

Sweeney	Towns	Watson (CA)
Tancredo	Traficant	Watts (OK)
Tanner	Turner	Weldon (FL)
Tauzin	Udall (CO)	Weldon (PA)
Taylor (NC)	Upton	Weller
Terry	Velazquez	Whitfield
Thomas	Visclosky	Wicker
Thompson (MS)	Vitter	Wilson
Thornberry	Walder	Wolf
Tiahrt	Wamp	Young (AK)
Tiberi	Waters	Young (FL)
Toomey	Watkins (OK)	

## NOES—126

Allen	Green (TX)	Millender-
Baca	Greenwood	McDonald
Baird	Hall (OH)	Miller, George
Baldacci	Harman	Mink
Baldwin	Hill	Moore
Barcia	Hilliard	Moran (KS)
Barrett	Hinojosa	Nadler
Bass	Hoeffel	Owens
Becerra	Hoekstra	Payne
Bentsen	Holt	Platts
Bereuter	Honda	Rahall
Berman	Hooley	Ramstad
Bilirakis	Inslee	Rehberg
Blumenauer	Israel	Rivers
Bonior	Jackson-Lee	Roemer
Borski	Jones (OH)	Sanchez
Brown (OH)	Kelly	Sanders
Capps	Kennedy (MN)	Sandlin
Capuano	Kildee	Sawyer
Cardin	Kind (WI)	Schaffer
Carson (OK)	Kirk	Schiff
Clayton	Kleczka	Skelton
Conyers	Kucinich	Slaughter
Coyne	LaFalce	Snyder
Crowley	Langevin	Solis
Davis (CA)	Lantos	Stark
Davis (FL)	Lee	Sununu
DeFazio	Levin	Tauscher
DeGette	Lewis (GA)	Taylor (MS)
Delahunt	Lofgren	Thompson (CA)
Deutsch	Luther	Thune
Dingell	Maloney (CT)	Thurman
Doggett	Maloney (NY)	Tierney
Doyle	Markey	Udall (NM)
Engel	McCarthy (MO)	Watt (NC)
Etheridge	McCarthy (NY)	Waxman
Evans	McCullum	Weiner
Ferguson	McDermott	Wexler
Filner	McGovern	Woolsey
Ford	McKinney	Wu
Frank	McNulty	Wynn
Gephardt		
Gonzalez		

## NOT VOTING—11

Brady (PA)	Hinchey	Riley
Davis, Jo Ann	Myrick	Spence
Gibbons	Oxley	Walsh
Goode	Pitts	

## □ 1246

Ms. McCARTHY of Missouri and Messrs. SUNUNU, DELAHUNT, KIRK, REHBERG, INSLEE, and FORD changed their vote from “aye” to “no.”

Mr. SWEENEY, Mrs. NAPOLITANO, and Messrs. UPTON, SCOTT, SPRATT, TIAHRT, TOWNS and BARTLETT of Maryland changed their vote from “no” to “aye.”

So the motion to table the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, on rollcall No. 236, on approving the Journal, and rollcall No. 238 on the motion to table the motion to instruct conferees, I was unavoidably detained while chairing a committee hearing to receive Chairman Greenspan’s semi-annual testimony on the economy. Had I been present, I would have voted “yes” on both motions.

(Mr. BALDACCII asked and was given permission to speak out of order for 1 minute.)

## FUNDING FOR IDEA

Mr. BALDACCII. Mr. Speaker, this issue is a very important issue to almost every Member of this Chamber, if not every Member of this Chamber, regardless of party. This issue of special education funding is something that we have worked at bipartisanly and in special orders and after hours, and between myself and the gentleman from New Hampshire (Mr. BASS) and many other Members on the other side of the aisle, and it is something we all care deeply about.

Twenty-six years ago, we promised to fund 40 percent of the special education costs in our country, and we are now at 14 percent. We will never have an opportunity, I believe, to be able to address this issue, given the uncertain economics and budgetary constraints that have been placed before us and that will be before us in the future.

We have no better time to address this issue. This was an instruction to the conferees to go about fully funding special education costs. This is an issue which costs all of our States, regardless of party and location, billions of dollars in property tax payments by local citizens. This is something that would have benefited, if it was fully funded, not just the disabled but the nondisabled.

I was disappointed that we did not have the opportunity for a free and open discussion, but as most of the Members know, this issue is not going to go away. We will be bringing this issue back before us. We will be doing it in a bipartisan fashion, because we all know how important these issues are to local communities.

In our State alone, we are looking at trying to make up the difference of between \$100 million of special education costs and the \$32 million that is being provided, and that is \$68 million in a small State like Maine, of a population of 1.2 million that are facing increased property taxes and burdens that they have to bear. We recognize sometimes there is competition for those dollars at the local level, and that places a lot of those disabled families at a disadvantage.

Mr. Speaker, I appreciate the courtesies that have been afforded, and look forward to working with the Members on both sides of the aisle and in the Congress on this very important issue.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. BOEHNER, Mr. PETRI, Mrs. ROUKEMA, Messrs. McKEON, CASTLE, GRAHAM, HILLEARY, ISAKSON, GEORGE MILLER of California, KILDEE, and OWENS, Mrs. MINK of Hawaii, Mr. ANDREWS, and Mr. ROEMER.

There was no objection.

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

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2500.

## □ 1252

## IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, July 17, 2001, the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) had been disposed of and the bill was open for amendment from page 39, line 18, through page 39, line 24.

Pursuant to the order of the House of that day, no further amendments to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, and amendments printed in the CONGRESSIONAL RECORD on that day or before, each of which may be offered only by the Member who caused it to be printed or his designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments for the purposes of debate, and shall not be subject to a demand for a division of the question.

The Clerk will read.

The Clerk read as follows:

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice 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 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 except in compliance with the procedures set forth in that section.

SEC. 108. Notwithstanding any other provision of law, \$1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 109. Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as amended, is further amended as follows:

(1) by striking in subsection (d) “\$6”, and inserting “\$7”;

(2) by amending subsection (e)(1), by replacing “No” with “Except as provided in paragraph (3), no”; and

(3) by adding a new paragraph (e)(3) as follows:

“(3) The Attorney General is authorized to charge and collect \$3 per individual for the immigration inspection or pre-inspection of each commercial vessel passenger whose journey originated in the United States or in any place set forth in paragraph (1): *Provided*, That this authorization shall not apply to immigration inspection at designated ports of entry of passengers arriving by the following vessels, when operating on a regular schedule: Great Lakes international ferries, or Great Lakes Vessels on the Great Lakes and connecting waterways.”.

This title may be cited as the “Department of Justice Appropriations Act, 2002”.

**TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES**

**TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES**

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**SALARIES AND EXPENSES**

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$30,097,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$98,000 shall be available for official reception and representation expenses.

**INTERNATIONAL TRADE COMMISSION**

**SALARIES AND EXPENSES**

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$51,440,000, to remain available until expended.

**DEPARTMENT OF COMMERCE**

**INTERNATIONAL TRADE ADMINISTRATION**

**OPERATIONS AND ADMINISTRATION**

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable ex-

hibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$347,654,000, to remain available until expended, of which \$3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That \$66,919,000 shall be for Trade Development, \$27,741,000 shall be for Market Access and Compliance, \$43,346,000 shall be for the Import Administration, \$196,791,000 shall be for the United States and Foreign Commercial Service, and \$12,857,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

**EXPORT ADMINISTRATION**

**OPERATIONS AND ADMINISTRATION**

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$68,893,000, to remain available until expended, of which \$7,250,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

**ECONOMIC DEVELOPMENT ADMINISTRATION**

**ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS**

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, \$335,000,000, to remain available until expended.

**SALARIES AND EXPENSES**

For necessary expenses of administering the economic development assistance programs as provided for by law, \$30,557,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

**MINORITY BUSINESS DEVELOPMENT AGENCY**

**MINORITY BUSINESS DEVELOPMENT**

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$28,381,000.

**ECONOMIC AND INFORMATION INFRASTRUCTURE**

**ECONOMIC AND STATISTICAL ANALYSIS**

**SALARIES AND EXPENSES**

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$62,515,000, to remain available until September 30, 2003.

