight, but sorry, our green eye shade is more important

than world considerations." I do not think that makes any sense, not if we are trying to preserve American power and influence; not if we are trying to prevent the loss of American lives; and not if we are trying to prevent the loss of other lives and to bring stability into the world.

So what this amendment simply tries to do is to eliminate the pretentious action on the part of this subcommittee which says that this subcommittee somehow has the right, on mandatory contributions to the United Nations, to abrogate to itself the decision as to which peacekeeping operations will be undertaken. I believe that that is an ill-advised decision. I believe, as the Washington Post describes, that that is "playing" at foreign policy, and I think it is extremely dangerous.

I congratulate the gentleman for offering his amendment, because in the end, we have no choice but to provide these funds under the rules which we ourselves wrote almost 50 years ago.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Kentucky reserves his time and his point of order.

Mr. JACKSON of Illinois. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Illinois for his leadership.

Mr. Chairman, the gentleman from Wisconsin, the ranking member of the Committee on Appropriations, asked some questions that I think bear repeating, and that is whether or not we remove from the appropriate officials in the administration, the appointed United Nations ambassador, the Secretary of State, the vital responsibilities of ensuring that we adhere to our word of being a Nation of peace and not of war.

Just a few days ago, Mr. Chairman, I sat in the United Nations Security Council meeting watching the very effective work of our ambassador, arguing about ensuring that peacekeeping in the Democratic Republic of the Congo was reinforced by the U.N. Security Council, by ensuring that Uganda would restrain from any actions to the contrary. Generally the discussion of the U.N. Security Council of the U.N. was regarding peace. It was that debate that made me have a clearer understanding of the vital necessity of ensuring that the United States does not pull away from peacekeeping and continues to fund our collaborative peacekeeping efforts with the U.N.

Just a few weeks ago, several refugees in Houston went home to Kosovo. I heard the negative comments when we were in the midst of a Kosovo conflict, that we should not be involved. Yet today, however uneven as it is, there is peace in Kosovo.

Now, this legislative initiative, this appropriations bill does not provide the

funding that we need to ensure that on the continent of Africa, we can likewise have peace. There is a commitment by the United Nations Security Council; there is a commitment by other African nations to be able to provide support in areas like Sierra Leone, in areas like Ethiopia and Eritrea, where peace is imminent. How can we instruct our administration not to engage in efforts to secure such peace?

How can we do that when we have 37,000 U.S. troops as peacekeepers in South Korea? How can we do that when we have 5,500 troops in Bosnia and nearby countries participating in or contributing to the stabilization force? How can we discriminate against the peacekeeping efforts on the continent of Africa when, in Sierra Leone, arms of farmers and children are being hatched off?

Mr. Chairman, I think we do ourselves a disservice and we are not befitting of the name "America" if we say that we cannot help secure peace in the world.

I support this amendment. I congratulate the gentleman. We must be supporters of peace. Let us vote for this amendment.

The CHAIRMAN pro tempore. The gentleman from Kentucky (Mr. ROGERS) reserves his time and his point of order.

Mr. JACKSON of Illinois. Mr. Chairman, I would like to inquire of the distinguished chairman of the subcommittee as to whether or not he was going to use any of his time, because I do have a number of speakers; and if he is not going to use it, I would certainly be willing to accept of it if he is willing to offer.

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

Mr. JACKSON of Illinois. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, at this time I will be the only speaker, and my intent is that the gentleman would use as much time as he desires, and then I would conclude with whatever remarks I have.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. SERRANO), the ranking member of the subcommittee.

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

Let me quickly make two points: first of all, a personal point and then an observation in general.

Personally, anyone who has followed me during these 10 years that I have been in Congress knows that I am very outspoken on my country being involved in military activities throughout the world. On many occasions, when we have been involved in the last 10 years, I have spoken against it because I have questioned what we were doing in certain places.

Secondly, I, as the gentleman from Wisconsin (Mr. OBEY) and so many of

us do, recognize that the world has changed in such a way where we are truly the last strong standing superpower. So with that comes a responsibility, in my opinion; and the responsibility is especially what we have been doing the last few years throughout the world, and that is joining other countries in peacekeeping operations.

I can see no better way to use our military forces than in attempting to keep the peace rather than engaging in war. Unfortunately, the whole world has not changed the way some places have changed, and so we have areas of the world where there are serious problems still going on, and we can either stand by and allow some of these things to happen, or we can take a role.

Well, I cannot double-talk. I did not want us to take certain roles of going in and joining one side and fighting the other. But what we are doing now I think is honorable, and it is humane and it is proper, when we go in as part of the U.N. to participate with other countries in keeping the peace.

So at this point, I think it is totally improper for us in this subcommittee, in this Congress, to tell our administration to tell our leaders, and I will take the same position should there be new leadership in the future at the White House, that we should not take the role of saying, we cannot participate, and in keeping the peace.

What this bill does, and what this whole message is is that we do not care, we do not care what happens throughout the world, and we do not care what role we play.

Let me just close by repeating again. I am not one of those who supports our military actions, but I do support our peacekeeping actions.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself 1 minute.

I want to be very, very clear, Mr. Chairman. This amendment restores the President's request of \$240 million to international peacekeeping activities. What this report, the bill that the Congress of the United States will be voting on in a moment specifically targets and eliminates peacekeeping in Africa. So it is okay to do peacekeeping in Europe, it is okay to do peacekeeping in other parts of the world, but we do not want you in Western Sahara, Sierra Leone, the Democratic Republic of the Congo, we do not want you anywhere else unless we will resubject this money to reprogramming and therefore, redefine all peacekeeping missions.

As of June 2000, only 826 Americans, that is 791 civilian police and 35 observers are serving in U.N. peacekeeping operations. That accounts for only 2.3 percent of the 3,535,546 U.N. peacekeepers worldwide. There are currently no American military troops serving in U.N. peacekeeping operations.

Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER).

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

I rise in strong support for the Jackson amendment. I only wish we had more opportunities to discuss America's constructive involvement in global affairs.

Mr. Chairman, peacekeeping is not intervention; peacekeeping is the promotion of peace and security. It is the international cooperation required for a war-torn region to transition from militarization to democracy. In many areas of the globe, international peacekeeping missions are the only lines of defense against ethnic cleansing. We need look no further than Kosovo or East Timor to know that our participation saves lives.

The amendment before us would add \$241 million to our peacekeeping contributions. This modest increase should not be controversial, given the state of the conflict in this world. Frankly, the \$498 million line item for peacekeeping in this bill falls well short of our international commitments. I think we are ignoring fundamental needs globally, but particularly in Africa. The language of the report is particularly insensitive to African needs.

I want to just quote several pieces here over a page, the first line of each of several paragraphs. The committee recommendation does not include amounts requested for certain peacekeeping missions, including MINURSO in Western Sahara, UNAMSIL in Sierra Leone, MONUC in the Democratic Republic of Congo. And then the committee is particularly concerned about the future of the UNAMSIL mission in Sierra Leone. The recommendation does not include requested funding for the MONUC mission. And then, the recommendation again does not include funding for the MINURSO mission. Then, the recommendation does not include requested funding for the Angola Monitoring mission. Again, the committee recommendation does not include funding requested for a new mission for Ethiopia and Eritrea.

Of all of our peacekeeping efforts around the globe, all in Africa are underfunded; and virtually nowhere else is that measure being used.

The multinational war in Congo and several recent severe outbreaks of ethnic cleansing and ethnic violence have created enormous humanitarian needs throughout Africa, but especially in Angola, Congo, Sierra Leone, Western Sahara, Ethiopia, Sudan, and Eritrea. America's peacekeeping program is a work in progress. We should not halt that progress; we should keep the U.S. a responsible and engaged actor in the international community by supporting the Jackson-Dixon amendment.

Mr. JACKSON of Illinois. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. WOLF), the distinguished chairman of the Subcommittee on Transportation.

Mr. WOLF. Mr. Chairman, I rise in strong support of the Jackson amendment. I have visited Sierra Leone in December of this year, along with the

gentleman from Ohio Congressman Mr. HALL). We went into camps where we saw many people with their arms cut off.

Before I talk about that, let me just mention a little bit about Sierra Leone. Sierra Leone was founded by William Wilberforce. He was a strong Christian believer in the British Parliament, and John Newton, who wrote the words to *Amazing Grace* that all of us have sung, was a slave trader in Sierra Leone and was picked off up the island, and after that, had a religious conversion and became a man of great faith with the whole goal of abolishing the slave trade in Great Britain. On the death bed of William Wilberforce, they abolished the slave trade.

This young girl had her arm cut off by the rebels, and if there is not some peacekeeping operation in Sierra Leone and other countries, the rebels will continue to cuff off arms. They go into a village, and they ask them to draw out a piece of paper; and it may say right arm or left arm, and then they say, do you want a short sleeve or a long sleeve? If you say you want a short sleeve, they cut your arm off between your elbow and your shoulder. If you want a long sleeve, they cut it off between the wrist and the elbow.

We saw another young lady who was pregnant, 13 years old, with both of her arms cut off. In Sierra Leone, they take young women into the bush with the rebels for sex slaves, and when we talked to the Italian doctors in the City of Freetown, they said every young lady who came in was infected with AIDS.

□ 1715

There were thousands of people killed in Sierra Leone in the last several years. The life expectancy in Sierra Leone is 25.6 years. It is the lowest, in Sierra Leone, of any country in the world.

In the Congo, that this amendment would also help, 1.7 million people have been killed in the last 22 months, 1.7 million people, and 35 percent are under the ages of 5. Without the Jackson amendment, the guerillas, the Sankohs and the Charles Taylors and all those other people can continue this action whereby women are taken away as sex slaves and children are losing their arms and moms and dads live in terror.

For that reason, and for those who remember the legacy of William Wilberforce who became a believer, standing in the House of parliament to abolish the slave trade, and when we think of the words of John Newton in *Amazing Grace*, think of the Jackson amendment that will allow the peacekeepers to come and keep peace.

I do not want American soldiers to go to Sierra Leone or to the Congo, but when the peacekeepers are willing to come from the U.N. to keep peace so this little girl does not lose her other arm, then I think it is a worthwhile version.

So I say to my colleagues on both sides of the aisle, this is a good amendment. This will help bring some sort of peace, and make it whereby moms and dads can raise their kids in some sort of semblance of peace, not only in Sierra Leone but in the Congo and other places.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me also add that I want to thank the distinguished gentleman from New York (Mr. CROWLEY) for his support of this amendment.

Mr. JACKSON. Mr. Chairman, I am honored and privileged to yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE).

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

Mr. Chairman, I rise in strong support for the Serrano-Jackson-Dixon-Crowley amendment to increase peacekeeping by \$241 million.

United Nations peacekeepers perform the critical functions that help maintain peace and stability. Many U.N. peacekeeping missions have brought about successful results in El Salvador, in the Middle East, and in Mozambique.

As a member of the Subcommittee on Africa, I am especially concerned about the prohibition on new peacekeeping missions in Africa. This prohibition really does send a message that Africa does not matter, and that promoting peace in Africa is of no concern to this Congress.

Many of us here strongly disagree. Africa does matter because it is a continent of vast resources, enormous diversity, and millions of people whom the world has neglected and exploited. Years of colonization have balkanized the continent of Africa. The least we can do is to support a strong United States peacekeeping mission on the continent of Africa.

In February, the President declared AIDS in Africa to be a threat to national security. It is our moral obligation to fight the war on HIV and AIDS. To do that, however, Africa must have peace, security, and stability.

I urge my colleagues to support this amendment. I stand here to really challenge all of us in the United States to be a leader, not just in Europe, not just an Asia, but also in Africa.

Mr. JACKSON of Illinois. Mr. Chairman, I am proud to yield 4½ minutes to the gentleman from New Jersey (Mr. PAYNE), the ranking member on the Subcommittee on Africa.

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

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

Mr. Chairman, I rise in strong support of the Jackson amendment to the Commerce-State-Justice bill, H.R. 4690. Let me commend the gentleman from Illinois (Mr. JACKSON) for putting in this commonsense amendment. It is simply nothing more than that. It is common sense.

Why is it common sense? It is common sense because, as we have heard a previous speaker say in a very eloquent appeal, the gentleman from Virginia (Mr. WOLF), that the United States is the number one nation in the world. Our country is experiencing all-time heights in the stock market, the quality of life, unemployment, profits.

Here we have a nation that is number one in the world, a nation that spends this year \$310 billion on defense, many on these weapons that make war. These weapons are to supposedly defend ourselves against the enemy. We really have no enemy that we can see. The USSR is gone. We have potentials all around, but there is no threat as there was in World War II and as there was in World War I, or as there were during the Cold War.

As we spend \$330 billion making weapons of war, B-2 bombers, MX missiles, and *Sea Wolf* submarines, we say that we cannot afford \$2.7 billion to preserve the peace; not to make the war, but to preserve the peace.

Can it be that these are people whose skin is black? Can it be because these are people who struggle daily simply to eke out a living? They do not buy our cars, they do not buy our equipment, they do not buy our televisions, they do not buy our computers. So does that mean that these people do not count? They are human beings, like everyone else. When their fingers are cut, the little children, the blood is red. When their bellies hurt, their eyes show the pain.

Why can we then say as a nation, the home of the free, the land of the brave, that we cannot put \$2.7 billion in to preserve the peace? This is a disgrace. It is a shame. I almost feel that it is an embarrassment being a Member of this House, where we talk about taking money out that will preserve the peace.

We are not talking about sending U.S. troops there to be in harm's way. We do not do that anymore. The French did it in the Congo when they went in and protected several million people. The British just went into Sierra Leone. But we do not now do that, and we are not asking us to do that, since we do not do that anymore.

But we cannot give \$2.7 billion so Ethiopia and Eritrea can stop the conflict? They want to do it, they are ready. They simply want some observers in to make sure that things are even. There is the Congo, with seven nations battling and saying, we are willing to step back if you send the U.N. in. There is the situation in Sierra Leone. They are ready to say, at least we need a semblance of peace and justice. Let the U.N. come in and all sides will agree.

And we are saying that we do not want to send \$2.7 billion of United States taxpayers' money to this region? Why? I am still trying to find out the reason why. Is it because their skin is black? Is it because they are poor? Is it because they have been exploited by the Cold War? No blood was shed during the Cold War except in Africa.

Mr. Chairman, we have supported Mobutu, a despot, a tyrant, for 30 years, who stole from and ravaged his country, but the U.S. supported him. That is one of the problems in the Congo today, because of the legacy of Mobutu. We cannot now send \$2.7 billion to the United Nations to try to undo what we have done? It is wrong. I would urge that we pass the Jackson amendment.

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

The CHAIRMAN. The gentleman from Illinois (Mr. JACKSON) is recognized for 4 minutes.

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Chairman, we have heard from the various speakers on our side of the aisle just how complicated this bill is for sub-Saharan Africa.

Not long ago, this Congress voted on a new relationship with sub-Saharan Africa, the Crane-Rangel bill, 309 yeas, 110 nays, to establish a new premise for relating to sub-Saharan Africa. Trade, not aid, was the mantra that was offered by Democrats and Republicans in this Congress to establish a new relationship with sub-Saharan Africa.

Now the rubber meets the road in the Commerce-Justice-State appropriations bill where, when it comes to providing not only trade but providing sustainable development and peace in a region that wants to work its way out of its economic condition and provide economic hope for its people, the United States government, through this report, has determined that funding peacekeeping missions in sub-Saharan Africa is not worth our time or worth our money.

It does not say that about Kosovo. It does not say that about U.N. missions in other parts of the world. It specifically singles out in this bill Africa for no peacekeeping resources.

At the conclusion of World War I, President Wilson proposed a League of Nations to keep World War I from ever happening again. Because it did not pass through the political process in our country and around the world, quickly we found ourselves involved in World War II, which led, at the conclusion of World War II, to the idea of a United Nations.

Why a United Nations? The United Nations, with all of its problems, was brought into existence as an early warning system for Hitler. It was the early warning system in the latter half of the 20th century to determine if another fascist, another tyrant, another totalitarian regime began moving, not only on U.S. interests but on world interests.

That is why peacekeepers came into existence, as an early warning system to provide people in the world an opportunity to rally behind an international governing body that could indeed determine that undemocratic

practices were taking place somewhere in the world.

So what does this bill do? It challenges that very basic premise. It says that \$100 million of this particular bill, unless the U.N. balances its budget like we are balancing our budget, should not go looking for despots or tyrants. It says that peacekeeping should not be done in Africa, do it everywhere else in the world.

It would be one thing if the chairman and the distinguished committee could hide behind, could hide behind this amendment, but the reality is that it cuts Africa.

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

Mr. JACKSON of Illinois. I yield to the distinguished gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. Mr. Chairman, I rise in support of the gentleman's proposition. I understand the administration has increased somewhat the monies for international peacekeeping, but the monies are critically needed, and although I did not have the opportunity, unfortunately, because I was late getting to the floor, to hear all of the comments of my distinguished friend, the gentleman from Illinois, I think we all agree that the United States' interests, our strategic interests, are served by fully participating in the U.N. peacekeeping process.

It is my understanding that there is not an American soldier right now involved in U.N. peacekeeping efforts outside of Kosovo, which is an OSCE, essentially, with U.N. participation. The fact of the matter, though, is I think we are foolish if we do not fund our fair share. One could argue about fair share, but in my view, we are certainly at this level, at this level, paying a share that is less than some other countries on a per capita basis.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. JACKSON) has expired.

Mr. JACKSON of Illinois. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, 1 additional minute is granted to each side.

There was no objection.

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

Mr. JACKSON of Illinois. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I think we should pay our fair share.

My father was born in Copenhagen. I visited Bosnia some years ago. There were 985 Danish troops in Bosnia. That was more troops per capita than any other Nation on Earth. Obviously, they were not the largest contingent that was there, but in terms of the commitment they were making it was, relatively speaking, the largest.

The United States continues, obviously, to make the most significant

contribution in many areas of the U.N., relatively speaking, not only to our wealth and our capabilities but also relative to the consequences that will occur if the U.N. peacekeeping efforts are not successful.

In other words, the investment we are making in keeping the peace frankly is not only saving us money, it is also saving us risk at putting additional assets deployed in those areas. So I would urge my colleagues to adopt this amendment and increase to the President's level.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself the balance of my time, and thank the gentleman from California (Mr. DIXON) and the gentlemen from New York, Mr. CROWLEY and Mr. SERRANO, for bringing this very important amendment to the people.

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

□ 1730

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

Mr. Chairman, let me try to dispel some misunderstandings about peacekeeping and what we fund in this bill. For example, we did not fund in this bill the NATO mission in Kosovo. We fund the peacekeeping portion of the effort in Kosovo, after the peace was won.

We did not fund the war-stopping measures in East Timor. Australia did that. They established peace, and then we fund the peacekeeping U.N. contributions.

This bill does not fund the effort to establish order in Haiti. We approved the funding for the peacekeeping in Haiti after the peace was established.

And the same will be true of Sierra Leone, Congo, Ethiopia, anywhere else in the world that the U.N. is the appropriate vehicle to keep a peace. The U.N. cannot make peace. The U.N. can keep, hopefully, a peace. That is where we are now.

Mr. Chairman, let me correct another misconception, that we do not provide adequate resources for U.N. peacekeeping. This bill contains \$500 million for our share of U.N. peacekeeping. And I would point out, our share, the U.S. share, up until recently, was 30 percent and the rest of the world paid the balance. But we paid by far the biggest share and still do. Our share now is 25 percent, not only of peacekeeping but of the regular U.N. dues.

But we provide \$500 million in this bill for peacekeeping operations of the United Nations. We are pulling our fair share. Let no one dispute that. If there is disagreement about the appropriate numbers of dollars in the U.N. peacekeeping missions, go talk to our friends in England and Japan and Greece and the rest of the world, China, about paying a better share of the costs of U.N. peacekeeping. Do not tell me that the United States is not a big-time partner in peacekeeping around the world. We pay a fourth of

the costs, not counting what we contribute militarily, which does not count in this budget, for transporting troops all over the world in our planes, our fuel, our ships, our troops, in transporting people all around the world for peacekeeping missions.

Now, in the year 2000, this current year, we gave the U.N. a 120 percent increase in the number of peacekeeping dollars that we contributed. It went from \$231 million in fiscal 1999, we increased that to \$498 million in this current year. Now, what the administration is requesting is an increase of that figure by \$241 million. We do not provide that additional increase because these missions are not quite ready yet.

Earlier on, we thought Sierra Leone was ready. There was a peace agreement. The U.N. voted for a peacekeeping mission to keep the peace in Sierra Leone. We approved the reprogramming monies and we sent \$42 million to the U.N. for the peacekeeping operation in Sierra Leone, so we have approved that. Now they want more for Sierra Leone. But by everyone's account, Sierra Leone has now descended back into warfare for which the United Nations is not equipped. We all know that. Secretary General Annan says that.