Mr. SERRANO. Mr. Chairman, I move to strike the last word. Mr. Chairman, I rise for the purpose of an exchange with the chairman.

As the chairman knows, last night we had made an effort to make sure we had informed all Members to be here when their amendment came up. However, as the gentleman knows, we anticipated coming to the floor at sometime around 3 or 3:30, and we are ahead of schedule, which is the good news.

The bad news is that there are some Members whose amendments are coming up pretty soon who are on their way to the Chamber now, so we are trying to find out first of all how the gentleman is doing, how the chairman is feeling this morning, and at the same time give them an opportunity to come.

I am sure that the gentleman could join me in this repartee, and as soon as I find out what that means, I will use it more often.

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

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

Mr. WOLF. Mr. Chairman, out of consideration, if somebody comes within the next 5 minutes, even if they miss it, I would not be so strict. I think if they come in 2 hours, it would be a little bit different.

Mr. SERRANO. I understand.

Mr. WOLF. Is this the gentleman from Florida (Mr. HASTINGS) that the gentleman from New York is speaking of?

Mr. SERRANO. The gentleman from Florida (Mr. HASTINGS) and the gentlewoman from New York (Mrs. MALONEY).

So it is my understanding that in these two cases, as soon as they come, we can go back and deal with those amendments, within reason?

Mr. WOLF. If the gentleman will yield further, that is right, yes. We are not trying to hurt anybody, obviously, and I would want to be protected, since we did get here earlier for certain reasons, maybe.

It would be helpful, though, if maybe anyone is listening, if they are listening to the House debate and they had an amendment that was up, it would be helpful if the gentleman found the Member and told them that we had moved a little faster. We are hoping to get home earlier than normally we would have been able to get home, so the longer we delay, the harder it will be.

We did accord two Members last night that opportunity.

Mr. SERRANO. Mr. Chairman, the gentleman should rest assured it is not our intent to hold up the process. As I said, it is just that we are 2 hours and 15 minutes ahead of schedule, which is the good news, but we are trying to get just two folks over here, so we appreciate the gentleman's understanding.

Mr. WOLF. Yes.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

BUREAU OF THE CENSUS  
SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$169,424,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2000 decennial census, \$114,238,000 to remain available until expended: *Provided*, That, of the total amount available related to the 2000 decennial census (\$114,238,000 in new appropriations and \$25,000,000 in deobligated balances from prior years), \$8,606,000 is for Program Development and Management; \$68,330,000 is for Data Content and Products; \$9,455,000 is for Field Data Collection and Support Systems; \$24,462,000 is for Automated Data Processing and Telecommunications Support; \$22,844,000 is for Testing and Evaluation; \$3,105,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; and \$2,436,000 is for Marketing, Communications and Partnership activities.

AMENDMENT NO. 27 OFFERED BY MRS. MALONEY  
OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mrs. MALONEY of New York:

Page 47, line 22, after the dollar amount, insert the following: “(reduced by \$2,500,000)”.

Page 48, line 11, after the dollar amount, insert the following: “(increased by \$2,500,000)”.

□ 1300

Mrs. MALONEY of New York. Mr. Chairman, I rise today to offer an amendment for which there is strong bipartisan support with my colleague, the gentleman from Florida (Mr. MILLER), on the other side of the aisle.

This amendment would provide funding to begin planning to ensure that all Americans, including those living and working abroad are counted. Last year's census workers fanned out across the Nation to count every single American. Millions of Americans came together to complete their census forms and provide us with a snapshot

of America. Unfortunately, during the 2000 census, we were unable to include a critical group of Americans: Americans, private citizens, living abroad.

Americans abroad make huge contributions to our economy each year. They encourage overseas expansion of American companies, improve exports, help us to expand our trade opportunities, and act as ambassadors to what we as Americans are all about, our American values. Unfortunately, although these hardworking Americans contribute so much to our Nation, although they vote, although they pay taxes, these Americans were not included in the 2000 census.

I strongly believe that these Americans deserve to be counted. I have met with them from around the world, from the Arabian peninsula, to France, to Latin America. I have gotten their emails, letters, and faxes. And what has impressed me the most is that, even though some have been living abroad for years, or even decades, they are still proud to be Americans living abroad. It is very important that they are part of the great civic experience of being part of our national census.

If we truly want to embrace the global economy, then we should keep better track of these critically important citizens. This legislation will provide \$2.5 million for the Census Bureau to use to begin planning a census for Americans abroad by 2010. This is a necessary shift for this purpose. I believe this effort is long overdue and that these Americans who offer so much to our Nation deserve to be counted.

I want to remind all of the Members that while they may be living in France or Canada or Italy, they all come from Michigan, Texas, and California; and many do in fact vote and pay taxes in their home States, in all our districts.

Finally, I would like to compliment the patriotism that many Americans abroad have shown in their quest to be included in the census. Their love for our Nation has been an inspiration, and I am proud to offer this amendment on their behalf. I hope all of my colleagues will support this commonsense amendment which will begin the process to ensure that all Americans are included in the census.

Mr. Chairman, my colleague, the chairman of the Subcommittee on Census of the Committee on Government Reform, the gentleman from Florida (Mr. MILLER), conducted numerous very important hearings on the need to include Americans abroad. Last year, because of his efforts, there was report language that included a demand that the Census Bureau come forward with a plan. The problem is that the whole time that I have been in Congress we have been asking for this plan. Like Moses, we could be in the desert for 40 years if we do not have a plan.

They are supposed to come back with a plan in September. Yet I fear that it will be like the other plans, a state-

ment, a dwindling of time, and not a concrete plan to go out and count these Americans abroad. This \$2.5 million would allow them to have a trial run at counting them so that we could study the proper and best way to make sure that it is fairly and legally done.

I want to compliment the fine work of my colleague, the gentleman from Florida (Mr. MILLER), on this particular effort. We have worked together in a bipartisan way. And I hope that the distinguished Chair of this appropriations subcommittee, the gentleman from Virginia (Mr. WOLF), and the distinguished ranking member, the gentleman from New York (Mr. SERRANO), will accept this amendment.

We called the Census Bureau yesterday because the gentleman from Florida (Mr. MILLER) had mentioned to me that this report was coming; and just last month the acting director of the Census Bureau said that the September report on counting Americans abroad, and I quote, “will raise serious concerns about the feasibility of counting them.” It sounds to me like the Census Bureau is not asking how this can be done, but instead is once again looking at the negative.

This allocation will show that we are serious that 10 years from now we want these citizens counted and we want trial runs in between. We want this to happen for the American citizens. It is important to our country, it is important to our global economy, and it is the fair and right thing to do.

Mr. WOLF. Mr. Speaker, I rise in support of the amendment.

My colleague, the gentleman from Florida (Mr. MILLER), has done an outstanding job with regard to this issue. He probably knows more about the issue of the census than most Members will ever ever know.

There will be a report, the gentleman from Florida has been on top of it; but in the interest of time we will deal with this issue, and we will accept the amendment.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the last word.

My colleague from New York is correct, this has been a nonpartisan issue and we have been working together for the past several years to try to figure out how to include overseas Americans in the census.

In 1990, they included Federal employees, military, and people working for the State Department or Agriculture Department, because we had administrative records. The question is how do we count the others. And so we tried to do it in the 2000 census. Director Pruitt, who was the director under President Clinton, felt it was impossible at that late stage to include it. Our goal is to have them counted in the 2010 census.

Last year, in this appropriation bill, we included language to require a report by the end of September. I met with the bureau again this morning, and I am assured we are going to have a report how we come out doing it. It is

not an easy job, and that is how Director Pruitt explained the problem to us. We are going to have a hearing again next week.

This gets to the question of who do we count. Just because someone has a U.S. passport, but has not been to the United States in 20 years and does not intend to, do they get counted? Those are the type of questions we will have to get resolved.

So we are raising a lot of questions. The goal is to having it done in 2010. I do not object to putting this amount in this particular appropriation bill. I do not know what the right amount is. I think the \$2.5 million was an arbitrary number. The Bureau has given me assurances in September they will have a more accurate number, whether it is \$500,000, \$1.5 million, or \$2 million; and so in conference we can get the right amount in there.