Now, there is a misconception about how peacekeeping monies are spent and how they are doled out. Every year, the Congress approves a sum of money for U.N. peacekeeping assessments. That money stays in the peacekeeping account. When our Ambassador to the U.N. is preparing to vote for another peacekeeping mission, they are required by law to notify the Congress, this subcommittee, and the Congress in general, of their intent to vote for another peacekeeping mission at the U.N. Security Council, along with a reprogramming request of us to take from the \$500 million account and apply so much to that peacekeeping mission.

They did so with Sierra Leone back in February and, pronto, the Congress approved. We reprogrammed \$42 million from the general account for peacekeeping for that particular mission. And as we all know since that time, Sankoh and the rebels have gone back on the attack and Sierra Leone is no longer working under a peace agreement for which the U.N. could keep the peace. It has descended back into warfare and we are withholding the reprogramming of further Sierra Leone peacekeeping missions until order can be restored.

Now, how does that take place? How can order be restored in Sierra Leone so that the U.N. can keep a peace? The same way we did in Kosovo. In Kosovo, the regional power went in with military force, led by NATO, the U.S. being a big portion, of course, and restored a peace. Now we are funding a peacekeeping mission through the U.N. in Kosovo.

What happened in East Timor? We relied upon Australia, the regional

power, to go in militarily. Not with U.N. peacekeeping dollars, but other money. Military aid to establish the peace in East Timor. Now we have sent U.N. peacekeepers to East Timor because there is a peace to be kept.

It happened that way in Haiti. The U.S. was the regional power. It can happen that way in Sierra Leone. How? By equipping militarily Nigeria, the regional power, with U.S. dollars. It is not peacekeeping monies. It would come out of the Defense Department or from foreign military assistance in the foreign aid bill, not this one, to directly militarily assist Nigeria to go into Sierra Leone and establish a peace which can be kept by the U.N.

Mr. Chairman, we are discussing that with the administration. Ambassador Holbrooke is working night and day for that very objective. We are conferring with him almost daily in that respect. Do not expect the U.N. peacekeeping mission to be able to go in and fight a war. They cannot do that. We learned that in Somalia. We have learned it all around the world. Let us not relearn a lesson that has cost American lives as in Somalia and other nations, military personnel, peacekeeping personnel, as we have learned, unfortunately, only recently.

Last November, Secretary General Kofi Annan was quoted as saying,

Peacekeeping and warfighting are distinct activities which should not be mixed. Peacekeepers must never again be deployed into an environment in which there is no ceasefire or peace agreement.

I agree with that entirely. But the U.N. apparently is not following its own advice. Right now the largest U.N. peacekeeping mission in the world is in Sierra Leone, a country where there is now open warfare. U.N. peacekeepers kidnapped, some 500 of them, by Sankoh and the rebels. The U.N. has demonstrated absolutely no capability to restore and enforce peace there. And we did not expect them, frankly, when they were sent there earlier on, to get into an open warfare situation. Nineteen peacekeepers are still captive. Another 230 surrounded and detained. They are not trained for warfare. We all know that.

The British came in and prevented a total collapse by the U.N., but now the British are withdrawing and the U.N. is likely to be challenged again.

The U.N. commander in Sierra Leone recently tried to explain why his troops surrendered without a fight and were taken hostage last month. He said they were taken hostage because they were, quote, "using the weapon we know best: Negotiation. We did not want to use force. We did not come here for war." End of quote. The commander of the U.N. in Sierra Leone.

If the task at hand is negotiation, peacekeeping, obviously the U.N. should take the lead. When the task at hand is to fight a war, the U.N. is the wrong tool for the job. Do not expect them to be able to fight a war. They are not equipped for that. They are not trained for that.

So what is the U.N.'s response so far to renewed fighting in Sierra Leone? More personnel. More potential hostages or worse, casualties. More chaos and violence for the citizens of Sierra Leone. The U.N. expanded the force to 11,000, then to 13,000, soon to 16,500, yet that force is not equipped. It still has poor logistics and poor communication. Even reports of direct insubordination within the command. They ran when the rebels attacked and then surrendered. I believe it is a recipe for disaster.

Mr. Chairman, we have urged the administration to pursue other policy options to bring peace first to Sierra Leone, if that is indeed possible. And the only way to do that, unless it is direct U.S. military personnel, is to equip and arm Nigeria and allow them to establish a peace to be kept in Sierra Leone.

If my colleagues agree with the U.N.'s undisciplined, uncontrolled approach to peacekeeping, then they should support the gentleman's amendment and the administration's funding request, a second consecutive annual increase of over \$200 million. This approach led to disaster in the past and it will again.

The bill in front of us today holds U.N. peacekeeping at the elevated level that we gave them in the year 2000, a 120 percent increase over fiscal 1999. It will help the administration to argue against the wishful thinking of those at the U.N. who believe that placing U.N. personnel into combat zones will magically bring peace. As we so tragically now know, that does not take place.

We have to make difficult choices in this bill to live within the allocation we were handed. We have not targeted peacekeeping money for reduction. We have simply held it at the current elevated level of last year the current year, which we have had to do in so many other accounts in this bill. We do not prohibit peacekeeping missions anywhere in the world. That is just not in this bill.

No offset is proposed in the gentleman's amendment. This is the exact same amendment that we rejected in the full committee 2 weeks ago, and were it not to be the subject of a point of order, I am confident that that would be the case in this body.

Mr. Chairman, let me say this in conclusion. I hope that the administration will equip the Nigerians with whatever military capabilities are needed to establish a peace in Sierra Leone. In that case, monies will be approved for a peacekeeping mission in Sierra Leone by the U.N., as it should be. The same, frankly, will be true in the Congo when there is a peace to be kept, as there is not today. The same will be true in Ethiopia/Eritrea. In fact, since the bill was marked up, there has now come about a peace agreement in Ethiopia and I am sure we will receive soon a request for peacekeeping reprogramming funds from the general account to a

peacekeeping mission in Ethiopia to keep the peace established by that accord. There is a peace apparently to be kept in Ethiopia and it will be funded in due course of time.

But I plead with my colleagues, understand the limitations that the U.N. has in bringing about peace. They can negotiate, they can keep a peace once it is established, they just do not have the capability to wage war.

□ 1745

They are not a war-fighting organization. They are a peacekeeping organization. We fund peacekeeping in this bill. They fund war-fighting in other bills.

So I would hope that my colleagues will understand the position that this chairman and this subcommittee take. We support peacekeeping when there is a peace to be kept. We understand the U.N. cannot fight wars. Only a militarily capable entity, such as NATO or such as a regional military power, like Australia, Britain, the U.S., others, Nigeria in Sierra Leone's case, establish a peace to be kept.

I say to my colleagues that once that peace is established, and there is a peace to be kept and the United Nations asks the U.S. to share in the cost of the peacekeeping mission to the tune of 25 percent, this subcommittee will reprogram funds from this account to fund that peacekeeping mission, wherever it is, Sierra Leone, the Congo, Ethiopia, Haiti, East Timor, Western Sahara, and others. There are many of them going on at this moment.

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

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

Mr. PAYNE. Mr. Chairman, I appreciate the gentleman yielding to me.

Let me say in regard to a few of the figures the gentleman raised, the gentleman talked about the fact that the U.S. had 30 percent of peacekeeping and now it has reduced this appropriations down to 25 percent and there is a move to even reduce it further. The way the U.N. assesses dues is based on GDP. The U.S. has 28 percent of the world's wealth. And as we continue to reduce our contributions to the United Nations, we are actually paying less.

As we reduce our contributions down from 25 to 22, and we want to go to 20, that means that the poorer countries in the world will have to pay a disproportionate share, as we pay less than our share. So we are not paying more; we are actually paying less than the world standards of how assessments are done.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, if the gentleman will look at a table of the nations that contribute to U.N. peacekeeping, the gentleman will find that five nations pay better than 90 percent of the total peacekeeping costs. Most of the countries of the world, the countries the gentleman has mentioned, pay a frac-

tion of 1 percent. China now pays, I think, less than 1 percent. Japan pays around 10 or 11 percent. They are beginning to pull their fair share. Britain pays a good fair share. Germany needs to be increased, and others.

The poorer nations of the world will not suffer if the rate of contributions of the other industrialized nations come up to where they are now, not the GDP they had in 1945 when the U.N. was formed.

That is not the question in this debate, however, the U.N. contribution rate of the U.S. We will take that up in another setting, perhaps. The point I want to make to the gentleman in relation to the amendment that has been offered is that we will fund our share of peacekeeping costs of the U.N. where there is a peace to be kept. And in Sierra Leone I hope to God that a peace can be established there by Nigeria or some regional power for us to be able to keep. The same is true in the Congo, in Ethiopia and East Timor.

Mr. PAYNE. Mr. Chairman, if the gentleman will continue to yield, on the question of Sierra Leone, I think there were 300 peacekeepers. Now, if there were 300 Nigerian troops at that point surrounded by several thousand RUF, I think the conclusion would probably be about the same. I think that it was not the fact that they were peacekeepers. I think that if the adequate number that was supposed to be in that country could be deployed there, I do believe that there would have been a very different outcome.

Also, in Ethiopia and Eritrea, they are saying that they are ready to end all of their hostilities and they have signed a peace accord. But they have said that they want the U.N. peacekeepers in there now so they can all withdraw. They do not trust each other. If we do not send in the U.N. peacekeepers, there is no regional power in Ethiopia or Eritrea.

Mr. ROGERS. Well, reclaiming my time, I have already said to the gentleman that we may yet approve a peacekeeping expenditure for Ethiopia. There has been an accord signed since we marked the bill up. That will be forthcoming. We could reprogram money from this account for a peacekeeping mission in Ethiopia. The same is true for Sierra Leone, when there is peace to be kept.

But the peacekeepers of the U.N. sent to Sierra Leone are not equipped to fight. They are equipped to keep the peace. We should arm Nigeria to the point that Nigeria can go in and take care of Sankoh and the other rebels that are causing so much havoc in that poor country. But we have to have a military capable force, and Nigeria has it. The U.N. does not want it, nor do we want them to have a war-fighting capability.

So Nigeria, I think, is the solution to the Sierra Leone lack of peace. And Nigeria cannot do that unless we equip the Nigerian military force with the power capable to make that happen.

Mr. PAYNE. Mr. Chairman, if I can ask the gentleman to continue to yield for just a few quick seconds more.

Let us take the Congo. In the Congo I have spoken to heads of State just a day or two ago, the main belligerents, that is what they are called, the aggressors, they are waiting for the U.N. The reason there is a skirmish here and a skirmish there is because of the vacuum created by the lack of, as there are, retreating troops.

So I would say to the gentleman that I think he is lumping together three or four places under one wand. I think that is a mistake, because they are all very different. And I do believe that we can have the peace without the conflict of war in some of these places, therefore even saving casualties from those regional powers.

So I would urge the gentleman, as I yield back to him, if there could be a rethinking of this issue, we would appreciate it.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

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

Mr. JACKSON of Illinois. Mr. Chairman, I certainly appreciate the gentleman's willingness to work with us on these critical issues.

When the chairman mentioned the word reprogramming, as it is specifically laid out in the context of the report, is the chairman, one, talking about reprogramming of the appropriated amount of \$500 million? That is, possibly taking money from some other peacekeeping force. Or is the gentleman talking about an additional appropriation that is towards the President's request for additional peacekeeping missions?

Mr. ROGERS. Reclaiming my time, Mr. Chairman, as I explained before, the way this rather unique account is operating, the way we operate it, we appropriate, or the Congress does, an annual sum of money for peacekeeping contributions to the U.N., in this case \$500 million. During the year, the administration, when they propose another peacekeeping mission at the U.N., they are required by law to notify the Congress 15 days in advance of that vote at the Security Council, a notification that they plan to vote for a new mission; and, two, a reprogramming request from this account, or some other peacekeeping mission that is not quite ready yet for monies to go into that particular new peacekeeping mission. That is the way that has been operating for a long time.

Sometimes each peacekeeping mission has different spend-out rates. Some spend quicker than others. There is always money in that account to be changed from one to the other or drawn from the general account.

What the bill proposes is \$500 million, the same as the current year, for the peacekeeping account, which is a 120 percent increase over the figure we gave similarly in 1999. So we have kept them at the elevated 120 percent increase over 1999 in this current bill.

There should be sufficient monies for them to do the peacekeeping missions where the mission is ready for monies to be spent. It is not ready in Sierra Leone nor in the Congo. It probably will soon be in Ethiopia.

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield for one final inquiry. The chairman is well aware that the Helms-Biden agreement dictated and requires the Congress to provide 25 percent of the total cost of these operations. Is the chairman aware of any implications the cap that is placed on this bill would have on the existing operations, and its impact on an agreement that was worked out between Senator HELMS and Senator BIDEN?

Mr. ROGERS. I am not sure I understand the gentleman's point.

Mr. JACKSON of Illinois. My understanding was that this request is not coming from the administration purely out of the context of requirements dictated by a compromise worked out between Senator HELMS and Senator BIDEN, and that is presently our obligation, as required by law, is to fulfill 25 percent of the total cost of these operations; and that any failure by us to pay will affect the U.N.'s ability to effectively carry out all of the missions.

I was just wondering if the chairman was aware whether the cap the chairman has placed on the amount from the House mark might indeed have broader implications for that understanding.

Mr. ROGERS. I do not see that it would.

Mr. JACKSON of Illinois. I thank the chairman for yielding.

Mr. CROWLEY. Mr. Chairman, I speak today in strong support of the Dixon, Jackson, Crowley, Jackson-Lee amendment to the CJS Appropriations Act to increase appropriations for international peacekeeping by \$241 million.

First, let me thank Representative JACKSON for his strong leadership on this issue. It is a pleasure to work with him on such a worthy effort. I would also like to thank Representative DIXON for his strong leadership on this issue. He led the fight in committee on behalf of peacekeeping and the United Nations and I thank him for his efforts. I would also like to thank Representative BARBARA LEE, Representative SERRANO, and Representative SHEILA JACKSON-LEE for their support.

Mr. Chairman, today we are forced to debate, again, an issue that was settled under the Helms-Biden legislation—the issue of our international peacekeeping contributions.

As many of you in this body know, the Helms-Biden legislation includes a provision in which the United States unilaterally reduced our peacekeeping contribution by 5 percent.

As I said, this was a unilateral move. We have not gotten agreement from the U.N., or even our allies at the U.N. We simply did this on our own.

This year, the administration has sent a budget up to Congress, adhering to the Helms-Biden law and determined that it will cost approximately \$738 million to fund our share of international peacekeeping at the congressionally agreed upon level of 25 percent.

But that is not what was done in this legislation. Instead, the CJS bill has cut the administration's request by one-third, and provided funding at a level of \$498 million.

Additionally, a number of restrictions have been placed on this funding prohibiting support for U.N. peacekeeping missions in Sierra Leone, the Democratic Republic of Congo, Tajikistan, Western Sahara, and in Ethiopia and Eritrea.

This low funding level and the arbitrary restrictions are dangerous.

Peacekeeping is an important foreign policy tool and vital to U.S. national security. To quote from the State Department's FY 2001 presentation and justification for funding:

United Nations peace operations directly serve the national interests of the United States by helping to support new democracies, lower the global tide of refugees, reduce the likelihood of unsanctioned interventions, and prevent small conflicts from growing into larger wars.

Failure to control conflict can result in the spread of arms trafficking, increased trade in narcotics, terrorism, increased refugee flow, increased instability, child soldiers, and the list goes on.

Mr. Chairman, some regions of Africa are experiencing medical emergencies of biblical proportions due to the AIDS virus and other infectious diseases. Because of the conflicts in some areas of Africa, vital health care and other services are nearly impossible to administer. Peacekeeping missions in Sierra Leone and the Congo and elsewhere would help change this and allow vital health care programs to reach civilians in war torn regions.

Mr. Chairman, peacekeeping is inexpensive compared to the alternatives—war and instability.

Any administration, including Presidents Reagan and Bush, would object to the restrictions and the low funding level in this legislation.

Of current U.N. peacekeeping missions, at least 5 are less than 2 years old. To set an arbitrary cap now makes no sense. You are denying these missions even the opportunity to succeed.

In the Middle East, the mission in Lebanon significantly increased this year with the Israeli withdrawal. By under funding peacekeeping, are we not implicitly sending the message that Middle East peace is not vital to U.S. national security?

Yes, congressional oversight is important. That is why the State Department briefs Members every month on current peacekeeping operations. That is why Congress is notified 15 days before new or expanded missions are voted on in the U.N. Security Council, where the United States can veto any mission we disapprove of. That is why the appropriators are consulted before funding is reprogrammed. But under this legislation, the Congress is overreaching with the funding limitations.

But this report goes further and sets international policy on peacekeeping by tying the President's hands and ignoring U.S. treaty obligations to fund these missions.

As I said, our assessment is a little over 30 percent. Under Helms-Biden, we lowered it to 25 percent unilaterally. We then instructed the State Department to negotiate with U.N. member countries to get an agreement on the 25 percent level. Now, we are failing to even meet the 25 percent level under Helms-Biden.

Last year, the United States began to rebuild its credibility and pay its financial obligation to the United Nations.

Today, we owe the U.N. \$1.2 billion according to our own State Department; \$993 million of these arrears are due to our failure to pay our peacekeeping assessment.

There is \$56 million in prior holds—\$612 million from earlier cuts—\$202 million for the legislative cap on peacekeeping (which is our unilateral cap of 25 percent and \$123 in non-legislative categories).

This does not even include what we are now withholding—about \$93 million in past due bills for FY 2000; plus the peacekeeping supplemental request of \$107 million for FY 2000 that are not approved. Plus \$225 million in reprogramming holds.

And now a \$241 million cut in the administration's request.

If we continue on this path, we'll be back in the same situation with our arrears as we were a year ago.

As Ambassador Holbrooke said, "not paying our assessments to these peacekeeping operations would be disastrous."

Mr. Chairman, I know our amendment is subject to a point of order. But I would urge the chairman to accept this amendment or allow a vote on this issue. Let the Congress speak.

Mr. GILMAN. Mr. Chairman, I rise in reluctant opposition to the Dixon amendment. I am fully aware that there are some strong arguments that can be made on behalf of the need for U.N. peacekeeping and the need for U.S. support for these operations. We should try to meet our financial commitments especially in light of our ongoing efforts in New York to reduce our current U.N. peacekeeping assessments.

However, United Nations peacekeeping operations are in deep trouble today both in New York and in the field. In some missions, we see an all-too-familiar pattern where the peacekeepers are caught in the middle of cease fires giving way to armed conflicts and regional peace agreements dissolving into open conflict among numerous regional actors.

Congress is all too often being asked to fund deeply flawed operations where the administration is unable or unwilling to provide a road map for their restructuring. And throwing more money and more peacekeepers into missions will be fruitless so long as there is no peace to keep.

Earlier this month, our Permanent Representative to the U.N., Ambassador Richard Holbrooke, told the world body that it must "transform its civilian-run peacekeeping department into a larger and more effective military style operation if it is to avoid repeated humiliations in the riskier missions it is undertaking around the world." In short, we need a clear and concise blueprint for the reform of the U.N.'s Department Peace Keeping Operations.

Many observers agree that the peace accord underlying the operation in Sierra Leone is now a virtual dead letter and the current U.N. forces are simply not able to handle the military threat from the insurgency movement threatening the government in that beleaguered country.

And to reinforce Ambassador Holbrooke's concerns about U.N. peacekeeping in crisis, the United Nations Secretary General told the

Security Council in mid-June that the U.N. itself is being forced to rethink the entire operation in the Democratic Republic of the Congo. Other operations in Europe and Asia need more intensive scrutiny and oversight.

In November of last year, I requested our General Accounting Office to review the expected costs of ongoing and future operations and the extent to which the administration has adhered to its own guidelines for the approval of major U.N. peacekeeping operations.

The report is essential to guide our decisionmaking and review of these operations. Yet the GAO is hardly any closer today to completing this study than it was last year. Unfortunately, the GAO continues to encounter determined foot-dragging and bureaucratic inertia from an administration that continues to give the impression that it is being less than candid with the Congress and the American people about the price tag of U.N. operations and the process under which they are approved.

I would welcome an opportunity to meet with members of the administration to address all of these issues over the coming months and to find a way to provide greater support for U.N. peacekeeping operations in the future.

#### POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. This amendment would provide new budget authority in excess of the subcommittee allocation made under section 302(b) and is not permitted under section 302(f) of the act.

I ask for a ruling of the Chair.

The CHAIRMAN pro tempore. Does the gentleman yield back the balance of his time?

Mr. ROGERS. I do, Mr. Chairman.

Mr. JACKSON of Illinois. Mr. Chairman, we concede the point of order.

The CHAIRMAN pro tempore. The gentleman concedes the point of order. The point of order is sustained. The amendment is not in order.

#### AMENDMENT NO. 66 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

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

The text of the amendment is as follows:

Amendment No. 66 offered by Ms. JACKSON-LEE of Texas:

Page 79, line 2, insert before the period the following: “; *Provided further*, That funds made available under this heading may be used for United Nations peacekeeping missions in the Republic of Angola, the Democratic Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the western Saharan region of Africa”.

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

The CHAIRMAN pro tempore. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Texas (Ms. JACKSON-LEE) and a

Member opposed each will control 5 minutes.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 1¾ minutes.

My amendment, Mr. Chairman, is offered to clarify and to highlight what is actually happening in this bill. We have just had a vigorous discussion on many of our concerns about prohibiting the United States, in a collaborative way, from fighting or supporting peace. And let me eliminate the word fighting and just say supporting peace.

Specifically, the bill and its supportive language talks about specific countries in which funds that are in the bill cannot be used to help fund peacekeeping missions, and those countries include some that I am listing now: the Republic of Angola, the Democrat Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the Western Saharan region of Africa.

We have already seen a visual depiction on this floor of the violence that is occurring in Sierra Leone where even children are having their limbs hacked off. We already know, that Eritrea and Ethiopia are moving towards a peace agreement or a settlement of their differences.

I, for one, Mr. Chairman, have been to this floor years ago and acknowledged that Ethiopia had a bad human rights record, and I had asked at that time that their funds be held up until they improved their human rights record. But now we are in the midst of seeing a resolution to a long-standing conflict between Eritrea and Ethiopia, which I wish had not started. The way this bill is written, however, it specifically keeps the funds in this bill now from being used for peacekeeping missions in Africa which will impact negatively on their potential peace agreement.

So my amendment specifically adds language that says, yes, America can stand up for peacekeeping; yes, we can participate with the U.N., not in war but in peacekeeping. I think it is a tragedy that we have legislation and have an appropriations bill that denies those dollars, denies our relationship with the United Nations, and denies our ability to help keep peace on the Continent of Africa.

Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

□ 1800

Mr. OBEY. Mr. Chairman, I do not necessarily endorse any individual peacekeeping operation. I do not believe that is my role. But when the committee says and the gentleman from Kentucky (Mr. ROGERS) says that, no matter what happens in the world, that the United States, a year in advance, will declare that it will not provide more than \$500 million for peace-

keeping arrangements no matter what happens, then I have to say the gentleman from Kentucky (Mr. ROGERS) reminds me of King Canute, the famous king who looked at the tide and said, “Thou shalt not rise.”

I say “good luck” to the gentleman from Kentucky (Mr. ROGERS). I am glad he is prescient enough to see ahead of time what our national needs are. I think everybody else in this Chamber is somewhat more humble about our ability to see the future.

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

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

Mr. ROGERS. Mr. Chairman, I am glad the gentleman from Wisconsin (Mr. OBEY) is entering this debate because the gentleman serves as the ranking member of the Foreign Operations, Export Financing and Related Programs Subcommittee of the Committee on Appropriations.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

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

Mr. ROGERS. Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) is the ranking member of the Foreign Operations, Export Financing and Related Programs Subcommittee of Appropriations, as well as being a ranking member of the full committee.

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

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

Mr. OBEY. Mr. Chairman, correction: The gentlewoman from California (Ms. PELOSI) is.

Mr. ROGERS. Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) is ranking member of the full committee and deals with these matters quite often.

Mr. Chairman, would the gentleman not agree that the way to establish a peace in Sierra Leone is through direct military assistance to Nigeria, the regional power, to establish the peace in Sierra Leone?

Mr. OBEY. Mr. Chairman, this gentleman is not sure what the right way to proceed is on that issue. This gentleman is sure that the gentleman from Kentucky (Mr. ROGERS) was not elected to be Secretary of State and neither was the gentleman from Wisconsin (Mr. OBEY) and for the Congress to, ahead of time, say that, regardless of what happens, only \$500 million will be appropriated for peacekeeping is patently absurd.

Why not telegraph to our enemies around the world ahead of time that once we hit the \$500 million level, we “ain’t going to do nothing about anything?”

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 45 seconds to the gentlewoman from California (Ms. LEE), a distinguished member of the

Committee on International Relations Subcommittee on Africa.

Ms. LEE. Mr. Chairman, let me thank the gentlewoman from Texas (Ms. JACKSON-LEE) for offering this amendment.

I just want to make a couple of points with regard to where we are now in terms of U.S. policy toward Africa and vis-a-vis peacekeeping.

Our Congress has begun to promote trade and investment on the continent of Africa. However, these speeches, our votes, for trade and investment on the continent of Africa really become hollow words or deeds with no real teeth in the measures unless we really do support peace and stability on the continent of Africa.

United States corporations want peace and stability. I am sure they support any efforts that this country will be engaged in in order to ensure that the continent is stabilized.

Peace is a prerequisite to development. Funds for peacekeeping missions really will prevent millions of individuals from being killed on the continent of Africa. This is really a minimum investment which our country should step up to the plate to.

I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for offering this amendment. I believe there are millions of African Americans in this country who want their tax money going for such an investment.

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

Mr. Chairman, let me close by simply saying this: As the bill is now written, it bars U.N. peacekeeping provisions or funds to be used for peacekeeping by the United States of America in certain countries in Africa.

My amendment allows the existing monies in the bill to be used in Angola, the Congo, Ethiopia, Eritrea, Sierra Leone, sub-Saharan region of Africa. It allows the United States to participate in peace, not in war.

I would ask the chairman to waive his point of order so that we can invest in peace, and I ask that we do so because peace is what America should stand for throughout the world.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I continue to reserve my point of order.

Mr. Chairman, first let me respond to the gentleman from Wisconsin (Mr. OBEY). No, I was not elected Secretary of State. I would not have the slightest idea how to be Secretary of State.

What I was elected to do, though, by my constituents at home and by my colleagues in the House is to be sure that we are spending our tax dollars wisely. That is what the Committee on Appropriations is supposed to do. It falls to my lot, as chairman of the subcommittee, to try to establish some discipline on the past extravagant spending by the U.N. for peacekeeping missions in the early 1990s, when we spread American troops and other nations' troops all around the world.

Today we have several of these peacekeeping missions around the world, and we are paying 25 percent. I think we should have a say in how those tax dollars are spent and whether or not they should be spent in a given peacekeeping mission.

Now, the gentlewoman from Texas (Ms. JACKSON-LEE) is not correct. This bill does not prohibit peacekeeping missions in any country in the world. What we say in the report language is that, in any of the missions she named, monies can be spent in those missions if it is reprogrammed for that purpose. But that is true of all other peacekeeping missions that we enter into.

My opposition to particular U.N. peacekeeping missions has nothing to do with where they are. It has everything to do with the nature of the task the U.N. is being asked to carry out and whether the conditions are favorable for that mission to be effective.

Everyone who has looked at the failures of the U.N. in Bosnia and Somalia, Congress, the GAO, the administration, the U.N. itself, has come to the same conclusion that U.N. peacekeeping is not an effective policy tool when the situation calls for the use of force or the credible threat of force to restore or enforce peace.

Sierra Leone and Congo are two such situations, and placing U.N. troops into such situations has not and will not and cannot bring peace.

I deplore the current situation in Sierra Leone, and I sincerely hope that the administration will actively pursue military assistance to Nigeria to allow them to establish a real peace in that country that can be kept by the U.N. When they do, U.N. monies from this account will be reprogrammed to pay our share of the costs of a peacekeeping mission there, as we have in the past.

Sending more poorly trained U.N. troops with no will or ability to pursue offensive military action against seasoned troops will not bring about that result, and yet that continues to be the administration's position. They have supported expanding the U.N. force there to 6,000, then to 8,000, then to 11,000, then to 13,000. Shortly we expect a notification that they want to expand to 16,500. And it has been nothing but a disaster, Mr. Chairman.

The U.N. was supposed to disarm the rebels. The rebels have more arms now than when the U.N. mission began. Why? Because the U.N. troops surrendered their arms when they were challenged, they retreated and left their arms and their armored personnel carriers for the rebels to take and use against the rest.

It is the same old lesson as Somalia and Bosnia, but I guess it is a lesson we have to learn over and over again. If we continue to bet everything on the success of the U.N. peacekeeping force waging a successful aggressive war against a rebel guerilla army, we will be sitting here a year from now, the American taxpayers will be out more

than \$200 million, and Sierra Leone will continue to be mercilessly attacked and its children's arms cut off.

So, Mr. Chairman, I urge rejection of this amendment.

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

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, as I listen to the remarks of the gentleman from Kentucky (Mr. ROGERS), it appears that we are moving in the same direction.

My question to the gentleman is that, if, for example, and as I indicated to him I have stood on this floor and asked for limitations on funds to Ethiopia when I questioned their human rights commitment, but if Eritrea and Ethiopia were to enter into a solid peace agreement in the next 10 days to 2 weeks, or Sierra Leone, Mr. Chairman, what would be the remedy out of this legislation for those two entities, to be funded for peacekeeping by the United States and the United States' involvement with U.N. peacekeeping at that time?

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN. That request would be one minute for both the proponent and an opponent?

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

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

Mr. Chairman, there is no language in this bill that would prevent the U.S. from paying an assessment for U.N. peacekeeping in Ethiopia and Eritrea in fiscal year 2001.

As I said earlier on another amendment, and the gentlewoman from Texas (Ms. JACKSON-LEE) may not have heard, there now is apparently a peace agreement in effect in Ethiopia entered into since we marked up this bill. And would I say to the gentlewoman that if, in fact, that is the case and, in fact, the administration requests that we reprogram monies from this account to pay our share of a peacekeeping operation in Ethiopia, it would be eligible; and we would give it due consideration, as we do all the others.

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

Mr. Chairman, I do know that Ethiopia and Eritrea are moving toward a peace agreement. I hope it is soon.

What happens to Sierra Leone? I mentioned them. That is where the hacking off of limbs is going on.

The point of the gentleman about Nigerian troops, I applaud Nigeria. They have been most effective. They, obviously, have had some difficulties themselves. But with Sierra Leone, what happens to the funding for peacekeeping for Sierra Leone. What happens if we need more monies, because it is a difficult situation?

Mr. Chairman, I yield to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, if, in fact, we can establish peace in Sierra Leone, we can reprogram money for them, as well.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to thank the chairman for providing this insight.

I think all of us, what we want, Mr. Chairman, is we want to show the kind of compassion and commitment to the continent of Africa that we have shown with NATO, and SFOR, that we have shown in Central America, and we do not want to deny the same kind of support for the peacekeeping efforts in Africa.

Mr. PAYNE. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Chairman, my question, basically, is, with the reprogram appropriator, I am the one that deals with the policy; and so, for example, if the combatants in the Congo, which are at the point of agreeing, I have spoken to two presidents of the combatants as we speak, if they agree that there will be the withdrawal, and a third president I will be talking to today, then where does the money come from? Is it withdrawn from the appropriation? How could, then, we move for a peacekeeping in the Congo, because they are days and perhaps weeks away from agreeing to end all hostilities? Where, then, can the money come from?

The CHAIRMAN. All time has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for an additional 1 minute total.

The CHAIRMAN. On both sides.

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, to respond to the gentleman from New Jersey (Mr. PAYNE), if the U.N. Security Council votes for a peacekeeping mission in Ethiopia, which they have not done as yet, as the gentleman knows, but if there is, in fact, a peace accord there and the parties are withdrawing, so that a peace exists and an agreement to be enforced is in place, and the U.N. votes for a peacekeeping mission in Ethiopia, the procedure would be that the administration would notify the Congress 15 days in advance of that vote up there for a peacekeeping mission, and they would seek to reprogram into that account monies from this \$500 million kitty, if you will, for that purpose.

□ 1815

That reprogramming would come to our subcommittee; and if it meets the criteria that all the others have met that we have voted for, then it would be reprogrammed for that purpose.

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

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

Mr. PAYNE. Mr. Chairman, would that be the same process in the Congo, which has already had an agreement? As the gentleman knows, the Congo is more complex. There are five countries, Uganda and Rwanda and Angola and Congo and Namibia, all three. Speaking to several of the presidents, they are willing to withdraw the question as to the peacekeepers.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired. The gentlewoman from Texas (Ms. JACKSON-LEE) has 1 minute remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS) to answer the question, and then I would like to make a statement.

Mr. ROGERS. Mr. Chairman, I am not sure I understood the question of the gentleman from New Jersey (Mr. PAYNE).

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

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

Mr. PAYNE. Mr. Chairman, in the Congo we have a similar situation which is at the verge of coming to a conclusion. My question is, if in two weeks all of the discussion that I will be having with the various presidents of the combatting countries agree they indeed will withdraw but the U.N. needs to be there to fill that vacuum left, where is the money then for the Congo's peacekeeping? Because the Security Council has already approved the peacekeeping plan for the Congo.

Mr. ROGERS. There would be a reprogramming request the administration would send to us. We would review it and the monies, if approved, would come out of this account that we are speaking of today, the \$500 million.

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

Mr. Chairman, let me close by saying there were a million people who died in Rwanda. Peacekeeping is vital and I would hope that the chairman would waive the point of order and allow us to vote on this amendment.

Mr. Chairman, I rise today in support of my amendment to H.R. 4690, the Commerce, Justice, State appropriations measure. We must restore our commitment to the world's International Peacekeeping responsibilities, particularly in Africa.

The appropriation measure before the House today cuts the request for the United Nations peacekeeping contributions by as much as one-third, or \$240 million, below the President's request freezing peacekeeping at the FY 2000 appropriated level of \$498 million. The cuts are wrongly concentrated on areas that oddly need the most support from us in Africa.

The current measure would deny funding for critical peacekeeping missions in Ethiopia, Eritrea, Sierra Leone, the Democratic Republic of the Congo, Angola, and the Western Saharan region.

Specifically, the amendment has the effect of striking language in the bill that denies

funding for five peacekeeping missions in Africa. It makes funds available "for United Nations peacekeeping missions in the Republic of Angola, the Democratic Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the western Saharan region."

As we all know, a serious issue facing the United Nations, the United States, and Congress concerning United Nations peacekeeping is the extent to which the United Nations has the capacity to restore or keep the peace in the changing world environment. We need a reliable source of funding and other resources for peacekeeping and improved efficiencies of operation.

We need peacekeeping funds for Africa. These are not peripheral concerns for countries trying to establish the rule of law. The instability and fragile peace in countries like Ethiopia, Eritrea, the Sudan cannot be ignored. United Nations peacekeeping operations involve important functions that impartial soldiers can carry out. We all know the appropriations measure abandons our commitment to Africa, which is not sensible.

We need to support democratic institutions in a consistent and meaningful manner. Proposals for strengthening U.N. peacekeeping and other aspects of U.N. peace and security capacities have been adopted in the United Nations, by the Clinton Administration, and by the Congress. Moreover, most authorities have agreed that if the United Nations is to be responsive to post-Cold War challenges, both U.N. members and the appropriate U.N. organs will have to continue to improve U.N. structures and procedures in the peace and security area.

This does not mean, however, that we should prevent the use of peacekeepers to help facilitate a peace accord. For example, in Ethiopia and Eritrea, a peace accord was recently concluded. It cannot have come at better time. Ethiopia and the neighboring nations are facing a serious crisis. A famine is on the horizon in the Horn of Africa unless we continue to provide the necessary food and security assistance to Ethiopia and Eritrea.

Peacekeeping forces are also critical to ensure that ports remain easily assessable for relief operations. Some say that there may not be a famine in the Horn of Africa. But we really do not know. We do know that the situation of food insecurity is so bad that conditions are approaching the desperate situation that occurred in 1984, when the people of that nation did experience a famine.

Mr. Chairman, I urge my colleagues to support this amendment so that we can restore peace and security in Africa. These problems are intertwined and they deserve our complete support.

#### POINT OF ORDER

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

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

Ms. JACKSON-LEE of Texas. Yes, Mr. Chairman. Let me at this time indicate that I had hoped that the gentleman from Kentucky (Mr. ROGERS)

would waive the point of order. At this time I will concede the point of order.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) concedes the point of order. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

#### INTERNATIONAL COMMISSIONS

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

##### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

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

##### SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$19,470,000.

##### CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$5,915,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

##### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$5,710,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

##### INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$15,485,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

##### OTHER

##### PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$8,216,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

##### AMENDMENT NO. 33 OFFERED BY MR. SANFORD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. SANFORD: Page 80, strike lines 14 through 19.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Chairman, this amendment deals exclusively with the Asia Foundation. Last year I had an amendment that would cut funding for the North-South Center, East-West Center and the Asia Foundation. To this committee's credit, they cut funding for the North-South Center and the East-West Center, and this amendment simply asks them to do the last thing that they did not do, which is to cut the funding for the Asia Foundation.

This bill would specifically cut the \$8.2 million for the Asia Foundation. I think that is worth doing for a couple of different reasons. First of all, I would just mention what the Senate Committee on Appropriations had to say on the Asia Foundation last year. Specifically, they said the Asia Foundation is a nongovernment grant-making organization that Congress has repeatedly urged to aggressively pursue private funds to support its activities. The Senate committee believes that the time has come for the Asia Foundation to transition to private funding.

I simply agree with what they had to say. In fact, this Congress agreed with what they had to say because back in 1995 it was with this thinking in mind that Congress cut funding to the Asia Foundation from \$15 million down to \$5 million and basically encouraged them to look for private funding. Unfortunately, they have gone the opposite direction, because in fact the Asia Foundation funding has grown by 60 percent to the \$8.2 million number, and it is for this reason that this amendment says that we have to go back to the original intent of what this Congress talked about and what the Senate Committee on Appropriations has talked about specifically.

I would say that this is worth doing. First of all, whether one is a Republican or whether one is a Democrat, I think that we would not want the Asia Foundation, and I underline the word foundation, to be treated any differently than a foundation is in the first district of South Carolina or in the fifteenth district of California.

I say that because if we look at, for instance, the Community Foundation which exists in Charleston, South Carolina, it relies on public grants out there in the marketplace.

Bill Gates has said he wants to give away \$50 billion. There are a lot of people out there vying for those funds; and again, I think the Asia Foundation should be either solely a government function or solely a private function, a private organization competing for those grants; but right now it is a mixture of both, which gives it a competitive advantage over foundations in each of our respective congressional districts.

Secondly, I would say there is a lot of duplication. If one looks at the work of the United Nations, the World Health Organization, the World Bank, the IMF, the State Department, the Department of Commerce, the CIA and others, they do many of the same

things. In fact, if one looks at the overall funding in this budget, there is \$1.4 billion of funding for international organizations, conferences and commissions. In fact, if one looks at our overall 1999 budget, U.S. programs solely devoted to Asia were basically \$3.66 billion. So this \$8 million is very repetitive.

In fact, I would say in addition that the Cold War is over and this is, I think, a remnant of the Cold War because we have spent \$137 million of taxpayer money in the foundation, basically over the last 45 years.

Lastly, I would just make the point that a lot of these grants, given the fact that dollars are as competitive as they are, and we have had an interesting debate on whether money should or should not go to Africa or Sierra Leone or other places, given the fact that dollars are as scarce as they are, does it make sense for the Asia Foundation in this quasi-public role that it plays to be, and I will just mention a few and let one make their own decision. For instance, at the policy level the foundation is involved in research with the London School of Economics and the Sustainable Development Policy Institute on the political economy of education. That is a grant that the Asia Foundation placed just last year.

I see here in Pakistan, women are learning the value of savings discipline and gain confidence and self-esteem through income-skills training opportunities.

I see in Bangladesh alternative dispute resolution. Now, there they have a village practice wherein the council of elders and opinion leaders hears a case and renders a judgment. Asia Foundation promotes more equitable and effective dispute resolution.

I see in the Korean Peninsula workshops for South Koreans on, quote, "the perceptions of the International Monetary Fund policy in Korea."

I see also in Korea, travel support for members of North Koreans to participate in international training programs and study tours in business and agriculture.

I see in Mongolia, since 1993, 28,000 books donated to Mongolian organizations, and last year 10,000 English-only language books donated to 174 institutions.

Now leaving aside the question of I do not know how many speak English in Mongolia, I thought there was a thing called the Internet wherein these same things could be transferred.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. SANFORD) has expired.

Mr. SANFORD. Mr. Chairman, I ask unanimous consent for an additional 30 seconds on both sides.

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

There was no objection.

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

Mr. Chairman, lastly I would just make the point here, I see here in Vietnam training for the national assembly. I see study tours. I see a trip for Vietnamese officials to California, Minnesota, and Wisconsin, and simply would ask, given the fact that the dollars are as scarce as they are, is this the best use of those monies, and for that reason urge the adoption of this amendment.

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

Mr. Chairman, the Asia Foundation makes an important contribution to the development of democracy and economic reform in countries like Indonesia, China, other places in that part of the world where vital U.S. national interests are at stake. We froze funding at the current year level so we are already almost \$2 million below what was requested of us. Any further cuts would inflict serious damage to this program and to U.S. interests and objectives all over Asia. For that reason, I urge that we reject this amendment.