But I agree with the gentlewoman that we need to count them. I am glad we are actually putting something in the appropriation bill to specifically say we need to get them counted. And when we get the report in September, and I hope it is more accurate or more representative than the gentlewoman thinks, that we can move forward with it. This is something we are going to work together on, and I feel confident that in conference we will get the right dollar amount. However, as I say, I have no objection to including this amendment.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I would like to first of all thank the distinguished chairman for accepting this amendment; and to my distinguished colleague, the gentleman from Florida (Mr. MILLER), I wish to thank him for all of his hard work on this. And from the bottom of my heart, and sincerely, I sincerely wish he were not retiring at the end of the term. The gentleman has been a distinguished leader on many, many issues, particularly the census.

But I know that 10 years from now I will probably still be here, and they are going to be yelling their heads off at me saying, You and DAN MILLER said you would take care of it. So I am glad the gentleman is taking a continued leadership role to be sure that by 2010 we have a viable plan that will work, that will have strong standards that everyone understands, that are fair, and really represent the interests of our country and the interests of our citizens.

I thank the gentleman so much, and congratulations on accepting it.

Mr. MILLER of Florida. Mr. Chairman, reclaiming my time, as the gentlewoman knows, we have had our differences on other issues with regard to the census, but this is certainly one we have had agreement on.

It is a frustration that we share with the real professionals of the bureau

who really have a challenge on their hands. But we are going to do it because we have to do it.

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from New York, Representative MALONEY, to allocate \$2.5 million for the Census Bureau to begin planning the portion of the 2010 Decennial Census that will count Americans living abroad.

Private sector Americans abroad won the opportunity to vote by absentee ballot over two decades ago, but they are still battling for the right to participate in the Decennial Census.

Somewhere between three and ten million private sector Americans live overseas. Traditionally, they vote, they pay taxes, and own homes in the USA. It stands to reason, then, that they should be included in the Decennial Census. As one American abroad put it, "by excluding us from Census 2000, the U.S. government is telling us that our taxes count and our votes count, but that we as U.S. citizens do not."

Regrettably, the Census Bureau has maintained an "out of sight, out of mind" attitude. In an era of increasing globalization this perspective makes no sense. Americans abroad, as informal "ambassadors" of the U.S., play a vital role in exporting U.S. goods, services, expertise, and culture.

Americans abroad have begun to fight back at the polls and in Washington, and they are finding some very receptive ears. Led by the House Committee on the census, a strong bipartisan consensus has emerged on Capitol Hill to enumerate U.S. citizens overseas.

In fact, I have introduced legislation ensuring that all Americans living abroad are included in the Decennial Censuses. The U.S. government has done U.S. citizens overseas a great disservice by treating them as "invisible," and it's high time that we recognize that Americans abroad do count.

Accordingly, I look forward to working with Congresswoman MALONEY on this important issue throughout this Congress, and I urge all of our colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mrs. MALONEY of New York:

Page 48, line 1, after the dollar amount, insert the following: "(increased by \$500,000)".

Page 48, line 14, after the dollar amount, insert the following: "(reduced by \$500,000)".

Mrs. MALONEY of New York. Mr. Chairman, I rise to amend the fiscal year 2002 appropriations of the U.S. Census Bureau.

On Monday night, I appeared before the Committee on Rules on behalf of myself and the gentleman from Ohio (Mr. KUCINICH) to ask that this amendment be protected from a point of order. That committee did not grant my request.

My intent, Mr. Chairman, was to make sure that the Census Bureau

have adequate funds to produce a special report on the data from the service-based enumeration from the 2000 census. While those data are included in the tables that are currently being released, they are not in a form that is easily accessible so that local governments can access this information.

In the 2000 census, the Census Bureau made a major effort to count people with no usual residence. They counted people at shelters, they counted people at food kitchens, they counted people at mobile food vans, and they counted people on the streets. This effort is similar to past censuses. What was different in 2000 was the Census Bureau's very important partnership program, which the chairman and I worked very hard to implement.

As a result of the emphasis in 2000 on partnering with local governments and community groups, the service-based enumeration was qualitatively different than in the past. Local communities devoted considerable time and resources to assisting the Census Bureau in this count. In some cities the local government provided blankets as inducements to get people to cooperate with the census. In other cities, local citizens who knew the city were sworn in and went with the census takers to facilitate the interviews. In nearly all cities, local governments were active partners in this operation. And, in fact, one night the chairman and I went out to count the homeless together with the bureau.

Consequently, those local governments are interested in seeing the results of their efforts. The data provided in the first census data released do not allow governments that opportunity. Instead, it is nearly impossible to sort out the results of this operation from the current data. At one point I was told that the Census Bureau had decided not to release these data because of the poor quality of the data. I am pleased to report that these data will be released in a special report this fall. This amendment is to ensure that sufficient funds are available to produce that report.

I would like to make two other comments about these data: first, there has been some confusion about what these data represent. It is often convenient to call these data "the data on the homeless." Those who advocate on behalf of those who find themselves without adequate shelter bristle at this suggestion, and they are correct in doing so. In the 2000 census, the Census Bureau counted a little more than 280,000 people in shelters and at soup kitchens and on the streets. No one should delude themselves that this is an accurate count of the homeless.

In fact, it was the release of these data in 1990 at the track level that showed just how clearly the count did not represent reality. Here in Washington, D.C., the track that includes the White House and the Capitol, and the stretch of Constitution Avenue and Pennsylvania Avenue in between,

showed a street population of 41. The track adjacent to the White House, which includes McPherson Square, showed a street population of zero. One only has to walk through these areas to understand the inadequacies of these counts.

This is not a good reason to suppress these data. I am pleased that the Census Bureau is issuing a special report on the service-based enumeration. That report can clearly describe just what these data do and do not represent.

Our country is founded on the principle of free and open access to information. We have a long history of struggling against totalitarian regimes that would rather keep their citizens in the dark. It would be a tragic turn of events if our census, which is at the constitutional center of our Federal information system, were not open to the public. Suppressing information should never be a substitute for educating the public.

Mr. Chairman, my amendment reduces the appropriations for other periodic censuses and programs by \$500,000 and increases the appropriations for data content and products by the same amount. I urge my colleagues to support this amendment.

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to the amendment.

Let me read a letter signed by the National Alliance to End Homelessness, the National Coalition for the Homeless, and the National Law Center on Homelessness and Poverty. They say: "We write to express support for the U.S. Census Bureau's decision not to release a separate homeless count in this 2000 census."

□ 1315

National advocates worked closely with the Census Bureau during the planning and implementation of the 2000 Census to help ensure that people without housing would be counted.

We believe that people without housing should be counted by the Census for the same reason that people with housing should be counted.

They also go on to say, however, advocates also urge the Census not to release a separate count. They go on to say, in addition, a separate homeless count would be highly misleading because in most cases homelessness is not a permanent condition but a state of extreme poverty marked by temporary lack of housing. People move in and out of homelessness throughout time such that more people will experience homelessness over the course of time than any other point of time.

So for that reason, the people who know more about this than anybody else, the National Alliance to End Homelessness, the National Coalition for the Homeless and the National Law Center on Homelessness, oppose it. We urge the rejection of the Maloney amendment.

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

I rise in strong support of the Maloney-Kucinich amendment to ensure that the Census Bureau has sufficient funds to produce a special report on the data collected for the 2000 Census from the service because of the enumeration and targeted nonshelter outdoor location programs.

As the gentlewoman from New York (Mrs. MALONEY) explained, for the 2000 census local governments and homeless advocacy groups across the country in a unique partnership with the Census Bureau invested resources in counting Americans sleeping in shelters, eating at soup kitchens and living on the street. The Census Bureau has decided not to show the count of people living in shelters and people living on the streets separately. People counted on the street will be lumped in with people living in other noninstitutional group quarters, which are dormitories or other places that people live that are not operated by the government.

Local governments and community groups expected to learn the results of this collection. However, the data currently provided by the Census Bureau is not in a format useful to local governments. It is encouraging to learn that the Census Bureau would be releasing a special report this fall showing some data collected through the service-based enumeration.