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

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment which seeks to kill the Asia Foundation. If I had my way, we would be increasing the funding for that foundation, not straight lining it; but an amendment to eliminate the funding for the Asia Foundation is a classical example of the wrong amendment at the wrong time. It is the wrong amendment because it would be short-sighted to cut funding for an organization that plays a key role in advancing U.S. foreign policy interests in the Asia Pacific region. With a very modest appropriation, the Asia Foundation helps promote and strengthen democracy, human rights, open markets and the rule of law in more than a dozen Asian countries. So soon after the debate on NTR for China the notion that we are going to wipe out one of the premier agencies promoting rule of law in that part of the world makes no sense whatsoever. It is the wrong time because many Asian countries are experiencing profound socioeconomic and political change. The foundation's cost-effective work is more important than ever.

Last year, an amendment much like this to slash the foundation's authorization was defeated with strong bipartisan support. I join with the chairman of the subcommittee and my other colleagues on both sides of the aisle in urging the body to support the Asia Foundation and to reject this counterproductive amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER), the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

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

Mr. BEREUTER. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from South Carolina (Mr. SANFORD). The Asia Foundation has a 45-year proven track record. Helping Asia develop into a stable market-oriented democratic region is an important American national security objective.

Mr. Chairman, the developing countries in Asia are in desperate need of legal reforms. American commerce and local human rights are early beneficiaries of such rule-of-law programming. By defeating the Sanford amendment the foundation will be able to support new legal reform initiatives for Indonesia, Thailand, the Philippines, Sri Lanka, Vietnam, and China.

The Asia Foundation is a small, cost-effective, private institution that plays a very important complementary role in advancing U.S. foreign policy interests around the world. There are some things it can clearly do more effectively and cost efficiently than can our government agencies. We need the Asia Foundation's efforts. This Member urges his colleagues to support the work of the Committee on Appropriations, maintain the modest funding for the Asia Foundation, and oppose the Sanford amendment.

Though this Member certainly shares his colleague's interest in reducing wasteful Federal spending, the institution targeted by this amendment certainly does not fall in that category. On the contrary, a closer examination of the Asia Foundation and of its successful programs will confirm its cost effective contributions to American interests around the world. Indeed, our modest investment in the Asia Foundation is money well spent.

Programs and investments in reform minded individuals in Korea, Taiwan and the Philippines directly supported and influenced the incredible democratic and economic transformations there. The Asia Foundation remains on the front lines doing the same today in Asia's new, emerging democracies like Indonesia, Bangladesh, and Mongolia as well as helping lay the foundation for positive change in authoritarian countries like China and Vietnam.

Fundamental changes are happening in Asia as a result of the recent economic crisis. One need not look any further than Indonesia, a keystone of American national security policy in Southeast Asia. Now is the time to take advantage of this climate of change and expand programs advancing democracy, the rule of law, human rights, economic reform and sustainable recovery.

The Sanford amendment would completely eliminate all funding for the Asia Foundation. The pending appropriations bill does not increase funding for the Asia Foundation—in fact, unfortunately it freezes it at last year's modest level of \$8.2 million, some \$7 million below its authorized level and \$1.7 million below the President's request. Last year, during consideration of the American Embassy Security Act, this body strongly rejected the effort by the gentleman from South Carolina to severely cut the Asia Foundation. Indeed, this

Member urges his colleagues to reject this even more draconian amendment which would completely zero out funding.

The programs of the Asia Foundation support this national security objective. The Sanford amendment would severely cut this NGO's programs and further restrict our ability to influence positive change in a region with over one-half of the world's entire population. The long-term cost of this amendment to U.S. foreign policy objectives certainly outweighs any short-term savings it may have.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS), the chairman of the committee, for yielding me this time.

Mr. Chairman, I would like to associate myself with his remarks as well as the Chair of the Subcommittee on Asia and the Pacific, with whom I serve, and my distinguished colleague, the gentleman from California (Mr. BERMAN).

I would like to ask my good friend, who I have served with now for three terms, the gentleman from South Carolina (Mr. SANFORD), a question, and that is whether or not the distinguished gentleman has visited the Asia Foundation and seen the programmatic structure that they offer for developing democracy and economic opportunity?

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

Mr. HASTINGS of Florida. I yield to the gentleman from South Carolina.

Mr. SANFORD. In cyberspace or in terms of geography?

Mr. HASTINGS of Florida. In actual visitation.

Mr. SANFORD. I have not been into the building. In New York, I have been once into the foyer and that is about it, but I have been to their Web site.

Mr. HASTINGS of Florida. I have had that good fortune of visiting there, and with the entire board; and I have seen their work and they do an extraordinary job, as Asia is developing, in developing the rule of law and in economic reform that is necessary for those countries to survive.

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Most respectfully, I say to my friend from South Carolina (Mr. SANFORD), who was wrong on the North-South Center in Florida, and the gentleman is wrong on Asia.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida, (Mrs. FOWLER), who is a very important Member and senior member of the Committee on Armed Services dealing with national security.

Mrs. FOWLER. Mr. Chairman, I rise to urge my colleagues to oppose the amendment by my friend, the gentleman from South Carolina (Mr. SANFORD). I have had firsthand experience with the Asia Foundation and can personally attest to the quality of their work and their programs.

I have seen the need for their work in the developing Asian nations and, for example, the Chinese have approached the Foundation to act as a mediator in talks with Taiwan. There are very few issues of a higher national security interest to our country than the relationship between China and Taiwan. This is exactly the kind of program we should encourage in the appropriations process, and that is why I urge my colleagues to oppose this amendment.

Mr. ROGERS. Mr. Chairman, I yield the balance of the time to the gentleman from California (Ms. PELOSI), who is the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from Kentucky (Chairman ROGERS) for yielding me the time and rise in strong opposition to the Sanford amendment, which cuts all funding for the Asia Foundation. The Asia Foundation, not to be confused with any other foundation dealing with Asia, is domiciled in San Francisco, in my district. I am very well acquainted with the great and excellent work that it does.

The work that they do is important for U.S. government officials and shows a critical role that in-country presence plays in understanding local conditions. The Asia Foundation advances U.S. interests through its ability to deliver high-quality programs on the ground through its network of offices in Asia, which some of our colleagues have addressed here.

In the short amount of time allocated to me, I would urge our colleagues to oppose this amendment, support the work of the Asia Foundation, it is a way to peacefully resolve some of our issues out there, as well as building a rule of law in many countries that are fragile democracies just emerging who need just the kind of assistance that the Asia Foundation is experienced in providing. I urge a no vote on this amendment.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in strong opposition to the Sanford amendment to the Commerce, Justice, and State appropriations bill, a measure that would totally eliminate funding for the Asia Foundation.

Mr. Chairman, the Asia Foundation's important work focuses on a dynamic region of the world where over half of the planet's population resides.

Today, the Asia-Pacific region looms large on the world stage and is increasingly intertwined with the United States. It is a diverse, complex region with countries at both extremes in terms of population, economic development, political stability and social/cultural change. The Asia-Pacific region is at the same time America's largest market as well as the locus of its most aggressive competitors. In addition to its economic impact, many of the countries in Asia and the Pacific are undergoing structural changes in their political and social systems that pose potentially serious threats to the stability of the region and the very world. Indeed, major conflicts and wars involving the U.S. have arisen in the region in the past and we must be vigilant in protecting against their reoccurrence in the future.

Clearly, Americans must attach greater priority to Asia and the Pacific than they have ever done, and be prepared to understand and respond to the challenges and opportunities that confront us.

Mr. Chairman, the mission of the Asia Foundation addresses these critical concerns, in addition to promoting democratic government, free market economies and respect for rule of law in the developing nations of the Asia-Pacific.

I urge our colleagues, Mr. Chairman, to defeat the Sanford amendment and maintain the modest funding for the Asia Foundation that serves vital U.S. foreign policy interests in this most important part of the world.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

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

Mr. SANFORD. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

The point of no quorum is considered withdrawn.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 92, line 4, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 80, line 20, through page 92, line 4, is as follows:

#### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2001, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

#### ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2001, to remain available until expended.

#### NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National En-

dowment for Democracy Act, \$30,872,000 to remain available until expended.

#### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, Reorganization Plan No. 2 of 1977, as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, including the purchase, installation, rent, construction, and improvement of facilities for radio and television transmission and reception to Cuba, \$419,777,000, of which not to exceed \$16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed \$35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

##### BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), \$18,358,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

##### GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

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

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

SEC. 403. There shall be in the Department of State not more than 71 Deputy Assistant Secretaries of State.

SEC. 404. None of the funds made available in this Act may be used by the Department

of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 405. (a) Section 1(a)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(a)(2)) is amended by striking "and the Deputy Secretary of State" and inserting ", the Deputy Secretary of State, and the Deputy Secretary of State for Management and Resources".

(b) Section 5313 of title 5, United States Code, is amended by inserting "Deputy Secretary of State for Management and Resources." after the item relating to the "Deputy Secretary of State".

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2001".

#### TITLE V—RELATED AGENCIES

##### DEPARTMENT OF TRANSPORTATION

###### MARITIME ADMINISTRATION

###### MARITIME SECURITY PROGRAM

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

###### OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$84,799,000.

###### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$10,621,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$3,795,000, which shall be transferred to and merged with the appropriation for Operations and Training.

###### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

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

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

###### COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

###### SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$390,000, as authorized by section 1303 of Public Law 99-83.

###### COMMISSION ON CIVIL RIGHTS

###### SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger

motor vehicles, \$8,866,000: *Provided*, That not to exceed \$50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

###### COMMISSION ON SECURITY AND COOPERATION IN EUROPE

###### SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,182,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

###### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$29,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, \$290,928,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

###### FEDERAL COMMUNICATIONS COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$207,909,000, of which not to exceed \$300,000 shall remain available until September 30, 2002, for research and policy studies: *Provided*, That \$200,146,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at \$7,763,000: *Provided further*, That any offsetting collections received in excess of \$200,146,000 in fiscal year 2001 shall remain available until expended, but shall not be available for obligation until October 1, 2001.

###### FEDERAL MARITIME COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31

U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$14,097,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

###### FEDERAL TRADE COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$2,000 for official reception and representation expenses, \$121,098,000: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed \$121,098,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than \$0, to remain available until expended: *Provided further*, That section 605 of Public Law 101-162 (15 U.S.C. 18a note), as amended, is further amended by striking "\$45,000 which" and inserting: "(1) \$45,000, if as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person in excess of \$35,000,000 but not exceeding \$99,999,999; (2) \$100,000, if as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person equal to or in excess of \$100,000,000 but not exceeding \$199,999,999; or (3) \$200,000, if as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person equal to or in excess of \$200,000,000. Such fees": *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242; 105 Stat. 2282-2285).

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

The Clerk will read.

The Clerk read as follows:

###### LEGAL SERVICES CORPORATION PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$141,000,000, of which \$134,575,000 is for basic field programs and required independent audits; \$1,125,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and \$5,300,000 is for management and administration.

AMENDMENT NO. 54 OFFERED BY MR. CHAMBLISS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 54 offered by Mr. CHAMBLISS:

Page 92, insert after line 14 the following:  
If a grantee of the Legal Services Corporation does not prevail in a civil action brought by the grantee against farmers with respect to migrant employees under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), the grantee shall pay the attorneys' fees, the amount of which as determined by the court, incurred by the defendant to such action. If a grantee is required under this section to pay such fees, the Legal Services Corporation shall reduce the next grant to the grantee by the amount of such fees paid by the grantee.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Georgia (Mr. CHAMBLISS) and a Member opposed each will control 5 minutes.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Georgia (Mr. CHAMBLISS) for 5 minutes on his amendment.

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

Mr. Chairman, the purpose of this amendment is to require the Legal Services Corporation to pay the attorneys fees in any case in which it is filed by the Legal Services Corporation against a farmer under the Migrant Worker Protection Act, and which case is lost by the Legal Services Corporation. In other words, they do not prevail in this lawsuit.

We have had a problem in my State of Georgia over the last number of years in securing agriculture workers to plant our crops, help U.S. till the crops and harvest the crops and, as a result, our farmers have been forced from time to time to use workers that are not legally within the United States.

We have been working on trying to modify the current H-2A program, which is a farmer worker program, that allows farmers to come into the United States on a legal basis so that we can reduce paperwork, make this program less expensive on our farmers and make it more workable. In the meantime, what we have seen happen is that our farmers who have made a decision to hire legal workers under the current H-2A program as opposed to working illegal migrant workers who are not in the United States under legal conditions have run into a problem, and that problem is this: The Legal Services Corporation in my State and any number of other States around the country where farmers have made a decision to bring legal workers into the country to work under the H-2A program have run into a stonewall with the Legal Services Corporation in that they are filing lawsuits against farmers who have workers here legally for technical violations of the H-2A act, not substantive violations, but purely technical violations.

Let me talk about our farmers a minute. My farmers are hard-working

people. They are good business people, but they have encountered a problem here that is purely a legal situation that they are not used to having to address. They are doing everything they can. They are securing advisers. They are securing attorneys to advise them, as well as independent contractors to advise them on the technical compliance with H-2A, but the problem is, that the Legal Services Corporation has a hoard of lawyers who are doing nothing but going after people who are violating the H-2A law from a technical perspective.

Mr. Chairman, now, I do not want to deny any employee the full benefit of all rights that are guaranteed to them under the Agricultural Workers Protection Act, but we have got an excellent plaintiff's bar in my State. There are excellent plaintiff bars all over the country, very capable and determined to ensure that workers have the benefit of all of the rights guaranteed to them. They are the ones that ought to be prosecuting any case against an individual from a pure plaintiff's case perspective, but that is not what is happening.

Legal Services Corporation is going out, and I question the ethics of this, they are soliciting cases from workers who are coming into this country under the H-2A program in a legal manner, bringing them into the Department of Labor, grilling them on whether their employer is technically in compliance with every single aspect of the H-2A law which is a very demanding law. It is a very expensive law, it requires housing. It requires a higher wage rate than what most of the farmers are used to paying, any number of other technical violations.

What is happening is that Legal Services Corporation is taking the role away from plaintiff's lawyers who are capable of looking after the rights of these workers, and our farmers are having to go to the extent of defending cases, not just in the State of Georgia. There are three cases pending right now against vegetable growers in my State, in the part of the State where I live, two of the cases are filed out of State. My employers, my farmers are having to go to Texas to defend one lawsuit where the workers came in.

They went back to Mexico, Legal Services went into Mexico and brought them back into the United States for the sole purpose of filing this case against Georgia growers in the State of Texas and the other case is going on in the State of Florida. My farmers have expended in excess of \$200,000 and reasonable attorneys fees for the purpose of defending these lawsuits which really they have no substance to them.

They are purely for technical violations. There is no individual here under the H-2A law that has been harmed in any way, and there is no allegation of such in these lawsuits. What we are simply trying to say is, look, if Legal Services Corporation is going to go after these folks from a plaintiff's per-

spective and they lose the case, they ought to have to foot the bill for the attorneys fees and the particular Legal Services office shall be deducted from their budget.

The CHAIRMAN. Who claims time in opposition?

Mr. SERRANO. Mr. Chairman, I claim the time, and I am still reserving my point of order.

The CHAIRMAN. The gentleman from New York continues to reserve his point of order.

The Chair recognizes the gentleman from New York (Mr. SERRANO) for 5 minutes.

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

Mr. Chairman, I am really concerned, as many of U.S. are on this side, about this amendment and should be. This amendment singles out farmer workers, migrant farm workers, for this harsh treatment.

Legal Services was created to protect those who do not have the resources to defend themselves. We know that. We have discussed this on the floor. We had a bipartisan amendment here which increased the funding for Legal Services, and that funding will continue to grow, because both sides see the need for Legal Services to do this work.

What this amendment does in a most mean-spirited way is to single out migrant farm workers and to say that if we take their case, Legal Services takes their case, we better win, because if we lose, we are going to have to pay for having taken on a right case. We do not do this for anyone else. We just single out migrant farm workers, and for that reason alone there should be opposition.

There is also the understanding that farm workers in general are the poorest of the poor in this country, so this sets a tone for anyone who works in the fields, who does that kind of work, that you have no protection, because the next step will be for all farm workers or for anybody who is in that field. And just on that alone, I think that we should in a bipartisan way really defeat this amendment, and I would hope that the gentleman from Georgia (Mr. CHAMBLISS) understands what we are trying to do today.

Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, this is a change in the law. The debate, the argument that the gentleman from Georgia (Mr. CHAMBLISS) has put forward, among other things, was referring to the H-2A program, but the amendment deals with the migrant and seasonal agricultural workers program. H-2A workers are not covered under that law. They have no rights under that law.

The only people this amendment affects are U.S. farm workers who happen to be represented by Legal Services as opposed to other private lawyers or other legal aid programs. There are

many, many laws that provide attorneys fees for plaintiffs in the Labor law context; the gentleman selected out one law and one group of people, U.S. farm workers who happen to be represented by Legal Services Corporation.

The gentleman is doing it on an appropriations bill, a fundamental change in a very narrow subset of one law that happens to deal with the lowest income workers in America today. If there is an argument, which I do not think there is, for allowing defendants against workers who win in lawsuits who ultimately prevail to collect attorneys fees, it should be done across board. It should be given the appropriate hearings. It should go to the Committee on Education and the Workforce and/or to the Committee on the Judiciary, and there should be a discussion of the merits of it to select out farm workers, U.S. farm workers, not H-2A workers, not foreign guest workers; they have no rights under the Migrant and Seasonal Agricultural Workers Act, but to select them out is wrong and also by the way, not authorized under the rules, I think we will find out.

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

Mr. BERMAN. I yield to the gentleman from Georgia.

Mr. CHAMBLISS. Mr. Chairman, I understand this may be subject to a point of order, but my farmers are doing their best to comply with the law to bring legal workers in, and the gentleman and I have had a number of discussions over the last 5 years about making some changes under the H-2A law, to make it a little easier to get those workers in, but what we are seeing is in that Legal Services Corporation is taking those workers that are brought in legally, they are actually bypassing thousands and thousands of workers at farms that are here illegally to get the farm where workers are here legally.

Mr. BERMAN. Mr. Chairman, reclaiming my time, to repeat again, this amendment and the law that it seeks to amend have no application to H-2A workers. None of the regulations, none of the laws affecting them are covered in this law, and the H-2A workers are excluded from coverage under this law. The gentleman's amendment will not even deal with the lawsuits dealing with H-2A that the gentleman is seeking to address with the amendment.

Mr. CHAMBLISS. If the gentleman will continue to yield, I understand the gentleman's point. Let me see if the gentleman agrees with me, in situations somewhere H-2A workers come into this country legally, and we all know they have certain rights under that particular law, would the gentleman agree that there are plaintiff's bars in this country that are very capable of representing those folks as opposed to Legal Services Corporation actively soliciting individuals who are here under the H-2A program to file

suits for them and which they are doing on a daily basis in my State, where folks are simply trying to do the right thing, as opposed to the plaintiff's bar representing those folks in cases where there really are harms being done?

The CHAIRMAN. The time of the gentleman from California (Mr. BERMAN) has expired.

Mr. CHAMBLISS. Mr. Chairman, I ask unanimous consent for an additional minute for the gentleman to respond.

The CHAIRMAN. Is there objection to each side having an additional minute?

There was no objection.

The CHAIRMAN. The gentleman from Georgia (Mr. CHAMBLISS) and the gentleman from New York (Mr. SERRANO) each has 1 additional minute.

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

I have to disagree with his conclusion. If there is one group of workers in America who are not able to get the services of the private bar because they do not have anywhere near the income to possibly retain them, it is migrant and seasonal agricultural workers. They are employed seasonally; they are getting very low pay; they have no ability to retain private lawyers. This is the classic example of whom the Legal Services Programs should be representing.

Mr. CHAMBLISS. Mr. Chairman, reclaiming my time, that is exactly what plaintiffs' lawyers do. Income is not necessarily a requirement for plaintiffs' lawyers to handle those cases. I understand it may be subject to a point of order, but I think that Legal Services Corporation needs to understand that if we are legislating here, that if they continue with this pattern, we are going to come after them in the legislative role, we will have the necessary hearings, and we are going to proceed with this legislation in the proper forum if this is subject to a point of order.

Mr. SERRANO. Mr. Chairman, let me use the 1 minute that I have been granted to make an observation. I spoke on this floor last week about the fact that we should just be allowed to speak, and the majority wanted the unanimous consent to limit the time. Now I notice that on every amendment, we are adding time. I do not have a problem with it, but if we have an agreement, then we should stick on that agreement.

POINT OF ORDER

Mr. SERRANO. Mr. Chairman, I make a point of order.

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

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

Rule XXI, and I am asking for a ruling on the Chair.