Our amendment will provide adequate funding for the production of the report. I strongly urge the Census Bureau to include in the report all tracked level data collected by the Census Bureau through the targeted nonshelter outdoor locations and other service-based enumeration programs. Only data provided at the local geographic level will enable communities to determine what services are needed by residents of their community.

I would like to clarify that the data gathered on people staying in shelters and living on streets is not intended to be interpreted as an official government count of the homeless. I can understand the concern of some of the national groups who would believe that it would be interpreted as an official count of the homeless. But due to the great difficulty in locating people living on the street, under bridges and in cars, we understand that these figures will not be an accurate count of the homeless. But I think it is important to get some sense of what the Census Bureau was able to find in their surveys.

We owe it to local government and community groups which spent days assisting census takers in this effort to make the information public.

I have been contacted by local homeless advocacy groups in my congressional district in Cleveland, Ohio, urging the release of this data. One group, the Northeast Ohio Coalition for the Homeless, assisted the Census Bureau by holding a service fair to increase the number of homeless people counted. As a publisher of a street newspaper, they support the release of the information

collected by the government. They also believe that the staff hours that went into this count would be an utter waste of time and resources if the results were not published in a forum useful to local communities.

I urge my colleagues to support this amendment and provide your local governments access to the information collected on people living in shelters and on the street.

Homelessness is a serious problem in this country. All of us know that it has many manifestations: people living on the street, people living in cars, people living under bridges, people assigned to homeless shelters, people living in government-sponsored shelter. But for all of the work that the Census Bureau did in its last enumeration, I think it is important and essential that this Congress and the people of the United States have the ability to have the exact data that was gathered by the Census Bureau, to have that information made public.

We actually paid for it. There ought to be freedom of information for the public. Then it is up to us to determine how to interpret that information. But to withhold the information or to say it might be misinterpreted really is to lose an opportunity to get a broader assessment of the picture of homelessness in this country.

Mr. Chairman, I appreciate the opportunity to work with the gentlewoman from New York (Mrs. MALONEY) on this.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding, and I place in the RECORD statements by local homeless advocates who want to see the numbers. I could read it, but I will place it in the RECORD.

#### CENSUS: LOCAL HOMELESS ADVOCATES WHO WANT TO SEE THE NUMBERS

"Who are they safeguarding?" asked Ron Reinhart, director of the Salvation Army's PASS Program in Cleveland. "They don't want people to know what a poor job they did." (Census Keeps Lid on Homeless Numbers, Cleveland, the Plain Dealer, 6-21-01.)

Brian Davis, head of the Northeast Ohio Coalition for the Homeless, helped count the homeless in 1990, when Census officials tried to do it all in one day. He said the 2000 count was much improved, but not without major problems. "It's important to have these numbers," Davis said. "There are 1,600 [shelter] beds in Cleveland. And all the beds are usually full. You should get at least 1,600 homeless people." (Census Keeps Lid on Homeless Numbers, Cleveland, the Plain Dealer, 6-21-01.)

"It really doesn't make any difference to us when the census numbers come out. But it does strike me as being extremely weird," said John Suggs, executive director of the Presbyterian Night Shelter of Tarrant County, near downtown Fort Worth. "They had a lot of people here counting the homeless people inside and outside the shelter. Why do all of that work and not share it with the public?" (After Costly Count, Census Skips Homeless; Report to Reflect Only People in

Shelters, News Section, page 1 Fort Worth Star-Telegram, 6-23-01.)

Tillie Burgin, director of Mission Arlington, also questioned the decision to withhold the numbers. "We don't depend on stats," she said. "However, the folks are expecting whole truths from the census." (After Costly Count, Census Skips Homeless; Report to Reflect Only People in Shelters, News Section, page 1 Fort Worth Star-Telegram, 6-23-01.)

"I'd rather have [the numbers] now. It's almost been a year since we've done it," said Candis Brady, communications director for the 700-bed Shelter for the Homeless in Midway City, Calif. "It could help in getting funding for programs." (Census Policy on Homeless Draws Criticism, Midway City, CA, Associated Press, 6-27-01.)

Leslie Leitch, director of Baltimore's Office of Homeless Services, said she also thought the census was going to release more detailed figures. Now, she said, her city may have to go out and do their own survey of people in soup kitchens and living on the streets. (Census Policy on Homeless Draws Criticism, Baltimore, Associated Press, 6-27-01.)

"Here in Seattle, we worked hard to get people to cooperate with the census, and we would support releasing more information," said D'Anne Mount, spokeswoman for the Seattle strategic planning office. (Numbering the Homeless, Associated Press, 6-29-01.)

Still Tavares [Columbus City Councilwoman] says there has to be a better way. "By not having the numbers, we're missing out on dollars that would come back . . . for homeless programs, child care, funding for education, emergency food services, transportation and many more," Tavares said. "These are living, breathing citizens in our community." (City Won't Get True Homeless Count: Census Numbers to Include Only Those at Shelters, Dispatch.com, 7-17-01.)

Mr. KUCINICH. Reclaiming my time, the gentlewoman is correct. I have a letter here from the Northeast Ohio Coalition for the Homeless which supports the release and the number of people counted during the census as stated in the Maloney-Kucinich amendment to H.R. 2500.

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

Mr. Chairman, I support the Maloney-Kucinich amendment to provide the funds necessary for a special report on the counts from a Census 2000 program called the Service Based Enumeration.

One of the significant improvements in the 2000 census was the way the Census Bureau reached out to local governments to improve the census count. This was good for the census and good for the communities.

Nowhere was that partnership more evident than in the effort to count people who during the census had no usual place to live. Some of those people were sleeping in shelters. Some were sleeping on the street. Some were sleeping in cars or in buildings that the Census Bureau considered vacant, and the census counted those people at soup kitchens and mobile food vans.

To make this count of a special population happen, local governments and community groups donated time, energy and money to the census. In some communities, counting this special population was a major undertaking. In others, it was a modest effort. Most

communities worked with the Census Bureau to make this count happen.

In 1990, Congress worked with the Census Bureau to assure that any time the street and shelter counts were published they were accompanied with the appropriate caution that these numbers should not be taken as a count of the homeless. That was a successful cooperative effort, and to my knowledge those numbers have not been misused.

Nonetheless, some of the groups who advocate on behalf of the homeless worry that the publication of the 2000 census numbers from the street and shelter count will be misused. Consequently, the Census Bureau included those counts with other categories in a way so they could not be separated out.

The acting director of the Census Bureau told me that these numbers would be published in a separate report this fall. This amendment will provide the resources necessary for that special report, and I applaud the Census Bureau for taking this approach. I am sure that this report will contain the same cautions as 1990. These data should not be used as a count of the homeless.

At the same time, the special report will give local governments and community groups a way of evaluating their efforts. We all realize that the 2000 census count is seriously flawed, but the only way to improve on that count is to make it public and to enlist the efforts of all involved in improving those data in the next census.

Mr. Chairman, I ask my colleagues to support this amendment so we can continue to improve uncounted persons with no usual place to live. We cannot bury our heads in the sand and pretend this problem does not exist.

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

Mr. CLAY. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for his support of the Maloney-Kucinich amendment and to point out that all across the Nation we have had homeless advocates who have stated concern about this issue that we have raised.

A Columbus city councilwoman stated, "By not having the numbers, we are missing out on dollars that would come back for homeless programs, child care, funding for education, emergency food services, transportation and many more. These are living, breathing citizens in our community." That was reported on the Columbus Dispatch.com.

Mr. Chairman, D'Anne Mount, spokeswoman for the Seattle Strategic Planning Office, said, "Here in Seattle, we worked hard to get people to cooperate with the census, and we would support releasing more information."

In Baltimore, from the Associated Press, Leslie Leitch, director of Baltimore's Office of Homeless Services, said that she thought that the census was going to release more detailed figures. Now she says her city may have to go out and do their own survey of people in soup kitchens and living on the street.