The CHAIRMAN. Does the gentleman from Georgia (Mr. CHAMBLISS) wish to be heard on the point of order?

Mr. CHAMBLISS. Mr. Chairman, I will accept the ruling of the Chair, whatever it may be.

The CHAIRMAN. The Chair finds that the amendment proposes to change existing law by mandating specific consequences in certain circumstances involving the Legal Services Corporation. As such, it constitutes legislation in violation of clause 2(c) of Rule XXI.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

#### ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2000 and 2001, respectively.

#### MARINE MAMMAL COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,700,000.

#### SECURITIES AND EXCHANGE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$252,624,000 from fees collected in fiscal year 2001 to remain available until expended, and from fees collected in fiscal year 1999, \$140,000,000, to remain available until expended; of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

SMALL BUSINESS ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105-135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$299,615,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

AMENDMENT NO. 39 OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment on behalf of the gentleman from Missouri (Mr. TALENT).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. LATHAM: In title V, in the item relating to "SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES", before the period at the end, insert the following:

: *Provided further*, That, of the funds made available under this heading, \$4,000,000 shall be for the National Veterans Business Development Corporation established under section 33(a) of the Small Business Act (15 U.S.C. 657c)

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

Mr. FILNER. Mr. Chairman, I claim the time in opposition, although I am a cosponsor of the amendment.

The CHAIRMAN. Without objection, the gentleman will control the time in opposition.

There was no objection.

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume. Today, I rise in strong support of the Talent-Latham-Filner amendment and hope its passage will happen today.

I really want to thank the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business, and the gentleman from California (Mr. FILNER), a member of the House Committee on Veterans Affairs, my good friends, for their work in the authorization process for these funds. The gentleman from Kentucky (Mr. ROGERS) has also supported this program by including \$4 million for the Veterans Entrepreneurship and Small Business Development Program.

This amendment simply designates the \$4 million in this program to be used specifically for the National Veterans' Business Development Corporation. These funds will help that corporation establish a cohesive assistance and information network for veteran-owned businesses. These funds will also help the corporation to establish an advisory board on professional certification to work on the problems service members face in transitioning to the private sector workforce.

Mr. Chairman, we owe it to our Nation's servicemen and women to make their transition into civilian life much easier. I urge my colleagues to support this noncontroversial amendment.

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

Mr. LATHAM. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, let me congratulate the gentleman who is a very hard-working member of our subcommittee and has put many hours into its work, but especially on this particular part of the bill. I want to thank the gentleman for offering the amendment on behalf of the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business. It is a worthy amendment and one that we wholeheartedly support.

Mr. LATHAM. Mr. Chairman, reclaiming my time, I thank the gentleman very, very much. He has been a true advocate for our cause here; and his allowing us to, first of all, put the money into the bill and also support directing these dollars to where they are really going to help veterans I think is so important.

Again, Mr. Chairman, I want to express my strong support for this amendment and would hope we would be able to pass it by voice vote here today.

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

I rise in strong support of the Talent-Latham-Filner amendment. I want to make sure that everybody understands that this amendment today is simply to clarify language that is contained in the bill before us. What we are asking for or putting in the bill is a provision that directs \$4 million that is listed in the bill for veterans' programs to make sure that this \$4 million goes specifically to the National Veterans Business Development Corporation. It does not require any offsets because all of the funds are derived from the salaries and expenses account of the Small Business Administration.

The Veterans' Affairs Committee on which I serve and on which I am ranking member of the Subcommittee on Benefits has a long history of interest in and commitment to the issue raised today by this amendment. When we passed H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999, we incorporated this Business Development Corporation into this through Public Law 106-50. It is a federally chartered corporation responsible for assisting our veterans, especially those veterans who are catastrophically disabled, with the formation and expansion of small businesses.

Mr. Chairman, this amendment clarifies the intent of Congress. Currently, the amount is listed in the committee report as "Veterans' Programs" and there is some apprehension about how the SBA would interpret that report language. There has already been a great delay of Public Law 106-50, the Veterans Entrepreneurship and Small

Business Development Act, in which the corporation is authorized; and this amendment will put an end to this delay.

This amendment will make it clear that Congress wants the corporation funded and wants to work to establish assistance centers for veterans working with private and public organizations to help veterans get the benefits of the act, the veterans who served this country and deserve our support.

Last year, the Committee on Small Business moved the bill through this House. The committee, led by the gentleman from Missouri (Mr. TALENT), designed the bill to coordinate assistance to veterans who were seeking to start their own businesses and reach for their piece of the American dream. We passed that act unanimously, and the centerpiece of that legislation was the National Veterans Business Development Corporation, which was set up to coordinate private and public sector activities on behalf of veterans and begin the establishment of a nationwide network of veterans assistance centers, which would assist veterans with the help they need to start their own businesses and take hold of their American dream.

This amendment does not take money from any other program, it is there in the bill, and it is intended for this corporation. We clarify the intent and ensure the funds will go to this corporation. We do not increase the amount set forth in the bill.

Veterans who establish their own businesses are a double asset to America. They contribute the skills they acquired through military service to the development of our economy, and they are a key link in the expansion of employment opportunities for others. It is simply good sense to give them meaningful support in today's global economy. After serving our Nation in uniform, our veterans have come home to contribute to America's economic success again and again, not only after World War II, but after every subsequent conflict.

Using the skills gained during their service, veterans have become successful entrepreneurs, continuing to contribute to our Nation through their success. Let us make sure that all of them have a chance to realize the success which, of course, benefits all Americans. I hope we support this amendment, as we supported the authorization bill, that is, unanimously. I thank the gentleman from Missouri (Mr. TALENT) for offering the amendment, and I thank the gentleman from Iowa (Mr. LATHAM) for being here today to present this amendment.

The CHAIRMAN. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 102, line 14 be

considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the bill from page 95, line 4 through page 102, line 14 is as follows:  
OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$10,905,000.

#### BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$2,500,000, to be available until expended; and for the cost of guaranteed loans, \$137,800,000, as authorized by 15 U.S.C. 631 note, of which \$45,000,000 shall remain available until September 30, 2002: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2001, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed \$3,750,000,000: *Provided further*, That during fiscal year 2001, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed \$10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2001, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed \$500,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

#### DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, \$140,400,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, \$136,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which \$500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which \$125,646,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which \$9,854,000 is for indirect administrative expenses: *Provided*, That any amount in excess of \$9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent

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

#### STATE JUSTICE INSTITUTE

##### SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572 (106 Stat. 4515-4516)), \$4,500,000, to remain available until expended: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

#### TITLE VI—GENERAL PROVISIONS

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

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

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

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

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of

both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

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

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

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

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

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

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2001.

The CHAIRMAN. Are there any amendments to this portion of the bill? If not, the Clerk will read.

The Clerk read as follows:

SEC. 611. Earmarks, limitations, or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated under this Act.

#### POINT OF ORDER

Mr. SMITH of New Jersey. Mr. Chairman, I make a point of order against section 611.

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

Mr. SMITH of New Jersey. Specifically, page 611 constitutes legislation in an appropriations bill and is, therefore, in violation of clause 2 of Rule XXI of the House.

Let me just point out for the Members that section 611 provides that earmarks, limitations or minimum funding requirements contained in any other act shall not be applicable to funds appropriated under this act. This provision purports to render ineffective any earmark limitation or minimum funding requirements contained in any act. The effect of this provision is very, very far reaching.

For example, the Foreign Relations Authorizations Act, which was signed into law last year and which went through my committee, went through the full committee, and was on this floor for the better part of a week, and obviously went through the same process on the Senate side, and it has a number of minimum funding requirements with respect to programs that would be declared null and void.

So I would ask the Chair that this section be declared out of order.

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

If not, the Chair finds that the provision in the bill at section 611 proposes to supercede existing laws. As such, it constitutes legislation in violation of clause 2(b) of Rule XXI and is not protected by the waiver against other provisions in the bill. The point of order is sustained, and the provision is stricken from the bill.

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

Mr. Chairman, I yield to the gentleman from New York (Mrs. MALONEY) for the purpose of engaging in a colloquy.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as all of my colleagues know, I am a big fan of the census, and my colleagues on the other side of the aisle are to be congratulated for fully funding the decennial census over the past 3 years. This bill is no exception.

However, the competing pressures for funds in this bill have left other programs in the census underfunded, which I hope we can address as well as one item that was not even a part of the President's request, and that is to begin to develop methods for counting Americans overseas.

The bill currently funds other non-decennial programs at the current year level, but \$48 million less than the President's request. That flat funding is starting to take a toll on the ability of the Census Bureau to carry out its responsibilities. If this funding level persists, it is likely that current programs and new initiatives will have to

be reduced. Among those programs are the American Community Survey, as well as improvements in the survey of income and program participation. These also do not include funding for planning to renovate or replace the World War II-era building that houses the Census Bureau, which is in very serious need of repair.

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I certainly understand the difficulties faced by the chairman in balancing competing pressures. However, I hope that the chairman will work with us to see that some of these shortfalls in the Census budget are restored as this bill goes to conference.

Finally, I would like to address briefly a subject that is not covered in this bill, the counting of Americans overseas. One of the failings of the 2000 census is a fundamental inequity in counting Americans overseas. In 1990 and again in the 2000 census, the Census Bureau has used administrative records to count Federal civilian and military employees abroad.

That leaves many Americans overseas uncouned. There was not time before the Census to develop the methodologies necessary to count Americans overseas.

We must make sure that the same mistake does not happen in 2010. I am proposing that funds be included in the Census Bureau budget to begin the research necessary to count all Americans overseas. It is my understanding that my colleague, the gentleman from Florida (Mr. DAN MILLER), the chairman of the Subcommittee on the Census, supports these efforts.

Mr. Chairman, the current mark for the Census Bureau in this bill is \$51 million less than the President's request. For the third year, the funding for salaries and expenses is funded at the same level, forcing the Census Bureau to finance the mandated cost of living adjustments, promotions, and increased pension contributions through staff attrition and cuts. That flat funding is starting to take a toll on the ability of the Census Bureau to carry out its responsibilities. If this funding level persists, it is likely that current programs and new initiatives will have to cut programs like the measurement of e-commerce and collaborative work with Canada and Mexico to improve our import and export data.

These cuts include a reduction of \$14 million from the President's request for periodic programs which includes cuts are reductions in the funding for the American Community Survey the survey to replace the census long form and improvements in the Survey of Income and Program Participation to improve our measurement of the well being of children, health insurance coverage, and poverty. These cuts also zero out that funds for developing plans to renovate or replace the World War II era building that houses the Census Bureau. This building is in such bad shape that the employees can't

drink the water, and some parts of the building are so infested with pigeons that the health of the employees is endangered. The Census Bureau Director has been moved out of his office three times this year because water was cascading from the ceiling.

I understand the difficulties faced by the Chairman. There are a wide variety of programs in this bill and each one has a constituency that argues for more funds to carry out what are useful and valuable functions. However, I hope that the Chairman will work with us to see that some of these shortfalls in the census budget are restored as this bill goes to conference.

I have proposed that funds be included in the Census Bureau budget to begin the research necessary to count all Americans overseas, and while those funds are not included in this bill, it is an issue we must revolve. Counting Americans overseas is adding one more Herculean task to the already difficult job of taking the census, but it must be done. We have included some of those living overseas. We can't turn out back of those left out who also wish to be counted.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

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

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

Mr. MILLER of Florida. I thank the gentleman for yielding, Mr. Chairman.

Mr. Chairman, I am pleased to have worked with the ranking member of the Subcommittee on the Census on the inclusion in the next Census of overseas Americans, and want to continue to work with her to resolve this important issue.

By the time I became chairman of the subcommittee on the Census, plans for the 2000 Census were already so far along that it was impossible to make provisions for counting Americans who live overseas and who are not part of our military family. In fact, the Census Bureau indicated that they just did not know how to do it and that it would require considerable research.

I am asking today that the Census Bureau begin work to come up with a plan for counting all Americans overseas in the 2010 Census. The Bureau must find a way to get this done. These are hard-working American citizens who vote and pay taxes, just like and the gentleman and I. It is not fair that they are left out of the decennial census just because it is a difficult job to count them.

It will be a challenge to count Americans living abroad, there is no doubt about that, but challenges are not new to the Census Bureau. It can be done, and it is important that the Bureau begin researching this now so that they will be included in the 2010 Census. I will discuss it further with the Director, but I would like to see the Bureau put forth a proposal for counting overseas Americans as expeditiously as possible.

Let me also take a moment to stress my concern for the state of the Census building out in Suitland, Maryland. The building is in a serious state of disrepair, and is a serious environmental and health liability to the dedicated employees we ask to work there. We must work together to find a solution to this problem and find it quickly.

I want to thank the chairman for his work on this bill. As a member of the subcommittee, I understand how difficult his job is. I pledge to work with him and find solutions to these issues that will not upset the delicate balance he has achieved in funding important programs in this bill.

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

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

Mr. HOYER. I thank the gentleman for yielding, Mr. Chairman. I did not intend to speak, but I went to Suitland High School, so I went to high school 5 minutes from this Census facility.

I have been around for a long time, and graduated from high school over 40 years ago. Those buildings were in need of repair at the time I graduated from high school in 1957. They were built, of course, during the war as temporary facilities.

I appreciate the gentleman's making a comment on that for the quality of life of our Federal employees who work there, and I appreciate very much the chairman yielding me the time to make that comment, and his focus on that issue.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(By unanimous consent, Mr. ROGERS was allowed to proceed for 1 additional minute.)

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

Mr. Chairman, let me thank my colleagues from the Committee on Government Reform for bringing their concerns to our attention, and for their appreciation for the difficult choices we faced in putting together this bill.

We have done our best to make sure the 2000 Census had every dime that it needed. As a result, we have not been able to fund other ongoing or new programs at the levels requested in the President's budget, but I appreciate the importance of many of these programs, and will be happy to work with our colleagues as we move through the bill to resolve some of their concerns that they have expressed about the funding levels in the bill.

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

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

Mr. SERRANO. Mr. Chairman, I share the desire of the gentleman from Kentucky (Mr. ROGERS) to work with our colleagues on the Committee on Government Reform to address their concerns. The activities of the Census Bureau are too important to be short-changed, and we must make sure that

their work is not obstructed by a lack of sufficient resources.

I look forward to working with the chairman to deal with this issue.

Mr. SMITH of New Jersey. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the subcommittee (Mr. ROGERS) regarding the funding of the Commission on Security and Cooperation in Europe, the Helsinki Commission.

The CHAIRMAN. Is the gentleman from New Jersey (Mr. SMITH) a designee of the gentleman from Kentucky (Mr. ROGERS)?

Mr. SMITH of New Jersey. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to engage in a colloquy about the funding levels of the bill for the Helsinki Commission. The Commission's budget this year included unobligated funds from previous years, per the understanding of the conference committee.

Do I understand correctly that the chairman and others on the committee will work together in the conference to ensure that the Commission has the necessary resources to continue operations at the current level of activity and staff?

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

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

Mr. ROGERS. Mr. Chairman, I recognize the special problem the Commission faces, having funded a portion of the current year requirements with carryover funds.

I would be happy to continue to work with the gentleman as the bill proceeds to ensure the necessary funding level for the Commission's important work.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for that encouraging comment. I appreciate very much the gentleman's commitment to the extraordinary work advanced by the Commission. The Helsinki Commission remains at the forefront of many of the cutting issues in the OSCE region, a region with vital interests to the United States.

From the Balkans to the Baltics, the Helsinki Commission continues to provide important leadership in advancing democracy, human rights, and the rule of law. We do it in a completely bipartisan way.

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

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

Mr. HOYER. Mr. Chairman, as ranking member on the Helsinki Commission who has served with the gentleman from New Jersey (Mr. SMITH) for approximately 18 years, I want to thank the gentleman also for his willingness to work with us in conference regarding the Helsinki Commission budget.

The OSCE region is of vital interest to the United States, and this work that we do is critical. The Commission truly provides good value for the dollar, and hopefully will be provided the resources necessary to fulfill its legislative mandate.

I join the gentleman from New Jersey (Chairman SMITH) in thanking the gentleman from Kentucky (Chairman ROGERS) and the gentleman from New York (Mr. SERRANO) for their focus on this issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 612. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

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

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

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

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

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

SEC. 613. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102-567: *Provided*, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 614. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 615. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 616. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered

as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 617. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 618. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 619. Notwithstanding any other provision of law, amounts deposited in the Fund established under 42 U.S.C. 10601 in fiscal year 2000 in excess of \$575,000,000 shall not be available for obligation until October 1, 2001.

SEC. 620. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

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

SEC. 622. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

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

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001".

AMENDMENT NO. 72 OFFERED BY MR. OLVER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 72 offered by Mr. OLVER:

On page 107, line 12, after the word "Protocol", insert: *Provided further*. That any limitation imposed under this Act on funds made available by this Act shall not apply to activities specified in the previous proviso related to the Kyoto Protocol which are otherwise authorized by law.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed will each control 5 minutes.

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

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

Mr. Chairman, last week Members will remember that as we were debating the VA, HUD, and Independent Agencies legislation, that the exact proviso that exists in section 107 was in that legislation, but attached only to the EPA title of the legislation. It serves to limit the use of funds that are provided by the Act within the EPA's title II in relation to the Kyoto Protocol.

Mr. Chairman, the proviso on page 107 is, as I say, exactly the same proviso that existed in the VA-HUD Act, but in this instance it is a general provision and so it affects every one of the titles of the bill.

I am offering an amendment which is the precisely parallel amendment to the amendment offered adopted by this House by a vote of 314 to 108 last week that simply makes clear that any of the activities that are part of that proviso, that any of those activities which are otherwise authorized in legislation, are not subject to the limitation that is proposed within the proviso.

That I think is precisely equivalent language that we adopted by a vote of 314 to 108 last week. I would hope that the amendment would be agreed to, as it was last week, and voted last week.

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

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

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

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

Mr. Chairman, unlike what the gentleman just said, this amendment is not the same as last week. This is totally different. This is a gutting amendment.

Last week's amendment had to do with EPA. Now what the attempt on the part of the gentleman from Massachusetts (Mr. OLVER) is is to cut the heart out of the language that is law. This is law that was passed in 1999, and the law of last year. Seven times the President has signed language that is now in effect.

What H.R. 4690 is not about, it is not about funding of research and development for clean power with renewable energy, or funding to develop new homes that are more energy-efficient, or trying to reduce methane emissions.

In fact, what this amendment does is it trips through the year 2000, through the 1999 year, and brings us really back to a point where we were before we even started this language.

Incidentally, I would tell the Members, in 1997 the Senate unanimously, by a vote of 95 to nothing, instructed the Clinton-Gore administration not to sign the Kyoto treaty. They did. The United States Constitution requires the advice of the Senate to all treaties, requires the consent of the Senate to all treaties, and balances the power of government between the legislative, executive, and judicial branches.

This is not the same as the amendment last week. The gentleman from Massachusetts errs when he says it is, because this reaches in and takes away everything that we have done. This is not a modest amendment, it is not minor. It is destructive, and frankly, it slaps the Byrd-Hagel resolution in the face. It bypasses the Constitution, and it is wrong for America, it is wrong for the worker, wrong for the laborer, wrong for industry.

Along with a slap against the Constitution and the Byrd-Hagel resolution, I think we have to reject, reject strongly this amendment.

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

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

Mr. Chairman, I am really surprised by the argument that the gentleman from Michigan (Mr. KNOLLENBERG) is making here. The proviso is precisely the same proviso that was in the VA-HUD bill, and the amendment, as I have offered it, is precisely equivalent to the amendment that was offered and voted 314 to 108 last week.

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The only difference is that the proviso as it was on the VA-HUD bill applied to only one title of the bill, whereas this proviso now applies as a general provision to every title of this bill. And, therefore, the only thing that has been removed from this amendment is the particular application to the EPA title of the bill which, of course, would not make any sense in a piece of legislation that deals with Commerce and with the State Department and with the Judiciary and with the Justice Department.

So, I really do not understand where there is any difference in the import here. The only thing that is being done by this amendment is to make certain that those things otherwise authorized by law are, in fact, not subject to the limitation, which is precisely what was happening last week when we were saying that those things otherwise authorized by law, those activities that are part of the proviso which are otherwise authorized by law, were not subject to the limitation provision.

So I think that the gentleman voted for the amendment last week in exactly that form, as did the chairman of the Subcommittee on VA-HUD Appropriations.

Mr. Chairman, I yield the remainder of my time to the gentleman from Maryland (Mr. GILCREST).

Mr. GILCREST. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. OLVER) for yielding me this time.

Mr. Chairman, I would urge the gentleman from Michigan (Mr. KNOLLENBERG), this is not a sleight-of-hand. This is not a maneuver to allow this President to implement anything in Kyoto. This is a provision that the entire executive branch, whether it is EPA, the Department of Energy, the Department of Justice, the State Department, or the Department of Commerce, will understand that the Kyoto Protocol has not been ratified by the Senate, it is not going to be implemented with this particular amendment.

It only allows what I think all of us do on this floor, what all of us want this Government to do and that is simply to exchange information, to have some sense of understanding about human activity, its impact on climate change and what we can do to share with our constituents what is coming down the road.

So I would urge the Members to vote for the Olver amendment. It is good, common, intelligent sense.

Mr. KNOLLENBERG. Mr. Chairman, I would like to be advised the amount of time remaining.

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 3 minutes remaining, and the time of the gentleman from Massachusetts (Mr. OLVER) has expired.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PETERSON), who has been a strong, strong supporter of what I would call common sense.

Mr. PETERSON of Pennsylvania. Mr. Chairman, here we go again. Another effort to back-door the Kyoto treaty. The Knollenberg language that is in this bill is appropriate. It has been put into law year after year, and it says that we are not allowed to implement and spend billions of tax dollars implementing the Kyoto Protocol which has not been put before the Senate, when it has not been debated, when it is not in the appropriate setting.

There is no reason for the language that is being offered. There is no good reason. There is no prohibition of exchange of information. There is no prohibition of us doing the normal things that our environmental agencies do from country to country. This creates a loophole that one could drive a Mack truck through. This administration, year after year, has budgeted billions of dollars to sell their theories, to sell the American public on this concept.

Mr. Chairman, that is not what this is all about. Solemn science should rule and we should have a scientific debate. Most of America is concerned about this proposal that is before us right now. The people that create the

jobs in this country realize that the Kyoto Protocol, as implemented by the back door as the Gore administration wants to do, will take jobs out of this country and put them into Third World countries faster than anything that has been done.

The Kyoto Protocol, as was mentioned the other day, is a horrible idea. It is a horrible concept. It leaves the Third World countries out and will have our businesses buying credits from them so they can continue to process and manufacture in this country. It makes no sense and we must not let this administration implement it in the back door.

Mr. OLVER. Mr. Chairman, I ask unanimous consent that each side be granted an additional 1 minute.

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

Mr. KNOLLENBERG. Mr. Chairman, reserving the right to object, how much time do I have remaining?

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 1½ minutes remaining, and prior to this request, the time of the gentleman from Massachusetts (Mr. OLVER) had expired.

Mr. KNOLLENBERG. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, the gentleman from Massachusetts (Mr. OLVER) contends that this is just again a very modest thing, a very moderate move, minor move. It is a gut-wrenching, cut-the-heart of the language that we have worked so hard to put in place. The gentleman from Maryland (Mr. GILCREST) says that we are not going to implement the Kyoto Protocol. My colleagues must know that there are 24 instances on this sheet of paper where the State Department is implementing the Kyoto Protocol.

Mr. Chairman, all we are trying to do is say do not break the law. If it is authorized, do it. If it is not authorized, do not.

The gentleman from Massachusetts (Mr. OLVER) and I have talked about this. But, frankly, the gentleman has crossed the line in terms of transgression. What he is doing is deceptive, disingenuous and it is wrong. It is wrong for this country.

Very honestly, if the gentleman thinks that he can change the language here, he can change it again on the next bill and the next bill, and pretty soon, by water torture, drip by drip, we have a bill, we have statutory language that gets pecked away, destroyed so that the administration, with the gentleman's leadership pushing it, can implement the Kyoto Protocol.

Mr. Chairman, I say again, this is not good for America, it is not good for the laborer, for the farmer, it is not good for industry. And, in fact, as has already been heard, it will jack up the

price of a thing called gasoline 65 or 70 cents a gallon if we implement it. I suggest that we stop implementation. I urge my colleagues to vote against the Olver amendment.

Mr. Chairman, I want to point out that the amendment by Mr. OLVER regarding the Kyoto Protocol cannot, under the Rules of the House of Representatives, authorize anything whatsoever on this Commerce, Justice, State, Appropriations bill, H.R. 4690, lest it be subject to a point of order.

The offerer of this amendment admits that it shall not go beyond a recognition of the original and enduring meaning of the law that has existed for years now—specifically that no funds be spent on unauthorized activities for the fatally flawed and unratified Kyoto Protocol.

Mr. Chairman, I am grateful for the acknowledgement of Administration's plea for clarification. The whole nation deserves to hear the plea of this Administration in the words of the coordinator of all environmental policy for this administration, George Frampton, in his position as Acting Chair of the Council on Environmental Quality. On March 1, 2000, on behalf of the Administration he stated before this appropriations subcommittee, and I quote, "Just to finish our dialogue here, my point was that it is the very uncertainty about the scope of the language . . . that gives rise to our wanting to not have the continuation of this uncertainty created next year."

Mr. Chairman, I agree with Mr. OBEY when he stated to the Administration, "You're nuts!" upon learning of the fatally flawed Kyoto Protocol that Vice President GORE negotiated.

Mr. Chairman, I thank the gentleman for his focus on the activities of this Administration, both authorized and unauthorized.

The offerer of this amendment admits that it shall be ready to be fully consistent with the provision that has been signed by President Clinton in six current appropriations laws.

A few key points must be reviewed:

First, no agency can proceed with activities that are not authorized and funded.

Second, no new authority is granted.

Third, since neither the United Nations Framework Convention on Climate Change nor the Kyoto Protocol are self executing, specific implementing legislation is required for any regulation, program, or initiative.

Fourth, since the Kyoto Protocol has not been ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded.

Mr. Chairman, as you know, the Administration negotiated the Kyoto Climate Change Protocol sometime ago but has decided not to submit this treaty to the United States Senate for ratification.

The Protocol places severe restrictions on the United States while exempting most countries, including China, India, Mexico, and Brazil, from taking measures to reduce carbon dioxide equivalent emissions. The Administration undertook this course of action despite unanimous support in the United States Senate for the Senate's advice in the form of the Byrd-Hagel resolution calling for commitments by all nations and on the condition that the Protocol not adversely impact the economy of the United States.

We are also concerned that actions taken by Federal agencies constitute the implementation of this treaty before its submission to

Congress as required by the Constitution of the United States. Clearly, Congress cannot allow any agency to attempt to interpret current law to avoid constitutional due process.

Clearly, we would not need this debate if the Administration would send the treaty to the Senate. The treaty would be disposed of and we could return to a more productive process for addressing our energy future.

During numerous hearings on this issue, the administration has not been willing to engage in this debate. For example, it took months to extract the documents the administration used for its flawed economics. The message is clear—there is no interest in sharing with the American public the real price tag of this policy.

A balanced public debate will be required because there is much to be learned about the issue before we commit this country to unprecedented curbs on energy use while most of the world is exempt.

Worse yet, some treaty supporters see this as only a first step to elimination of fossil energy production. Unfortunately, the Administration has chosen to keep this issue out of the current debate.

I look forward to working to assure that the administration and EPA understand the boundaries of the current law. It will be up to Congress to assure that backdoor implementation of the Kyoto Protocol does not occur.

In closing, I look forward to the report language to clarify what activities are and are not authorized.

Mr. OLVER. Mr. Chairman, I ask unanimous consent for 1 additional minute for each side.

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

Mr. KNOLLENBERG. I object.

The CHAIRMAN. Objection is heard.

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

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

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

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. OLVER) will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE VII—RESCISSION  
RELATED AGENCIES  
DEPARTMENT OF TRANSPORTATION  
MARITIME ADMINISTRATION  
MARITIME GUARANTEED LOAN (TITLE XI)  
PROGRAM ACCOUNT  
(RESCISSION)

Of the funds provided under this heading in Public Law 104-208, \$7,644,000 are rescinded.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 107, line 21, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments?

AMENDMENT NO. 38 OFFERED BY MR. STEARNS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. STEARNS:

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

#### TITLE VIII—LIMITATIONS

SEC. 801. Of the funds appropriated in this Act under the heading "FEDERAL COMMUNICATIONS COMMISSION", not more than \$640,000 shall be available for the Office of Media Relations of the Federal Communications Commission.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Florida (Mr. STEARNS) and a Member opposed will each control 5 minutes.

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

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

Mr. Chairman, I would say to my colleagues that I have a very simple amendment, and I will not take the full amount of time for this.

When we passed the Telecommunications Act in 1996, the whole idea of the act was to deregulate the telecommunications industry. At that time it was heralded as a great event. We had not deregulated the Telecommunications industry since 1934. So when we finally deregulated, all of us thought that this would possibly reduce government because of deregulation.

Instead of reducing government, the FCC which monitors and overlooks the telecommunications revolution, expanded quite dramatically. And they obviously will claim they need additional staff, but I contend that with all these mergers and all of this ever-changing landscape, we have to ask do they need 2,000 full-time equivalent employees at the FCC? I believe that in some places they have the necessary employees, but one area I am particularly concerned about, is in the media relations department. Do they need almost 20 people to do media relations? To make press clips? To send out press releases and to sell the FCC?

Mr. Chairman, this is a government agency. This is not The Washington Post. This is not the Lockheed-Martin Corporation. It is just an independent government agency, yet they have almost 20 people to do media relations. What is the need for an agency to be able to carry out a media campaign of public relations? This is in addition to the press operations the FCC bureau office employs already. That is right. The seven bureau offices have their own press contacts and the five Commissioners all have their own press contacts.

So let us take a look at this chart. When we look at this chart and see all

the difference departments in the FCC that make up this 2,000 employees agency and we relate that, each of the Commissioners have their own press contacts and each of the bureaus have their own person to deal with media. We have a right to ask. And then we come over to this box, the Office of Media Relations, which is over there, and we say to ourselves: What do they do and how big are they?

Mr. Chairman, they are responsible for informing the press and the public about the FCC's actions, facilitating public participation, issuing news releases, public notices and other information material. That sounds pretty good. There are 17 people in that office.

Now, I would like if I could to take this chart down and show what makes up that media relations department. First of all the American taxpayer is paying four people an average salary of \$77,349, another four people at \$98,743, and one person is making almost \$131,000 a year. So if you look back up here and see 17 of these different persons that make up this media relations, we will understand that the composite group of these 17 people are making a great deal of money.

In fact, the total of the salaries in this office alone is over \$1,100,000. I suggest if one is a media person on the Hill, they could probably apply to the FCC and make a lot more money than they are making in their present job, frantically working until midnight like tonight.

Mr. Chairman, my amendment prohibits the FCC from appropriating more than \$640,000, instead of \$1,100,000, for the Office of Media Relations. I need to remind the Chairman of the FCC that employees of the Commission are public servants. This office and others throughout the FCC are unelected and now are getting paid almost as much as Federal judges. In some cases they are paid more. The role of the agency is to implement and administer our Nation's telecommunications law, not to increase headlines.

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

Mr. STEARNS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I rise in support of the gentleman's amendment. It is important to remind ourselves that the amendment does not make further cuts in the budget of the FCC. It is intended to limit the funds spent by the Commission on media relations.

Many in this Chamber questioned the involvement of the FCC in our debate over the Radio Broadcasting Preservation Act. Despite the FCC's efforts, that bill passed the House overwhelmingly by a vote of 274 to 118 back in April.

Mr. Chairman, I commend the gentleman from Florida for his work and this amendment.

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

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

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) is recognized for 5 minutes.

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

This is one of those out and out attacks that one always wonders whether what was said on the floor is the actual reason or there was a reason behind it.

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Let us face it, the FCC is in a lot of trouble with some people these days because of the work they are doing on low-power FM stations, and for that they are paying a big price.

It is interesting that people who are in this profession, like ourselves, like myself, would get up to oppose the idea of an office of media relations. I mean what we do every day, the fact that we have allowed cameras in this Chamber, is in fact our desire to keep the public informed. And what we have here is an office that handles very delicate issues, issues that we deal with on a daily basis in this country, from the FCC.

The whole notion of suggesting that the FCC generates this kind of information is not totally correct. The FCC and the media relations office also do a lot of work responding to many inquiries from Members of Congress, from the public in general and, yes, from the press. For instance, on a yearly basis, 39,600 average press calls come in seeking information about telecommunications issues and pending FCC cases and proceedings.

Secondly, because of the work that the FCC does, and because of the fact that the FCC has been involved in some very serious decisions in the last few years, there is a need from the public to know; and the public is constantly asking on a weekly and a monthly basis of the FCC to handle more information. They brief the press and the public before each Monday meeting on all the issues; they also make available the information on the Internet and via e-mail. These are the kinds of things we demand of ourselves and we demand of other people.

They, as I said, maintain and continually update the FCC Web site, on which all documents released by the commission are posted. The site receives approximately one million hits each day. One million hits. Now, this is not an office that sits around doing nothing; and this is not an office that has to go out, as has been suggested here, and create information and create their jobs. The mere fact that they are in an agency which gives out information and which controls a lot of the information that goes out in this country, they are part of this agency and this is the work that they do.

To stand here on the floor and just try to say, well, we have to get at them for some of the things they have done that we do not like, and we are going to start by keeping the information from coming out, that is just not fair and should be seen for what it is.

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

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

And, Mr. Chairman, I would say to my good friend that this is just intended to save money and to bring more fiscal responsibility. So there is no other motive here.

I would also say to my friend that each of these bureaus here have their own press person. And when the commissioners send out their own press release, a certain person in that commissioner's office must be referred to as the press contact. These folks are in overload with personnel in the press department.

I submit that we can take this office, which spends \$1,100,000 and bring it down to \$640,000.00 and still be better off. Because we do not need to be paying so many people \$80,000. There are four of them making almost \$80,000 a year. I suggest my colleague's my own press secretary is not making \$80,000 a year, and I submit that this office does not need this much either.

The CHAIRMAN. The time of the gentleman from Florida (Mr. STEARNS) has expired.

Mr. SERRANO. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from New York has 2 minutes.

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

Now that the gentleman from Florida has gotten me in trouble with my press secretary, I must say that I still think that this is an unfair attack. It is interesting that the gentleman mentions my press secretary, because at this very moment each one of us that has spoken on the floor today has been getting countless phone calls from the media and from the public asking for information as to what we said, what we discussed, why we said it, and what was the issue.

The FCC handles as important issues as we do and they get the same information requests, and they get the same desire from the public to know.

So what I am saying to my good friend is I know that the gentleman has some problems with the FCC, but he should find another area to attack and not attack the media relations. Because if the gentleman succeeds, I assure my colleague that a year from now he will be back on the floor complaining that he does not get enough information from the FCC.

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

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

Mr. STEARNS. Mr. Chairman, I will not be on the House floor next year if the gentleman votes for my amendment. Will the gentleman agree to that?

Mr. SERRANO. Reclaiming my time, Mr. Chairman, I am hoping that the gentleman will not be on the House floor next year, but it has nothing to do with the amendment.

Mr. STEARNS. If the gentleman will continue to yield, I have issued a challenge to the gentleman.

Mr. SERRANO. I am sorry, I cannot vote for the gentleman's amendment this year or next year.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the Stearns amendment. Far too often, Federal agencies simply forget whom they are here to serve—the people.

The Federal Communications Commission's Office of Legislative and Intergovernmental Affairs employs approximately 13 people at a cost of almost \$950,000 dollars to answer requests and inquiries and they do a poor job.

Mr. Chairman, why does it take 17 people in the Office of Media Relations to inform the press and the public of the FCC's actions—at a cost to the taxpayer of over \$1 million dollars?

Why does it take 13 people from the Office of Legislative and Intergovernmental Affairs to respond to 535 Senators and Members of Congress when I have 6 people on my staff to answer the inquiries from 600,000 of my constituents?

Mr. Chairman, let me give you one example of a situation I encountered with the Federal Communications Commission's poor record of "customer service."

In November of 1999, I wrote to the Chairman of the FCC seeking a response to an issue hundreds of my constituents had written to me about.

Despite several follow-up letters to Chairman Kennard, I had to send yet another letter in April and had my office place several telephone calls inquiring to the status of the response to my inquiry—now five months old.

Mr. Chairman, it is an outrage that it would take the Chairman of the Federal Communications Commission almost five months to respond to my constituents. This agency has absolutely no accountability to the taxpayers! It is clear how much waste is taking place at this agency.

Mr. Chairman, it is about time for the Federal Communications Commission to be responsible to the people they serve. I urge my colleagues to support this amendment.

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

The CHAIRMAN. All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MS. MCCARTHY OF MISSOURI

Ms. MCCARTHY of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Ms. MCCARTHY of Missouri:

Add at the end of the bill, before the short title, the following:

TITLE VIII—PROPERTY AND SERVICES DONATIONS TO THE BUREAU OF PRISONS

PROPERTY AND SERVICES DONATIONS TO THE BUREAU OF PRISONS

SEC. 801. The Director of the Bureau of Prisons may accept donated property and services relating to the operation of the Prison Card Program from a not-for-profit entity which has operated such program in the past, despite the fact such not-for-profit entity furnishes services under contract to the

Bureau relating to the operation of prerelease services, halfway houses, or other custodial facilities.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Missouri (Ms. MCCARTHY) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Chairman, I yield myself such time as I may consume, and I offer this amendment which adds clarifying language to the bill. This amendment is non-controversial and enjoys bipartisan and bicameral support.

This amendment allows the Department of Justice to accept a donation of greeting cards from the Salvation Army. The Department of Justice requested this language to continue a very successful prison card program which has operated successfully for over 25 years.

Each year, as a part of their rehabilitation, millions of cards are distributed to help prisoners keep in touch with their families and friends, thus keeping them connected with society and, where possible, easing their return and acclimation to society upon release.

From a public policy standpoint, this program is hailed as very successful by the Department of Justice, the Bureau of Prisons, prison administrators, majority and minority communities, faith-based organizations, and law enforcement officials. Again, this is a noncontroversial and widely supported program, and I urge the adoption of my amendment.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. MCCARTHY of Missouri. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we are not opposed to the amendment.

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the gentleman for accepting my amendment.

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

The CHAIRMAN. Is there any Member wishing to claim time in opposition?

Hearing none, the question is on the amendment offered by the gentlewoman from Missouri (Ms. MCCARTHY).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer amendment No. 23.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. HOSTETTLER:

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

TITLE \_\_\_\_ — ADDITIONAL GENERAL PROVISIONS

SEC. \_\_\_\_.

None of the funds made available in this Act to the Department of Justice may be used to enforce, implement, or ad-

minister the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of the Treasury (among other parties).

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Indiana (Mr. HOSTETTLER) and a Member opposed will each control 15 minutes.

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

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

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

Mr. HOSTETTLER. Mr. Chairman, today I rise to offer an amendment that would prohibit the Department of Justice from using taxpayers' dollars to enforce the provisions of a settlement agreement between Smith & Wesson, the Treasury Department, and the Department of Housing and Urban Development.

The Department of Justice would be the primary agency that would bring suit to enforce any disputes that arise as a result of the agreement. Therefore, this amendment would simply prohibit the Department of Justice from suing Smith & Wesson for HUD or Treasury to enforce the contested provisions of this agreement.

Let me share with my colleagues what I am trying to accomplish with this amendment. It is quite simple. Article 1, section 1 of the Constitution states, and I quote: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

In my hand I hold 22 pages of legislation. This legislation was not deliberated in these grand Chambers. This legislation was not debated among the distinguished Members of this body. This legislation was formed by lawyers of the executive branch, bringing the full force and weight of the United States Government upon one firearms manufacturer.

What is our response? If we do nothing and allow the executive branch to intrude upon our legislative authority, who is next? I do not believe the founders of this great Nation would want us to hand over our constitutional authority to Andrew Cuomo or Janet Reno. In fact, our oath of office requires us to stand up and say to the executive branch, "You will not bypass us and bring this reign of legislation through litigation terror upon the American people."

Now, let me share with my colleagues what these 22 pages of legislation include. Now, keep in mind that in the agreement Smith & Wesson agrees to bind all those dealers who wish to sell Smith & Wesson products to the restrictions in the agreement. In other words, Smith & Wesson dealers must include the following restrictions on all firearms sales regardless of make. This includes Smith & Wesson, Ruger, Beretta, Colt, and so on.

In order to continue selling Smith & Wesson products, dealers must agree to, one, impose a 14-day waiting period on any purchaser who wants to buy more than one handgun. Again, all makes. Did Congress authorize such a restriction?

Two, transfer firearms only to individuals who have passed a certified safety examination or training course. Once again, all makes. Did Congress authorize this restriction?

Three, the agreement authorizes the BATF, the Bureau of Alcohol, Tobacco and Firearms, to sit on an oversight commission to enforce provisions of the coerced agreement. When did Congress authorize the BATF to enforce private civil settlement agreements?

Four, requires the BATF or an agreed-upon proofing entity to test firearms. Did we do this in this Chamber?

Five, the agreement mandates that Smith & Wesson commit 2 percent of their revenues to develop authorized user technology and within 36 months, 3 years, to incorporate this technology in all new firearm designs. It appears HUD likes unfunded mandates. Did Congress authorize this unfunded mandate?