Mr. Chairman, there is a need for this, and I appreciate the assistance of the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Reclaiming my time, that is what the census is about, how we actually count those in the different communities. As the gentleman said, local governments and community groups want to know how many people actually exist in their communities.

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

Mr. CLAY. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, in Midway City, California, a communications director for a 700-bed shelter for the homeless said it could help in getting funding for the programs. She stated, "I would rather have the numbers now. It has been a year since we have done it."

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

Mr. Chairman, I rise in opposition to the amendment. I commend the gentleman from Ohio for his concern on this issue, because we are concerned about getting the most accurate count on the homeless.

Mr. Chairman, the 2000 census is the most accurate census in the history of this country. We counted almost 99 percent. It is very successful.

On this particular issue, the professionals at the Bureau and the leading advocates on homeless in Washington here are opposed to this amendment. I find it ironic in a way that during the past years of debate with the gentlewoman from New York (Mrs. MALONEY) on issues with respect to the census, she said trust the professionals of the Bureau. Well, let us trust the professionals of the Bureau.

This is not accurate information to release, and that is why the Bureau is opposed to it. Our experience with the 1990 census was that when the numbers are presented in the way that the amendment would require, the homeless population and their service providers are hurt more than they are helped. The people counted during these operations are already included in the population counts for all areas, but it would be misleading to say this is an accurate representation of the homeless population.

In fact, Mr. Chairman, contrary to popular belief, the Census Bureau did not intend to have a, quote, "homeless" count in 1990. However, because of the way the numbers were released in 1990, people thought that the Bureau was releasing a homeless count. Homeless groups were up in arms over the release of this information in 1990. That is why three of the most prominent homeless organizations in the Nation agree with the Census Bureau professionals and would like to see this amendment defeated.

These homeless advocates do not want to see the mistake of 1990 repeated again, a mistake that they believe hurt the homeless cause in our

Nation. These groups, the National Coalition for the Homeless, the National Alliance to End Homelessness and the National Law Center for the Homeless, have written a letter which is available on their website pleading that this information not be released.

They note that we cannot take a snapshot of the homeless population and report it as an accurate number, as is the way that the census enumeration works. That is not to say that these people were widely missed, rather than enumerated in categories that may not lead themselves to be identified as homeless.

In 1990, the Census Bureau released these numbers in the manner described in this amendment. The result was a storm of concerns over the decades from homeless advocates that saw their funding disappear because of what they felt, and the Bureau agreed, was a low estimate of the population making use of these their services.

□ 1330

The Bureau decided to revise their reporting for the 2000 census during the final days of the Clinton administration. They did this in consultation with homeless advocates; and, in fact, the Commerce Secretary's 2000 Census Advisory Committee reported in 1999 that the homeless numbers should not be released in the same manner as 1990 for the reasons mentioned above.

The Bureau currently plans to produce a more informative report on the results of the service-based enumeration and release that report in the fall.

This report will be ready by the fall of 2001 and will provide data on this population at the national level and at a subnational level. This report will also note the limitations of the census in measuring this highly transient population.

We should respect the judgment of the professionals at the Census Bureau and the homeless advocates and not mandate the release of unreliable, inaccurate numbers.

We should defeat this amendment and support the National Alliance to End Homelessness, the National Coalition for the Homeless, and the National Law Census on Homelessness and Poverty. We need to support the homeless. That is the reason this amendment is not appropriate and we should defeat it.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I do rely on the Census Bureau to give us the information. I know that last year as the chairman of the Subcommittee on Census, the gentleman from Florida was very concerned about political manipulation of the census data. I wonder if he would comment on whether or not this situation is an example of political manipulation. The Census Bureau consulted

with a special interest group and then decided not to publish the numbers. This is one homeless group. The gentleman from Ohio (Mr. KUCINICH) and I have a list of other groups that would like this information. What if it had been the NRA? What if it had been NOW? What is the difference?

Mr. MILLER of Florida. Reclaiming my time, since January 20, the election, there is no political appointees at the Census Bureau. They are all professionals. The acting director of the Census Bureau is a career person with the Federal Government. There are no political people at the Census Bureau. This is not a political issue. These are the professionals at the Bureau that say, "Don't release these numbers because they are not accurate numbers." And the professionals say, "We don't have a homeless count."

And so the homeless people do not want to have numbers misinterpreted. They are inaccurate. I trust the professionals in this case. The gentlewoman has always been a big supporter of the professionals. In this case I think we should accept what the professionals are saying. It is not political because there are no political people at the Bureau.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

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

Mrs. MALONEY of New York. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. HASTINGS of Florida:

Page 45, line 21, after the dollar amount, insert the following: "(reduced by \$250,000)".

Page 46, line 16, after the dollar amount, insert the following: "(increased by \$250,000, for a grant to the City of Pahokee, Florida to assist in the dredging on the City Marina)".

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

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

Mr. HASTINGS of Florida. Mr. Chairman, I am willing to concede the point of order and withdraw my amendment, but first I would like to engage in a colloquy with the distinguished chairman of the committee, the gentleman from Virginia; and the distinguished ranking member the gentleman, from New York; and my good friend, the gentleman from Florida (Mr. FOLEY). I thank particularly the chairman and the ranking member for their consider-

ation, mindful of the time constraints that are involved.

For the past year, the entire South Florida community has fallen victim to an ongoing drought. While larger, wealthier communities have been able to survive, smaller, poorer cities and towns have merely scraped by on savings that no longer exist. Without the immediate assistance of the Federal Government, these communities will find themselves facing extinction. Small towns located on the shores of Lake Okeechobee, that my good friend the gentleman from Florida (Mr. FOLEY) and I represent, such as the city of Pahokee, depend on a tourist industry that attracts thousands of recreational boaters, who travel inland from the coasts to enjoy the lake as well as the local restaurants and shops.

In addition, the city's growing commercial fishing industry has come to a standstill. In fact, fishermen's boats are unable to even make it to the water which has evaporated so much that its nearest point of entry is 1½ miles inland. Both recreational and fishing boats docked at Pahokee's city marina now lie on their sides against what used to be the floor of the city's marina.

The City of Pahokee is in dire need of \$250,000 in Federal assistance to dredge the city marina. This project will provide immediate assistance to the businesses that depend on the marina as a deeper marina will be able to recover from the drought at a quicker pace than a shallower one. The State of Florida has agreed to pay for half of the project, but Pahokee is unable to recover the remainder of the costs.

Just this morning, I received a copy of a letter from Florida Governor Jeb Bush urging the Small Business Administration to declare the counties surrounding the gentleman's from Florida (Mr. FOLEY) and my district's area a disaster area. I am confident with the leadership of the gentleman from Virginia and the gentleman from New York I can go home and tell the people of Pahokee that help is on the way.

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

Mr. HASTINGS of Florida. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I appreciate the gentleman bringing this issue to our attention. We would want to work with both of the gentlemen from Florida to find the most appropriate way to assist this community.

Mr. HASTINGS of Florida. Reclaiming my time, I thank the gentleman for his kindness and look forward to working with him.

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

Mr. HASTINGS of Florida. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I also appreciate and applaud the good work that the gentleman from Florida has been doing to assist the small communities in his district. I assure him that

I want to help him find the appropriate way to assist this community. I will join the gentleman from Virginia and him in accomplishing this.

Mr. HASTINGS of Florida. Mr. Chairman, reclaiming my time, I thank the gentleman. This issue is a bipartisan issue. It is one that affects the lives of thousands in South Florida.

Mr. Chairman, I yield to my good friend and neighbor, the gentleman from Florida (Mr. FOLEY), who has worked so hard with me to restore the livelihood of those living in the communities around Lake Okeechobee.

Mr. FOLEY. Mr. Chairman, I thank the gentleman from Florida (Mr. HASTINGS) and, of course, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for their participation today. When people think of Palm Beach County, they immediately think of polo fields in Palm Beach and Worth Avenue; but the gentleman from Florida (Mr. HASTINGS) and I well know that the people living in the Glades area are struggling. Lake Okeechobee, the largest lake on the Eastern Seaboard, is in fact experiencing its worst drought in memory.

We are not just talking about Pahokee. We are talking about Okeechobee, Buckhead Ridge, Canal Point, Clewiston, Moore Haven, Harlem, Lakeport, Belle Glade, all people who derive the livelihood and the ability to feed their families from this precious resource, Lake Okeechobee and its tributaries. I salute the gentleman from Florida (Mr. HASTINGS) for coming to the floor today and making this dramatic point of how much we need help. Governor Jeb Bush, as he mentioned, has sent a letter urging our colleagues to join with us in this very important pledge to help these small communities around the lake.

Again I thank both the gentleman from New York (Mr. SERRANO) and the gentleman from Virginia (Mr. WOLF) for their attention to this. And, of course, I commend the gentleman from Florida (Mr. HASTINGS) for bringing this to Congress' immediate attention.

Mr. HASTINGS of Florida. Mr. Chairman, reclaiming my time, I would just like to once again thank the distinguished chairman, the gentleman from Virginia, and the distinguished ranking member, the gentleman from New York, for all their help on this important issue to the people of South Florida. I would also like to thank the gentleman from Florida (Mr. FOLEY) for joining me on the floor today in support of this project. I look forward to working with the gentleman in the coming weeks on this and many other issues affecting the people of South Florida and this Nation.

Finally, I would like to say to the people of Pahokee, help is on the way.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 28 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. 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 Mrs. MALONEY of New York:

Page 48, line 3, after the dollar amount, insert the following: "(increased by \$2,000,000)".

Page 48, line 14, after the dollar amount, insert the following: "(reduced by \$2,000,000)".

Mrs. MALONEY of New York. Mr. Chairman, I rise on behalf of myself and the gentleman from New York (Mr. RANGEL) to amend the fiscal year 2002 appropriations for the U.S. Census Bureau.

The Census Bureau changed the question on Hispanic origin in the 2000 census; and as a result, our ability to measure changes in subgroups of Hispanics has been severely hindered. This amendment is to provide the funds necessary for the Census Bureau to create accurate counts of subgroups of Hispanics from the 2000 census.

In the 2000 census, the question on Hispanic origin had a subtle change from 1990 that produced a profound result. In 1990, the category "other Hispanic" was followed by a line that said, "Print one group, for example, Argentinian, Colombian, Dominican, Nicaraguan, Salvadorian, Spaniard, and so on." In 2000, these groups were given only the instruction, "Print group." As a result, the number of persons who marked "other" and did not write in a particular group went up and the counts for these other Hispanic groups do not reflect the actual increase in population that occurred between 1990 and 2000.

Let me give my colleagues a few examples of the confusion this change caused. The Census Bureau has reported that the population of Hispanics grew by 58 percent between 1990 and 2000. That may be, but the number of Nicaraguans declined almost 15 percent. The number of Panamanians declined from 92,000 in 1990 to 91,000 in 2000. At the same time these groups supposedly declined, the number of "other" Hispanics of which Panamanians and Nicaraguans are a subgroup, grew threefold from 2 million to 6 million.

In short, there are problems with comparing the 1990 and 2000 census data on Hispanics. This problem can be taken care of, to a large extent, by using data on the long form to revise the counts of Hispanic subgroups. This was done in 1990 and could be done again in 2000. The long form collects data on place of birth and ancestry which can be used to augment the Hispanic origin data to provide a more accurate count of Hispanic subgroups. The funds transferred in this amendment should provide ample resources for correcting these data.

Some have suggested that this is an issue that is of interest only to New

York. That is in part because New York's data has been released, and detailed data for other States with large Hispanic population have not yet been released. California, for instance, contains a third of the U.S. Hispanic population and is itself almost a third Hispanic. It is quite likely that when the data for California is released, we will see similar problems there. The data for Texas, which contains almost 7 million Hispanics, have not yet been released. And so we have not yet seen the detail on Hispanic subgroups.

Mr. Chairman, we owe it to the Hispanic groups that worked so hard to make sure that the 2000 census was a good census to provide the best possible data on Hispanic subgroups. I hope that my colleagues will join me in making sure that this happens by supporting the amendment that the gentleman from New York (Mr. RANGEL) and I are putting forward.

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

Mrs. MALONEY of New York. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, what we are trying to do is to get support of not having a recount but in having a more specific classification of the communities that have just been lumped together. As we all know, the Hispanic community is showing the greatest population growth than any other group. A part of our responsibility is not just to count people by a label, no more than we would be comfortable in counting Europeans, not taking into consideration whether they are French or German or Irish; but the most important thing, it would seem to me, is that we should be trying to find some way to get the information that we can more properly allow this group to assimilate into our community, into our country, and to be as productive as they can be.

As we all know, the census data is used not only to designate the type of programs that we want but are used to define what type of school districts we should have, what political subdivisions there should be for those who want to run for city office or State office or indeed the reapportionment for the United States Congress, and should take into consideration the background, culture, and languages of the people that come from that community. So what we are asking is to rearrange it so the resources will be there for the Census Bureau to give us a clearer understanding of who we call Hispanic.

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

Mr. Chairman, I rise in opposition to the amendment. It is also, I can tell Members, a flawed amendment because it does not do anything. It just kind of moves money around without having any kind of stream of thought to it. The amendment would again move funding from various census appropriation accounts to other accounts in a very, very confusing way.

I understand what the gentlewoman and the gentleman are trying to do, but the professionals have made a decision and many believe that this would be the camel's nose under the tent, the slippery slope. Although the 2000 census is considered to be the most accurate in history, it is understandable that some have had some concern. But the professionals would be opposed to this. We really cannot go back. It does not really do anything other than flip money around and back and forth in a very, very confusing way.

□ 1345

So we would urge a strong "no" vote on this amendment.

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

Mr. Chairman, I would yield to the chairman to respond to the question as to whether or not he can see his way clear to at least have in a conference report language as to how beneficial it could be to a community to be identified by who they are, rather than by just some Spanish-speaking Hispanic label.

It just seems to me that the professionals would think that that could be a great addition as we attempt to use the data we have in the best way we can.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of Florida. Mr. Chairman, what we have at issue is the short-form versus the long-form data. The short form, as has been pointed out, was changed slightly from 1990; and when they gave examples, they did not mention Dominican. So it may possibly have affected the number.

There is a question on the long form that asks "place of birth." That data will not be available until 2003. So the problem on the short form is when they filled out the form, if they did not put Dominican, they do not get counted as Dominican. On the long form, if they put Dominican, they will get counted. 2003 will have a new report, but we cannot go back and change what people put down on the short form now.

Mr. RANGEL. Mr. Chairman, reclaiming my time, they never really got an opportunity to ask newcomers into the country, that if you are not of Mexican extraction, if you are not Cuban, and if you are not Puerto Rican, then you just have to be considered as "other."

We have a half a million Dominicans in the United States, almost half in my congressional district, and this is one of the most exciting, vibrant communities that we have. The question has to be, that as proud as they are of being Hispanic, they are more proud of being Dominican.

This is the way we have to conduct the Federal Government. They cannot send out a Spanish-speaking hand. They have to take advantage of their culture, their background, their experi-

ences, and to bring them into society and bring them into politics. If one thinks that makes some sense and has to be worked out, I would appreciate it if the gentleman would consider putting that into some type of report that does not go into conflict with the decision that has been made.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I applaud the gentleman for his statements and would like to point out that the long-form information is available in 2002, not 2003, but 2002; and the professionals in this case made a mistake. They changed the question. They changed the question, and they did not know the effect it would have. Now that we know the effect and the problem that it has caused, we have a chance to go and correct it. That is what this amendment seeks to do.

Let us correct this data so it more properly reflects, in the case that my colleague so eloquently made, the Dominican population in New York and other places in the country.

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

Mr. Chairman, I rise in opposition to the amendment. I understand the goal that we want to make sure we have all the subgroups counted; but let us first of all remember we have the most accurate census in history, and for the Hispanic population, we had a very, very successful census.

I think the Hispanic population deserves a lot of credit for actively participating in working out the census for 2000. The total increase in Hispanic population is 58 percent. We should be very pleased at the success of that. That was the primary goal of the Census Bureau, is to get the best, most accurate number of the Hispanic population, and we did that.