I could go on and on, but time prevents me from doing so. I have been accused of trying to destroy Smith & Wesson in past legislative efforts. Nothing could be further from the truth. In fact, in April, Smith & Wesson published on their Web page a clarification of their interpretation of their agreement with Treasury and HUD. But the Clinton administration was not happy at all with that interpretation found on their Web site, and I quote from the New York Times of April 14:

"A Clinton administration official hinted yesterday," April 13, "that the matter might end up in court if Smith & Wesson tried to back away from a deal it had signed. 'The agreement is a contract,' said an administration official involved in the deal. 'It says what it says. It will be implemented.'"

Now, tell me, who is trying to destroy Smith & Wesson? I suppose former Labor Secretary Robert Reich was prophetic in his statement in USA Today when he said in February 1999: "The era of big government may be over, but the era of regulation through litigation has just begun."

In conclusion, Mr. Chairman, I ask, are we a Nation of laws or a Nation of lawsuits? Support my amendment and stop Treasury and HUD from using the Department of Justice to enforce their legislation, again, not this body's legislation, but Treasury and HUD's legislation through litigation, and return that legislative power to where the Constitution requires it, the Congress.

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

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

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) is recognized for 15 minutes.

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

Mr. Chairman, I am really troubled by this amendment because it wants to destroy an agreement which is for the good of the American people and, in fact, for the good of the gun manufacturing industry.

On the safety front, Smith & Wesson agreed to measures like internal safety locks, smart gun technology, child safety trigger resistance, chamber load indicators, and many other provisions that will cut down on accidental shootings and make guns less attractive to criminals.

What Smith & Wesson did was, in fact, show for the first time in a very significant way that this issue can be taken seriously as a manufacturer; that they do not have to run away from their responsibilities; that, yes, they can stay in business and still do the right thing by the American people and American children. For that reason, I think that opposing the implementation of the agreement at this point is a vote for less safety and less responsible distribution. To kill the implementation of the agreement sends a strong signal to the rest of the gun industry that they should just keep resisting common sense reform while communities throughout America pay the price.

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

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

Mr. Chairman, this amendment is simply to once again return the legislative authority to Congress. Congress has in the past dealt with issues that the gentleman has discussed; and, in fact, it has passed legislation dealing with trigger locks, with waiting-day periods for, as past amendments dealing with that legislation dealing with the amount of time that must be used for background checks at gun shows where an individual is not a Federal firearms licensed dealer but is, in fact, a private seller.

Congress has already spoken on those issues. But the administration does not want that discussion to be heard, does not want that discussion to be the legislative process. It wants to legislate through litigation. It wants to legislate through the coercive action of HUD, of the BATF and, in this particular case, the Justice Department.

I would say that the discussion about what this is going to do for our children I think is made moot, is defied by the simple facts of our society today. And what we are led to believe that discussion is that this agreement will make firearms safer, will make the streets safer for our children really flies in the face of reality.

And that is, if we take the tragic story earlier this year of a 6-year-old boy who went to school and killed his classmate, what we are led to believe

by the opponents of this amendment, the proponents of legislation through litigation through the executive branch, is this, that when that little boy would take the gun that his father or those in the crack house where he was staying had stolen, that he would have been met on the way to school with that .32 caliber automatic firearm and, in a drug-induced stupor, his father would have said, Son, before you go to school with that firearm that we stole and you break six, eight, ten, a dozen Federal firearms laws by doing it, what you and I need to do is we need to go down and have a certified training course for that gun, for the use of that firearm, for the illegal use of that firearm.

Mr. Chairman, that is not going to happen, obviously. But discussion earlier last week, I think, does define what is trying to be done in this agreement; and that is a statement that was made by one of our colleagues that said, quote, this amendment and the one that preceded it earlier regarding the Communities for Safer Guns Coalition are really unnecessary and they fly in the face of incremental and reasonable and common sense attempts to protect our children from guns.

Obviously, that little 6-year-old girl that was killed was not secured from violence and this agreement and everything affiliated would not have stopped that from happening. But what is taking place is incremental gun control by actions of the executive branch implemented not only on dealers who deal in Smith & Wesson firearms but on every firearm that goes through their inventory.

This is back-door gun control through coercion and through threat of litigation, and this Congress should not allow that to happen.

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

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

Mr. Chairman, let me just point out that a similar amendment by the gentleman from Indiana (Mr. HOSTETTLER) was defeated on the VA-HUD bill. Secondly, the gentleman keeps mentioning the Department of Justice. The Department of Justice is not a party to this agreement, as is the Treasury Department.

Lastly, just to remind everyone, this is Smith & Wesson trying to do the right thing; and to be attacked for trying to do the right thing and to say they have been coerced is totally unfair.

Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, last week my colleague the gentleman from Indiana (Mr. HOSTETTLER) attempted to turn back the clock on gun safety. He failed and the House rejected his amendment. We should defeat this amendment once again.

Today he tries again. The bill has changed, but the amendment is the

same. Instead of HUD, the gentleman from Indiana (Mr. HOSTETTLER) prevents the Department of Justice from expending any money relating to HUD-Smith & Wesson agreement.

Secretary Cuomo and more than 10 of the Nation's mayors successfully negotiated an agreement with the gun manufacturer, Smith & Wesson, in March. This agreement has been embraced by more than 411 communities across the Nation from Los Angeles to Long Island, New York. The agreement will make our communities safer, and we should allow it to continue without Congressional tampering.

His amendment will prevent the Department of Justice from expending any funds related to its agreement with Smith & Wesson. Now, this is extremely important.

What does the agreement do? This is not gun control. This is called gun safety where a manufacturer is coming before us and doing the right thing to try to make our citizens and our children safer.

Guns will have safety locks. Smart technology, this is the guns that can be for people in the house, whether it is one person or two people, that the gun can be fitted to that person and only those two people would be able to use that gun. This is extremely smart. Smith & Wesson has agreed to go forward with this. This is gun safety, not gun control.

Guns cannot be marketed to children. What can we even say about that? Guns should not be marketed to children, anyhow.

Background checks performed on all sales. We know that when we do background checks and weed out those criminals that are trying to buy their guns, that that can cut down on gun violence in this country.

Gun stores must secure guns and ammunition to prevent their theft. What is wrong with that? This way we cannot have someone breaking into a store and stealing guns and ammunition. Law enforcement has a stake in this agreement because it reduces gun violence, reduces gun accidents, and it keeps the guns out of the hands of criminals. And that is, basically, all Smith & Wesson is trying to do with this agreement.

Let me say that this also leads us down a very slippery slope. What if a drug manufacturer reaches an agreement with the Department of Veterans' Affairs to provide reasonable priced prescription drugs for our veterans? Are we going to strike this down also?

The Congress has a legitimate right to examine this agreement and others. It is shameful to defund the Smith & Wesson agreement without adequate review. We constantly hear the Congress should not meddle in the affairs of our cities and our counties. This amendment is meddling. It says local communities cannot work with the Federal Government to reduce gun violence.

This amendment says HUD should not keep its word. It says that it is

trivial that 12 children are killed every day by gun violence.

It was mentioned by my colleague that the 8-year-old that shot the 6-year-old girl that a child safety lock would not have prevented this. Well, most likely, it probably would not have. But that does not mean that we should not go forward in trying to have gun safety legislation here.

What might have happened was, if that person bought the gun illegally, maybe if we had stricter laws as far as background checks go that person would not have been able to buy the gun if he did buy it on the black market.

I think that we should honor our agreement with Smith & Wesson. It is good business sense for them; and, hopefully, other gun manufacturers will follow suit with them.

I have to say, when a private individual or company sues the Federal Government and settles, then Congress makes sure that the settlement is upheld. The same standard applies to the HUD-Smith & Wesson agreement. Let this agreement stand as it is.

Mr. Chairman, guns and children do not mix. The Million Mom March showed us that hundreds of thousands of Americans can unite to stop gun violence in this country. The gun lobby does not control this House. We, the citizens that work here representing the people back home, are the ones that are supposed to fight for the issues that we care so much about.

I have to say that every little thing that we try to do to reduce gun violence in this country we seem to be stopped. I think it is time that we all work together. This is gun safety. It is not gun control. Gun control to me is when we try to take away the right of someone owning a gun. We are not doing that. I do not know of any Member that is trying to do that. This is good, common sense gun safety legislation. We defeated this amendment last week. We should again defeat this amendment today.

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

Mr. Chairman, I would address some points that the gentlewoman from New York (Mrs. MCCARTHY) made, and the first is the discussion of the slippery slope.

She brings up a good point about reasonable cause for the Veterans' Administration for drugs from a particular drug company. No one could be opposed to that. But the analogy is not particularly complete in that, if one drug company would make that agreement with the Veterans' Administration, if the same philosophy would govern as does with the Smith & Wesson agreement, then every pharmacist that supplies that one drug would have to sell a similar drug or other drugs at a price dictated by the first drug company and the Veterans' Administration.

That is what this agreement does. It makes not only the sale of Smith &

Wesson firearms applicable to the provisions of this agreement, but this makes other non-signatory gun manufacturers open to this, as well.

Now, the gentleman from New York (Mr. SERRANO), the ranking member, said that the Department of Justice is not a party in this lawsuit, and he is absolutely correct. But, however, it would be the Department of Justice, as the gentlewoman from New York (Mrs. MCCARTHY) pointed out, that would be the instrument that would bring the suit to Federal court on the part of HUD and the Treasury. So he is right. But this amendment is still necessary because it will be Justice that brings this to play.

Now, the gentlewoman from New York (Mrs. MCCARTHY) is right. This agreement would not have done anything to stop the tragedy nor to stop most tragedies dealing with violence against children, violent crimes. Because that is why we call them crimes. When they break the law, they commit a crime. And that is what happened in the first case with the incident that I discussed earlier. The gun was not purchased on the black market.

Not many black market salesmen have guns that do background checks in the first place. But, secondly, even if this one particular black market gun dealer that my colleague points out would have done a background check, it would not have applied because it was stolen and it was reported as such, so this agreement would not have affected that particular situation at any point.

Now, I would simply say that this is an agreement that is going to be carried out in a court of law, according to what has already been stated in *The New York Times*, if Smith & Wesson goes forward with their interpretation of the agreement. The Department of Justice would be the one to bring suit. And, so, if my colleague feels that Smith & Wesson has tried to do the right thing in this agreement, then she must vote for my amendment because she does not, in her own words, want to penalize Smith & Wesson by the Justice Department doing what they have already said they are going to do, and that is sue Smith & Wesson if Smith & Wesson does not do exactly what the Department of Justice, not Congress, says they should do in this.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, I thank the gentleman from Indiana (Mr. HOSTETTLER) for bringing this very important amendment to the floor.

There is a lot of emphasis around here on the first amendment, and rightfully so. We should defend it. There is a lot of neglect on the second amendment, but there are a lot of Americans that believe that the second amendment is equally as important as the first amendment. So I congratulate the gentleman.

Mr. Chairman, I rise in strong support of the Hostettler amendment. The Founding Fathers fought to break away from a tyrannical government. Part of the problem was that the King of England was making laws without any accountability. When they set up this Government, they saw the dire need to have several checks and balances, thus creating the three-fold system of Government: the executive branch, the judicial branch, and the legislative branch.

It is this legislative branch that is responsible for making laws and the judicial branch for interpreting them, period.

A serious act of misconduct on the administration occurred when the Smith & Wesson agreement was settled. The executive branch acted as the legislative branch when they bypassed Congress through 22 pages of litigation. The egregious agreement will require all authorized Smith & Wesson dealers to limit handgun sales to one handgun every 14 days regardless of make, require all authorized Smith & Wesson dealers to require customers to pass a certified test before completing a sale of any firearm, mandate that the BATF participate on an oversight commission created by the settlement agreement, and does not allow unaccompanied minors into areas where firearms are present.

It seems now that the administration sees fit, acting on no authority given it by the Constitution, to dictate to a company who they can sell their products to and in what manner their product can be sold. This forces law-abiding citizens to jump through Government-ordained hoops before they exercise their rights to purchase as many firearms as they choose and to purchase them whenever they choose.

The BATF, which has never been known for its fair treatment of gun owners, will play an integral part on the oversight commission of gun owners by the agreement.

The BATF will require all employees of dealers to attend annual training courses. In these training courses, the BATF gives the final say as to what can be taught and what will be excluded. Each employee must also complete an examination of which its contents will be closely reviewed by the oversight commission and make its own changes as it sees fit. In essence, they are acting as the "thought-control" police. This sounds very Orwellian to me and far from what Patrick Henry had in mind when he said, "The great objective is that every man be armed . . . Everyone who is able may have a gun."

Let us not forget past calamities against U.S. citizens from over zealous federal agents in trying to enforce unconstitutional gun laws. Again, too much power is being given to these unconstitutional agencies and even worse, it is being done without the consent of Congress. Members of the House, you must remember the oath that you swore to uphold and not relinquish your authority any longer. By what authority does the administration set up this new commission, what check will be placed on this agency in making their new regulations that

will affect all Americans without giving them a chance to vote or have a say in these changes. Why should we hand over our authority to another branch of the government and then let it take more freedoms away from our citizens?

These requirements have been voted on in the past in the House and Senate and thus far have not passed either house. It is all to clear that the agenda of the Clinton Administration has always been anti-second amendment, and thus, they have found a way to implement their policies by forcing a gun manufacturer to comply regardless of their legal legitimacy. The Federal government and executive branch have no business—and have no authority—to mandate how a company runs its business.

Let us not allow our authority to be usurped from us any longer. Please stop the funding for this anti-constitutional settlement and vote for the Hostettler Amendment and support H.R. 2655, the Separation of Powers Restoration Act.

I strongly support this amendment. I compliment the gentleman from Indiana (Mr. HOSTETTLER) for bringing this to the floor, and I hope that we can pass this overwhelmingly.

□ 2000

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

The more I hear the gentleman speak about his amendment and the more I hear people support the amendment, I cannot believe what I am hearing. It is like we are going crazy in this Chamber. Here we have for the first time a major manufacturer of guns in this country not saying gun control, not saying stop the sale of guns but saying, yes, you were right all along, I can make safety locks; I can bring out smart gun technology; I can make my guns child safety-trigger resistant; I can have chamber load indicators; I can do a lot of things that will make this situation a safer one for people who should not be either using guns or be near a gun in any way. In no way, shape or form does Smith & Wesson want to put themselves out of business by saying gun control.

This is a perfect thing to agree on. In fact, if one is for the use of guns in this country, they should be for this. So the more I listen to these arguments I say I do not know, maybe I am listening to another Chamber somewhere else.

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

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy of the gentleman from New York (Mr. SERRANO).

I listened to the gentleman from Texas (Mr. PAUL) talk about a lack of accountability that inspired the American Revolution. Well, I think there is a revolution today in this country of thinking about how we deal with gun violence, and the lack of accountability today is on the floor of this Chamber where the American public overwhelmingly supports simple, common sense approaches to reduced gun violence but this Chamber is still in the thralls of apologists for gun vio-

lence and refuses to do what the American public would support.

It is clear, I hope, from my discussion last week, that it is wrong for this Congress to make it hard for a 2-year-old to open a bottle of aspirin but not make it hard for that 2-year-old to shoot his baby sister.

My point, which the gentleman from Indiana (Mr. HOSTETTLER) somehow confused with regulation of water pistols when they purchase it, was instead that this Congress has made it clear that there are certain core product safety standards which we are afraid to extend to real guns because of the threat of the NRA.

This legislation before us today has two nonsensical approaches. One, it undercuts our efforts to have a cooperative effort with the private sector in solving problems of gun violence and it would be read to prevent the Department of Justice conceivably from even discussing the Smith & Wesson agreement, clearly an illogical result. They are not a party to the legislation. It is not appropriate to be dealing with their budget, but it is clear that their job is to advise government agencies on the legal ramifications of what they enter into. That is absolutely dead wrong that somehow we would undercut their ability to do their job.

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

Mr. Chairman, the gentleman from Oregon (Mr. BLUMENAUER) pointed out a very important point, and that is that we should be doing what the American people want. The Framers of the Constitution had that very same thing in mind when they said that all legislative powers shall be vested in a Congress; all policymaking power shall be given to a Congress. They did not give that power to make policy to the executive branch. They did not give it to the judicial branch. Here of late, the Supreme Court has forgotten that fact.

They did not give it to bureaucrats, either. They gave it to the legislative branch, being the Congress. So by doing this amendment, we are doing exactly what the American people want. A vote later will determine that on this particular bill.

Let me just remind my colleague from New York, the ranking member, that if he in fact believes that Smith & Wesson is doing the right thing by entering this agreement, and he does not want harm to come to Smith & Wesson, he should support my amendment because the Department of Justice is going to be the arm of the Federal Government that is going to be bringing this suit to court if Smith & Wesson goes against what the Department of Justice or HUD, I should say, or BATF does. It will be them. If one votes for this amendment, they will be saying hooray to Smith & Wesson; but if they do not, if they do not, then they will be saying that Smith & Wesson should be penalized for entering this agreement and not doing what the ex-

ecutive branch and the bureaucrats, that none of the employees of Smith & Wesson ever voted for, they will be doing what they want them to do and not according to what Smith & Wesson would have them to do.

I ask for support of my amendment.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member, the gentleman from New York (Mr. SERRANO), for yielding me this time.

For any of the viewers that are tuned in and listening to this debate, maybe we should pull back and clear the air for a moment and explain to them what this is about, kind of in an unedited way.

This is an amendment that is directed at removing from the books an agreement that Smith & Wesson, gun manufacturer in the United States of America, in my view, stepped up to home plate and struck an agreement, struck an agreement. Now, any major business, corporation in this country, I do not think, steps up to home plate to put themselves out of business. So, number one, this does not hurt their business, but what it is directed toward is protecting children.

I think that is very smart of Smith & Wesson because it is a very effective marketing tool.

Now, this marketing tool of this amendment now comes along and cloaks itself in the Constitution that no Federal agency should be able to enter into an agreement such as this; and so, therefore, constitutionally we need this amendment to undo this agreement.

I think that that is hogwash, I have to say. All of the mothers and fathers that came to Washington, D.C., to march, what were they saying? They were saying that in this country we have had enough. We do not want to bury our own children. Guns are dangerous; and in the hands of little ones, fatalities happen over and over and over again. So let us not dress ourselves up in a constitutional issue here. Let us not try to make ourselves look good. I rise in opposition to this amendment. It is a bad one. It is not what the American people want, and people should vote it down.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would advise Members to address their remarks to the Chair.

Mr. SERRANO. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mrs. MCCARTHY).

The CHAIRMAN. The gentlewoman from New York (Mrs. MCCARTHY) is recognized for 3½ minutes.

Mrs. MCCARTHY of New York. Mr. Chairman, again let us go through on what this amendment does. It will take away what Smith & Wesson, as far as I am concerned and we heard from my colleague from California, on good business sense. We see unfortunately in

this country over 100,000 injuries. Those are the people that have been injured by guns but have not died. Across this country, billions of dollars are spent every single year for the health care services. We all end up paying for that. What Smith & Wesson is saying is they are going to work on technology, technology to make guns safer. Guns that are in 51 percent of the homes today, they will be a safer product.

We strive here constantly on many manufacturers to have them come up with safer products. We see it with cars. We see it with our medications and bottles. We have done that for years and years and years. We see different manufacturers coming up with new, safer ways to make our citizens safe. Well, this is what Smith & Wesson is doing.

We get lost in this debate all the time when we start talking about the Constitution, when we start talking about upholding the Constitution. All of us here, when we are sworn in as Congresspeople, swear to uphold the Constitution, and that is exactly what I do. I am not looking or trying to take away anyone's right to own a gun. That is certainly not my agenda. My agenda is to try to make this country safer than what it is.

We lose police officers too much in this country, and we should be protecting them. How are we going to do that? By having an agreement like Smith & Wesson where we are making sure that there are background checks being made so those criminals that are falling through the cracks are not going to get their hands on guns and use them against our citizens and our police officers in this country.

Smith & Wesson has done the right thing. They have done the right thing. I have to be honest, if someone had told me 3 years ago that I would be defending a gun manufacturer, I would probably have said they were crazy, Mr. Chairman, but here I am. When a company does the right thing, they certainly should be hearing from us to say we will support them on this. When we have mayors across this country, when we have communities, over 400 communities across this Nation, two mayors from the district of the gentleman from Indiana (Mr. HOSTETTLER), saying they want to do their part on working to make their communities and their cities and certainly our States and our country safer, then we should be doing this.

Last week we defended this amendment. The only difference was, it was in another appropriations. I am hoping that my colleagues here in this Congress will again stand with all of us and say Smith & Wesson is doing the right thing. We should stand behind them, make this a safer country for our citizens; certainly make it a safer place for our children and our police officers who are out there every single day risking their lives. We have to do something about trying to cut down how criminals get guns. Smith &

Wesson has taken a step by doing that, with the background checks.

Mr. Chairman, I urge all of my colleagues to vote against this amendment.

Mr. PASCRELL. Mr. Chairman, I am here to express my opposition to the Hostettler amendment.

This amendment prohibits the Department of Justice from using funds to implement or administer the settlement reached in March between the federal government and Smith & Wesson.

Last week, during the VA/HUD Appropriations debate, Congressman HOSTETTLER introduced a similar amendment to try to stop the efforts of the federal government to make guns safer and keep them out of the hands of children and criminals.

I have to ask—what is he trying to do?

Does he oppose safer guns? Because this agreement makes sure guns will have safety measures like internal safety locks, smart-gun technology, child-safety trigger resistance, chamber-load indicators, and many other provisions that will cut down on accidental shootings and make guns less attractive to criminals.

Does he oppose making distribution of guns more thoughtful and careful? Because this agreement also closes the gun-show loophole, requires background checks for all sales, limits the delivery of multiple purchases, limits children's access to weapons, and many other measures to keep guns out of the hands of criminals and children.

Does he oppose saving lives? Because that is what this agreement will do. It also sets an example for other manufacturers to help reduce the awful toll of gun violence while ending litigation brought against them by an array of cities and counties.

The agreement is a win-win situation—settling litigation and making safer guns available to the American people.

The agreement demonstrates that manufacturers can make safer guns—including smart guns—and take responsibility for the way their guns are distributed.

A vote for Congressman HOSTETTLER's amendment is a vote for less safety and less responsible distribution. It thwarts implementation of the agreement sends a strong signal to the rest of the gun industry that they should just keep resisting common-sense reform, while communities throughout America pay the price.

I urge every one of you to vote against the ill-conceived Hostettler amendment.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

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

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment No. 23 offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 529, proceedings will now

resume on those amendments on which further proceedings were postponed in the following order: amendment No. 33 by the gentleman from South Carolina (Mr. SANFORD), amendment No. 72 by the gentleman from Massachusetts (Mr. OLVER), amendment No. 23 by the gentleman from Indiana (Mr. HOSTETTLER).

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

AMENDMENT NO. 33 OFFERED BY MR. SANFORD

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 33 offered by the gentleman from South Carolina (Mr. SANFORD) 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 86, noes 312, not voting 36, as follows:

[Roll No. 322]

AYES—86

Aderholt	Goode	Nethercutt
Andrews	Goodlatte	Ney
Armey	Green (WI)	Pastor
Bachus	Gutknecht	Paul
Barr	Hastings (WA)	Pease
Bartlett	Hayes	Peterson (PA)
Barton	Hayworth	Petri
Boyd	Hefley	Pombo
Bryant	Herger	Radanovich
Burton	Hilleary	Ramstad
Buyer	Hoekstra	Riley
Chabot	Hostettler	Rohrabacher
Chenoweth-Hage	Hulshof	Ryan (WI)
Coble	Hunter	Sanford
Coburn	Jenkins	Scarborough
Collins	Johnson, Sam	Schaffer
Combest	Jones (NC)	Sensenbrenner
Crane	Kanjorski	Sessions
Cubin	Kasich	Shadegg
DeFazio	Kelly	Shays
DeMint	Kingston	Smith (MI)
Doolittle	Largent	Smith (WA)
Doyle	LoBiondo	Stearns
Duncan	Luther	Sununu
Ehrlich	Metcalfe	Tancredo
Everett	Mica	Taylor (MS)
Foley	Miller (FL)	Toomey
Forbes	Moore	Weldon (FL)
Gibbons	Moran (KS)	

NOES—312

Abercrombie	Bishop	Chambliss
Ackerman	Bliley	Clay
Allen	Blumenauer	Clayton
Archer	Blunt	Clement
Baca	Boehlert	Clyburn
Baird	Boehner	Condit
Baker	Bonilla	Conyers
Baldacci	Bonior	Cooksey
Baldwin	Bono	Costello
Ballenger	Borski	Cox
Barcia	Boucher	Coyne
Barrett (NE)	Brady (PA)	Cramer
Barrett (WI)	Brady (TX)	Crowley
Bass	Brown (OH)	Cummings
Bateman	Burr	Cunningham
Becerra	Callahan	Danner
Bentsen	Calvert	Davis (FL)
Bereuter	Camp	Davis (VA)
Berkley	Canady	Deal
Berman	Cannon	DeGette
Berry	Capps	Delahunt
Biggert	Capuano	DeLauro
Bilbray	Cardin	DeLay
Bilirakis	Castle	Deutsches

Diaz-Balart	Lampson	Rogers
Dickey	Lantos	Ros-Lehtinen
Dicks	Larson	Rothman
Dixon	Latham	Roukema
Doggett	LaTourette	Roybal-Allard
Dooley	Leach	Royce
Dreier	Lee	Sabo
Dunn	Levin	Salmon
Edwards	Lewis (CA)	Sanchez
Ehlers	Lewis (GA)	Sanders
Emerson	Lewis (KY)	Sandlin
Engel	Linder	Sawyer
English	Lofgren	Saxton
Eshoo	Lowey	Scott
Etheridge	Lucas (KY)	Serrano
Evans	Lucas (OK)	Shaw
Ewing	Maloney (CT)	Sherman
Farr	Maloney (NY)	Sherwood
Fattah	Mascara	Shinkus
Filner	Matsui	Shuster
Fletcher	McCarthy (MO)	Simpson
Ford	McCarthy (NY)	Sisisky
Fossella	McCrery	Skeen
Fowler	McDermott	Skelton
Frank (MA)	McGovern	Slaughter
Franks (NJ)	McHugh	Smith (NJ)
Frelinghuysen	McInnis	Smith (TX)
Frost	McIntyre	Snyder
Galleghy	McKeon	Souder
Ganske	McKinney	Spence
Gejdenson	McNulty	Spratt
Gekas	Meehan	Stabenow
Gephardt	Meek (FL)	Stark
Gilchrest	Meeks (NY)	Stenholm
Gillmor	Menendez	Strickland
Gilman	Millender-	Stump
Gonzalez	McDonald	Stupak
Goodling	Miller, Gary	Sweeney
Gordon	Miller, George	Tanner
Goss	Minge	Tauscher
Graham	Mink	Tauzin
Granger	Moakley	Taylor (NC)
Green (TX)	Mollohan	Terry
Greenwood	Moran (VA)	Thomas
Hall (OH)	Murtha	Thompson (CA)
Hall (TX)	Myrick	Thompson (MS)
Hastings (FL)	Nadler	Thornberry
Hill (IN)	Napolitano	Thune
Hill (MT)	Neal	Thurman
Hilliard	Northup	Tiahrt
Hinojosa	Norwood	Tierney
Hobson	Nussle	Trafficant
Hoefel	Oberstar	Turner
Holden	Obey	Udall (CO)
Holt	Olver	Udall (NM)
Hooley	Ortiz	Upton
Horn	Ose	Velazquez
Houghton	Owens	Visclosky
Hoyer	Oxley	Vitter
Hutchinson	Packard	Walden
Hyde	Pallone	Walsh
Inslee	Pascarell	Wamp
Isakson	Payne	Waters
Istook	Pelosi	Watkins
Jackson (IL)	Peterson (MN)	Watt (NC)
Jackson-Lee	Phelps	Watts (OK)
(TX)	Pickering	Weiner
Jefferson	Pickett	Weldon (PA)
John	Porter	Weller
Johnson (CT)	Portman	Wexler
Johnson, E.B.	Price (NC)	Weygand
Kildee	Pryce (OH)	Wicker
Kind (WI)	Quinn	Wilson
King (NY)	Rahall	Wynn
Kleczka	Regula	Young (AK)
Knollenberg	Reyes	Young (FL)
Kolbe	Reynolds	
Kucinich	Rivers	
Kuykendall	Rodriguez	
LaFalce	Roemer	
LaHood	Rogan	

## NOT VOTING—36

Blagojevich	Kaptur	Pitts
Boswell	Kennedy	Pomeroy
Brown (FL)	Kilpatrick	Rangel
Campbell	Klink	Rush
Carson	Lazio	Ryun (KS)
Cook	Lipinski	Schakowsky
Davis (IL)	Manzullo	Shows
Dingell	Markey	Talent
Gutierrez	Martinez	Towns
Hansen	McCollum	Vento
Hinchey	McIntosh	Waxman
Jones (OH)	Morella	Whitfield

□ 2031

Mr. SAWYER and Mr. DEUTSCH changed their vote from “aye” to “no.”

Mr. SMITH of Michigan and Mr. LUTHER 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 529, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

## AMENDMENT NO. 72 OFFERED BY MR. OLVER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 72 offered by the gentleman from Massachusetts (Mr. OLVER) 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 217, noes 181, not voting 36, as follows:

[Roll No. 323]

## AYES—217

Abercrombie	Ehlers	King (NY)
Ackerman	Ehrlich	Kleczka
Allen	Engel	Kolbe
Andrews	Eshoo	Kucinich
Baca	Etheridge	Kuykendall
Baird	Evans	LaFalce
Baldacci	Fattah	LaHood
Baldwin	Filner	Lampson
Barrett (WI)	Foley	Lantos
Bass	Forbes	Larson
Becerra	Ford	Lee
Bentsen	Frank (MA)	Levin
Bereuter	Franks (NJ)	Lewis (GA)
Berkley	Frelinghuysen	LoBiondo
Berman	Frost	Lofgren
Bilbray	Galleghy	Lowey
Blumenauer	Ganske	Lucas (KY)
Boehlert	Gejdenson	Luther
Bonior	Gephardt	Maloney (CT)
Borski	Gilchrest	Maloney (NY)
Boyd	Gonzalez	Mascara
Brady (PA)	Gordon	Matsui
Brown (OH)	Goss	McCarthy (MO)
Capps	Green (TX)	McCarthy (NY)
Capuano	Greenwood	McDermott
Cardin	Gutknecht	McGovern
Castle	Hall (OH)	McHugh
Clay	Hastings (FL)	McKinney
Clayton	Hill (IN)	McNulty
Clement	Hinojosa	Meehan
Clyburn	Hobson	Meek (FL)
Conyers	Hoefel	Meeks (NY)
Costello	Holden	Menendez
Coyne	Holt	Millender-
Crowley	Hooley	McDonald
Cummings	Horn	Miller, George
Davis (FL)	Houghton	Minge
Davis (VA)	Hoyer	Mink
DeFazio	Inslee	Moakley
DeGette	Jackson (IL)	Mollohan
Delahunt	Jackson-Lee	Moore
DeLauro	(TX)	Moran (VA)
Deutsch	Jefferson	Murtha
Dickey	Johnson, E. B.	Nadler
Dicks	Kanjorski	Napolitano
Dixon	Kelly	Neal
Doggett	Kennedy	Oberstar
Dooley	Kildee	Obey
Doyle	Kind (WI)	Olver
Edwards		Ortiz

Owens	Roybal-Allard	Tauscher
Pallone	Sabo	Thompson (CA)
Pascarell	Sanchez	Thompson (MS)
Pastor	Sanders	Thurman
Payne	Sawyer	Tierney
Pelosi	Saxton	Turner
Phelps	Scott	Udall (CO)
Pickett	Serrano	Udall (NM)
Porter	Shays	Velazquez
Portman	Sherman	Visclosky
Price (NC)	Shuster	Waters
Quinn	Sisisky	Watt (NC)
Rahall	Skelton	Weiner
Ramstad	Slaughter	Weldon (FL)
Regula	Smith (NJ)	Weldon (PA)
Reyes	Smith (WA)	Weller
Reynolds	Snyder	Wexler
Rivers	Spratt	Weygand
Rodriguez	Stabenow	Wilson
Roemer	Stark	Wise
Ros-Lehtinen	Strickland	Woolsey
Rothman	Stupak	Wu
Roukema	Tanner	Wynn

## NOES—181

Aderholt	Fowler	Paul
Archer	Gekas	Pease
Armey	Gibbons	Peterson (MN)
Bachus	Gillmor	Peterson (PA)
Baker	Gilman	Petri
Ballenger	Goode	Pickering
Barcia	Goodlatte	Pombo
Barr	Goodling	Pryce (OH)
Barrett (NE)	Graham	Radanovich
Bartlett	Granger	Riley
Barton	Green (WI)	Rogan
Bateman	Hall (TX)	Rogers
Berry	Hastings (WA)	Rohrabacher
Biggert	Hayes	Royce
Billirakis	Hayworth	Ryan (WI)
Bishop	Hefley	Salmon
Bliley	Herger	Sandlin
Blunt	Hill (MT)	Sanford
Boehner	Hilleary	Scarborough
Bonilla	Hilliard	Schaffer
Bono	Hoekstra	Sensenbrenner
Boucher	Hostettler	Sessions
Brady (TX)	Hulshof	Shadegg
Bryant	Hunter	Shaw
Burr	Hutchinson	Sherwood
Burton	Hyde	Shinkus
Buyer	Isakson	Simpson
Callahan	Istook	Skeen
Calvert	Jenkins	Smith (MI)
Camp	John	Smith (TX)
Canady	Johnson, Sam	Souder
Cannon	Jones (NC)	Spence
Chabot	Kasich	Stearns
Chambliss	Kingston	Stenholm
Chenoweth-Hage	Knollenberg	Stump
Coble	Largent	Sununu
Coburn	Latham	Sweeney
Collins	LaTourette	Tancred
Combest	Leach	Tauzin
Condit	Lewis (CA)	Taylor (MS)
Cooksey	Lewis (KY)	Taylor (NC)
Cox	Linder	Terry
Cramer	Lucas (OK)	Thomas
Crane	McCrery	Thornberry
Cubin	McInnis	Thune
Cunningham	McIntyre	Tiahrt
Danner	McKeon	Toomey
Deal	Metcalf	Trafficant
DeLay	Mica	Upton
DeMint	Miller (FL)	Vitter
Diaz-Balart	Miller, Gary	Walden
Doolittle	Moran (KS)	Walsh
Dreier	Myrick	Wamp
Duncan	Nethercutt	Watkins
Dunn	Ney	Watts (OK)
Emerson	Northup	Wicker
English	Norwood	Wolf
Everett	Nussle	Young (AK)
Ewing	Ose	Young (FL)
Fletcher	Oxley	
Fossella	Packard	

## NOT VOTING—36

Blagojevich	Hinchey	Martinez
Boswell	Johnson (CT)	McCormack
Brown (FL)	Jones (OH)	McIntosh
Campbell	Kaptur	Morella
Carson	Kilpatrick	Pitts
Cook	Klink	Pomeroy
Davis (IL)	Lazio	Rangel
Dingell	Lipinski	Rush
Gutierrez	Manzullo	Ryun (KS)
Hansen	Markey	Schakowsky

Shows  
TalentTowns  
VentoWaxman  
WhitfieldNussle  
Ortiz  
Ose  
Packard  
Paul  
Pease  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pickett  
Pombo  
Portman  
Radanovich  
Rahall  
Regula  
Reynolds  
Rogers  
Rohrabacher  
Royce  
Ryan (WI)  
Salmon  
SandlinSanford  
Scarborough  
Schaffer  
Sensenbrenner  
Sessions  
Shadegg  
Sherwood  
Shinkus  
Shuster  
Sisisky  
Skeen  
Skeltton  
Smith (MI)  
Smith (TX)  
Souder  
Spence  
Stearns  
Stenholm  
Strickland  
Stump  
Sununu  
Tanner  
Tauzin  
Taylor (MS)Taylor (NC)  
Terry  
Thomas  
Thornberry  
Thune  
Tiahrt  
Toomey  
Traficant  
Turner  
Vitter  
Walden  
Wamp  
Watkins  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Wicker  
Wilson  
Wise  
Wolf  
Young (AK)  
Young (FL)Hansen  
Hinchey  
Jones (OH)  
Kaptur  
Kilpatrick  
Klink  
Lazio  
Lipinski  
Manzullo  
MarkeyMartinez  
McCollum  
McIntosh  
Morella  
Ney  
Pitts  
Pomeroy  
Rangel  
Riley  
RushRyun (KS)  
Schakowsky  
Shows  
Talent  
Towns  
Vento  
Waxman  
Whitfield

□ 2041

Mrs. BONO changed her vote from "aye" to "no."

Mr. REGULA and Mr. ROEMER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□

## PERSONAL EXPLANATION

Ms. CARSON. Mr. Chairman, I was unavoidably absent today, Monday, June 26, 2000, and as a result, missed rollcall votes 322 and 323. Had I been present, I would have voted "no" on rollcall vote 322 and "yes" on rollcall vote 323.

## AMENDMENT NO. 23 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 23 offered by the gentleman from Indiana (Mr. HOSTETTLER) 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 196, noes 201, not voting 37, as follows:

[Roll No. 324]

AYES—196

Aderholt	Cooksey	Hill (MT)
Armey	Costello	Hilleary
Baca	Cox	Hilliard
Bachus	Cramer	Hobson
Baker	Crane	Hoekstra
Ballenger	Cubin	Holden
Barcia	Cunningham	Hostettler
Barr	Danner	Hulshof
Barrett (NE)	Deal	Hunter
Bartlett	DeLay	Hutchinson
Barton	DeMint	Istook
Bass	Dickey	Jenkins
Bateman	Doolittle	John
Berry	Dreier	Johnson, Sam
Biggett	Duncan	Jones (NC)
Bilirakis	Ehrlich	Kanjorski
Bishop	Emerson	Kasich
Bliley	English	Kingston
Blunt	Everett	Knollenberg
Boehner	Ewing	Kolbe
Bonilla	Fletcher	LaHood
Bono	Fowler	Lampson
Boucher	Gekas	Largent
Boyd	Gibbons	Latham
Brady (TX)	Gillmor	Lewis (CA)
Bryant	Goode	Lewis (KY)
Burr	Goodlatte	Linder
Burton	Goodling	Lucas (KY)
Buyer	Gordon	Lucas (OK)
Callahan	Goss	Mascara
Calvert	Graham	McCreary
Camp	Granger	McIntyre
Canady	Green (TX)	McKeon
Cannon	Green (WI)	Metcalfe
Chabot	Gutknecht	Mica
Chambliss	Hall (TX)	Miller, Gary
Chenoweth-Hage	Hastings (WA)	Mollohan
Clement	Hayes	Moran (KS)
Coble	Hayworth	Murtha
Coburn	Hefley	Myrick
Collins	Herger	Nethercutt
Combest	Hill (IN)	Norwood

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilbray
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt

Archer
Blagojevich
Boswell

## NOES—201

Gilchrest
Gilman
Gonzalez
Greenwood
Hall (OH)
Hastings (FL)
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Klecza
Kucinich
Kuykendall
LaFalce
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowe
Luther
Maloney (CT)
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender
McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano

## NOT VOTING—37

Brown (FL)
Campbell
Cook

Neal
Northup
Oberstar
Obey
Oliver
Owens
Oxley
Pallone
Pascarell
Pastor
Payne
Pelosi
Porter
Price (NC)
Pryce (OH)
Quinn
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scott
Serrano
Shaw
Shays
Sherman
Simpson
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Sweeney
Tancred
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Weiner
Weller
Wexler
Weygand
Woolsey
Wu
Wynn

□ 2050

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Chairman, I was unavoidable detained in my Congressional District earlier today and was unable to vote on several amendments to H.R. 4690.

On the Sanford amendment, rollcall 322, I would have voted "no."

On the Olver amendment, rollcall 323, I would have voted "yes."

On the Hostettler amendment, rollcall 324, I would have voted "no."

Mr. ROGERS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Florida (Mr. STEARNS) for the purpose of a colloquy.

Mr. STEARNS. Mr. Chairman, I thank the distinguished chairman for yielding to me.

I would like to voice my concern over the state of Federal judicial compensation. I believe that judges' salaries are falling below the minimum levels that are needed, not only in the interests of fairness, but also to ensure the continued quality of the Federal judiciary.

Over the past 8 years, Federal judges have experienced a 13 percent decline in the real value of their salaries. At the same time, their workload has remained at high levels. Salaries of Federal judges have not just lagged behind the inflation indices.

As a result, judges' salaries no longer bear a reasonable relationship to that of the pool of lawyers from whom candidates for judgeships should be drawn. It has been widely reported that the first-year associates in law firms in metropolitan areas throughout the country are now earning \$125,000 a year. It is therefore not surprising that even second- and third-year associates at most large law firms would have to take a pay cut, a pay cut to accept an appointment to the Federal bench.

Public sector salaries may even be more relevant. The general counsel of the University of California receives a salary in excess of \$250,000 annually, which is substantially greater than the pay of the Chief Justice of the United States.

The district attorneys of Los Angeles, for example, are paid \$185,000. All of these salaries far exceed the salary of the United States Supreme Court Justices and Associate Justices, which are currently less than \$182,000 and \$174,000, respectively.

Additionally, a U.S. District Judge salary is currently only \$141,300. Increasingly, judges are choosing not to make the financial sacrifice to remain