When it gets down to subgroups within that, you are right, there were three groups, Mexican, Puerto Rican or Cuban, listed. But then there was a blank to fill in if one wanted to identify as somebody else. Ninety-five percent of the people filled in something.

The problem is, we cannot retroactively go back and change what 95 percent of the people wrote in. What we will be able to do when this number comes out, whether it is late 2002, or I was told early 2003, there will be a report from the Census Bureau reporting on the long-form data, which only went to one out of every six people. On the long-form data there is a question of birthplace. So we will have a more accurate number for the long-form data.

So this amendment may be well intended, but it sets a dangerous precedent. That is the reason, again, the professionals at the bureau, let us trust the professionals. Do not manipulate the numbers. It would force the Census Bureau to rewrite people's answers in a way that they self-identify themselves

on the short form. This would be unprecedented and change a basic Census Bureau policy.

The overall count on Hispanics is not in question. In fact, it is the best count in history, with a 58 percent increase. The 2000 census is considered the most accurate there is, and especially the Hispanic count. In New York City, the number of Dominicans and other Hispanic subgroups may have been changed as a result of the change in the wording, where "Dominican" was not used as an example, because they wanted to simplify the questionnaire to get the best response for Hispanics overall, so there were no examples shown.

There was a lot of research put into this questionnaire. They did focus groups, they did sample testing of the questionnaire, and the bottom line goal was the best total count for Hispanics.

Now, when we get to the subgroups, that is where this 2002-2003 report will be based on the long form, and that is where I think the most informative information can come on the Dominicans. But we cannot retroactively try to change what people said. Ninety-five percent of the people filled in something there, and you cannot say just because they wrote "Hispanic," they are Dominican. We need to wait for the 2002-2003 report and trust the professionals at the bureau on this issue.

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

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

Mr. CLAY. Mr. Chairman, I stand in support of the Maloney-Rangel amendment to improve the count of Hispanics in the 2000 census. This issue is a very simple one: the Census Bureau changed the question on Hispanic origin from the 1990 questionnaire to a different format on the 2000 questionnaire. As a result, it is difficult to compare the count from some of the subgroups of Hispanics.

The Census Bureau can go a long way towards fixing this problem using data from the long form. This amendment makes sure the money to fix this problem is in the right place.

I am a bit puzzled by those who oppose this amendment. I am, frankly, a bit puzzled about why the Census Bureau has not come up with a plan to fix this problem. Do these people not care about an accurate count on Hispanic groups?

Mr. Chairman, the Census Bureau director, Ken Pruitt, went around the country talking to the American people about how the census was an American celebration. He called it a celebration of our country and our democracy. The census, he told us, is what makes our democracy uniquely American. The American people listened to the director and responded in an unprecedented fashion.

I do not know of a single person in this House or professional census taker

or statistician who predicted that the 2000 census would have the kind of response we witnessed.

Now it is the Government's turn to respond to the people. The numbers for some of the Hispanic groups do not make sense because the Census Bureau changed the question, and the new question changed the way people answered. What is more, the problem can be fixed.

Now is the time for the Census Bureau to show its thanks to the American people for their part in making this one of the best censuses ever by producing the best data ever. The Census Bureau can do the work, and we here in this House can provide the funds to make that happen, or we can turn our backs on the American people and take their cooperation for granted.

If we defeat this amendment, we will be telling the American people that they were taken, once again, by their government and this House of Representatives, for granted.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for his excellent statement, and I would like to just underscore what the change in the question meant. In 1990, 1.9 million Hispanics were classified as "other." In 2000, 6 million Hispanics were classified as "other." That is 17 percent. Why? Because, as my colleague has pointed out and as we well know, the bureau changed the question.

In 2000, according to the Census Bureau, Hispanic population, 17.6 percent of the Hispanic population was classified as "other." That makes "other" the second largest group of Hispanics. Now, only the bureau can tell us how much of this change is a result of changing the question. And why will my colleagues on the other side of the aisle not support our efforts to answer this question? We are merely asking to be able to get this question answered and to direct the resources to make that happen.

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

Mr. Chairman, let us me first open my comments by saying that I do not have to repeat, the record will show I have been totally supportive of full funding the Census Bureau for the last few years; that I have gotten as the ranking member up on this floor and supported not only full funding, but supported the professionals who work at the Census Bureau. So I am clear on that, that this amendment and this conversation and this debate should in no way be seen as an attack. There is no need to defend the professionals at the bureau, because we all respect the work that they do.

However, the point here is that in trying to do the best job possible and in taking into consideration what they

had to do, there were a couple of mistakes made this year. One of them is this issue that the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New York (Mr. RANGEL) so aptly bring up in this amendment that I support, and that is the whole issue that in areas throughout the country, but you take especially an area like New York City, of not giving an opportunity for a Hispanic subgroup to identify themselves, is in fact not gathering the proper information.

I want to make that point clear. This is not about who is pleased with this information. This is not about who we make happy by providing this information. This is about the fact that we funded the census, full force, in the hope that they would get out the best accurate information.

Well, you cannot get the best accurate information if people who would like to identify themselves, again, if you will, a second time, do not get an opportunity to do so. There is the discussion in New York City that there might be up to 150,000 missing Dominican Americans. They are not missing from the Hispanic count as much, although there is an undercount, we know. They are not missing from the New York City or New York State or the national count; but they are missing for purposes of identifying who they are.

While it is true that on this House floor there are many Members who always speak about we are one Nation and should not divide ourselves along certain lines, and we can all agree on that, the census happens to be the one constitutional institution that is supposed to do exactly what some people may not like, which is to go identify you at the national level, at the block level, ethnically, racially, to try to find out who it is living in this country and how we provide services and how we celebrate who we are as a country.

So I support this amendment, in the hope that the Census Bureau, within their large massive funding operation, within the support that they receive from us, they can understand that there was a slight error made here and that they have to be able to deal with that.

I will give you an example: when the first numbers came in, some of the articles in New York said "Puerto Rican community losing ground as other Hispanic community grows in leaps and bounds." I looked at it and said, who is this "other" that is growing so much? Then it dawned on me that "other" was everybody else, and perhaps it may be that those articles were not accurate, because when you break the "others" up, none of them reach the amount that the Puerto Ricans have in New York City. Yet the information given out is that "others" has become this incredible new number that, one, we do not know how to service; two, we do not know where they come from; and, three, we do not know how best to deal with all of their needs.

So if you look at this, you are really not asking for anything that should not have been put forth in the first instance. I would hope that we would realize that in supporting the Maloney-Rangel amendment, we in fact get to the full truth, and that is what the census was supposed to give us in the first place.

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

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Florida.

□ 1400

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding.

Let us clarify what the situation is.

On the short form, the question is, is the person Spanish, Hispanic, Latino, and they check. In 1990, most people either checked Mexican, Puerto Rican or Cuban. Seventy percent of the people filled out the other category. But of that, only 5 percent left are blank. In the "other" category, only 5 percent said "other." Others wrote in, 7 percent of the people wrote in Hispanic. Well, maybe they meant Dominican, but it was not a mistake, by the way, when they removed Dominican, because there are so many different subgroups within the Hispanic population. We have Costa Rican. We have Guatemalan. We have Honduran. We have Nicaraguan, Panamanian, Salvadoran, Ecuadorian, Colombian, Chilean, Bolivian. So we cannot list them all or the form gets too long and then we affect the total response.

We really wanted to get the best response we could. So the Bureau took the three largest subgroups, which are Mexican, Cuban, and Puerto Rican, and then left a blank space: fill it in. But we cannot go back and change what someone put in. If someone wrote in the word "Hispanic," we cannot go back and figure out what the intent is. That is the reason why the long form data, which will be forthcoming in the next year or so, will have more details; and we look forward to that detail, which will have a breakdown for Dominican.

But we cannot change short form data. We cannot read the intent. If someone wrote the word "Spanish" in there, did they mean to say Dominican? Did they mean to say Peruvian? Did they mean to say Chilean? How do we interpret that? We cannot. So the Bureau very intentionally felt that the number one goal was to get the best Hispanic count possible.

I see my colleague from Texas. We had a very successful Hispanic count, and the differential was tremendously improved. So we should rejoice at the success of the census. Part of the reason I think is we kept the simpler form. They pretested this form. They pretested it. They focus-grouped it. They came up with the best form they can to get the best response rate.

So I think right now we should be commanding them and await this report in another year, a year-and-a-half and see what the information is. We should not try to tell the professionals and micromanage here on the floor of the House what they should be doing.

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

Mr. Chairman, I rise in support of the Rangel-Maloney amendment. I think, as someone who represents a community which has a substantial Hispanic population, I can say that I understand the concerns that have been expressed here by my colleagues.

It is a matter of record that in both 1990 and 2000 those who marked that category "other" were asked to write in a particular group; and in 1990, after "other," the questionnaire listed, print one group, for example, Argentinian, Colombian, Dominican, Nicaraguan, El Salvadoran, Spaniard and so on. In 2000, those who marked "other" were only given the instruction: "print group." So, as a result, there were far fewer people who marked that category "other" and, as a result, there were groups that were understated in the 2000 Census.

I think it is really important that we remember that, in addition to the enumerative aspects of this census, there is a matter of pride which is involved. Any time any of us have ever gone to a citizenship ceremony, we see people so proud to be Americans, but at the same time they reserve something deep in terms of an expression of where they came from. We are all Americans. We take pride in that. But we have a right to be able to keep those deeper connections, those cultural connections which also express who we are.

So when the census is designed in such a way that it stops that expression from happening, it really is an offense to so many of the groups that are now part of this wonderful cultural mosaic which is the United States of America. So I think that we need to ask the census to have greater sensitivity in making sure that we have an opportunity to correct this miscounting of Hispanic Americans in the 2000 Census.

So I wanted to express my support for this, but also I think we need to reflect on the underlying cause which animates the concern of all of us expressing our positions here on this amendment. That is, people are celebrating that they are part of this great country, but they deserve to be identified as to the various lands that they have come from.

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

Mr. Chairman, as chairman of the Hispanic Caucus's Task Force on the Census and Civil Rights, I rise in favor and in support of the Maloney-Rangel amendment. Let me explain why, because I believe that I actually bring the truth of all perspectives, in light of

the responsibility and duties that the Caucus has to the Hispanic community in the United States.

The first thing to recognize is that the Hispanic community, in and of itself, reflects tremendous diversity. We are unlike any other community. Therein lies our strength but also some problems, and this is what we are attempting to address.

Let me explain why. It is important to identify the different groups within the Latino and Hispanic communities. Did the census succeed in doing so? The answer is no. Was it intentional? Was it negligence? It does not matter. The result is that we do not have an accurate result.

When we do not have an accurate result, we do not have usable information. The gentleman from Florida (Mr. MILLER) knows exactly what I am talking about because I think we see eye to eye on 90 percent of the issues when it comes to the census. One of the issues is accuracy, but the other was the utilitarian part of it, and that is how we use this information.

It is not just the United States Government and every level of government under the Federal Government that uses it, but it is the private sector, trying to identify the needs of certain communities within the big, all-encompassing Hispanic community in the United States. Therefore, it is important to make sure that the subcategories, the subgroups are identified, because the needs are truly different.

No one understands that, when I try to tell individuals, we are not just Latinos. If you take someone of Mexican dissent, it is totally different than someone from Puerto Rico or the Dominican Republic or from Colombia. That is just the way it is. But this is America today, and that is the reality.

So what does this amendment really seek to do? I do not believe, as has been characterized in the debate today, that it attempts to change any of the information. What we are asking is to take existing information and, from that, glean and analyze and come up with a better result. This is not a major overhaul, a wholesale overhaul of information, and no one should misinterpret it that way.

The amendment requires the Bureau of the Census to report to Congress on possible adjustments to the data and a diagnosis of how many people may have been misclassified by the rewriting of the census form. With these reports, we can determine how best to use the data we have and how we can avoid such confusion in the future.

What I am afraid of, and it has been mischaracterized and, again, I do not think intentionally, I think everyone questions everybody's motives when we come up and want to do something with this information. We are looking at accuracy. We are looking at the usefulness of the information. Otherwise, we may have the numbers, we may have succeeded in identifying more people and having more people respond

to the census, but it will be of no use. We will not be able to use that information. We must identify those contributions that certain individuals can make within the Hispanic community but, more importantly, what are the needs of these individuals that reside in this great Nation of ours.

Mr. REYES. Mr. Chairman, I rise today in support of the Maloney-Rangel amendment to improve the accuracy of the Hispanic census count.

Compared to the 1990 census, the 2000 census changed the way it asked Hispanics to identify their country of origin. In both censuses, individuals were asked to identify their Hispanic origin as Mexican, Puerto Rican, Cuban, or other. The way the "other" category was treated is what changed. In both 1990 and 2000, those who marked other were asked to write in a particular group. In 1990, after "other," the questionnaire listed "Print one group, for example: Argentinian, Colombian, Dominican, Nicaraguan, Salvadorian, Spaniard, and so on." In 2000, those who marked other were only given the instruction "Print group." The result of this was that far fewer people who marked "other" wrote in a group, and the count of groups like Colombians and Dominicans is understated in the 2000 census.

The Moloney-Rangel amendment will enable the Census Bureau to conduct a report on what the census results would have likely been, had the question been phrased the same way it was in 1990. This will provide us with useful, supplemental information about the Hispanic population.

The Hispanic community is becoming increasingly diverse. Having accurate information about the diversity of the Hispanic population will enable us to better target resources that are culturally sensitive to these communities. It is important to remember that the Hispanic community is not homogeneous. For example, the best way to communicate and reach out to Mexican-Americans is not the same as the best, most effective way to reach out to Dominican-Americans. This is why we should enable the Census Bureau to conduct a study and provide the public with information that gives us a better understanding of the true diversity within the Hispanic community.

Hispanics deserve to be accurately counted. As Chairman of the Congressional Hispanic Caucus, I therefore support the Maloney-Rangel amendment and urge all my colleagues to do the same.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

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

Mrs. MALONEY of New York. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) will be postponed.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MILLER of Florida) having assumed the

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

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

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2500 in the Committee of the Whole, pursuant to House Resolution 192 and the order of the House of July 17, 2001, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment); and amendments numbered 1, 8, 19, 36, 34, 5, 33, 38, 17, 20, 22, 24, 25, 35, 10, 11, and 40 shall be debatable only for 10 minutes, equally divided and controlled by the proponent and an opponent.

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

Mr. SERRANO. Mr. Speaker, reserving my right to object, and I will not object; we certainly worked this out and I am fine with it, this side is fine with it. I just wanted to clarify one point.

This covers, obviously, these amendments; and all other amendments then are still under the 5-minute rule, under the original rule?

Mr. WOLF. Mr. Speaker, if the gentleman will yield, that is correct.

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

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

There was no objection.

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

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

□ 1411

**IN THE COMMITTEE OF THE WHOLE**

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R.

2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a request for a recorded vote on Amendment No. 28 by the gentlewoman from New York (Mrs. MALONEY) had been postponed and the bill was open for amendment from page 47, line 20 through page 48, line 9.

Pursuant to the order of the House of today, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment); and amendments numbered 1, 8, 19, 36, 34, 5, 33, 38, 17, 20, 22, 24, 25, 35, 10, 11, and 40 shall be debatable only for 10 minutes, equally divided and controlled by a proponent and an opponent.

The Clerk will read.

The Clerk read as follows:

In addition, for expenses related to planning, testing, and implementing the long-form transitional database for the 2010 decennial census, \$65,000,000.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, \$171,138,000, to remain available until expended: *Provided*, That regarding engineering and design of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this Act or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

**NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION SALARIES AND EXPENSES**

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$13,048,000, 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, \$43,466,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$2,358,000 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, \$15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$3,097,000 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. 3796n) 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.

**UNITED STATES PATENT AND TRADEMARK OFFICE SALARIES AND EXPENSES**

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$846,701,000, to remain available until expended, which amount 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*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2002, should the total amount of offsetting fee collections be less than \$846,701,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: *Provided further*, That an