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House of Representatives

□ 1400

CONFERENCE REPORT ON H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. YOUNG of Florida. Mr. Speaker, pursuant to a previous order of the House, I call up the conference report to accompany the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the order of the House of Monday, July 22, 2002, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of July 19, 2002 at page H 4935.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying H.R. 4775, and that I may include tabular and extraneous material.

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

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the House the conference report on the 2002 supplemental appropriations bill. This is a war-time supplemental to add further to our efforts to respond to the terrorist attacks on September 11, to provide necessary funding to pursue the al Qaeda, to secure America, and to support further recovery from the vicious attack on September 11 of last year.

On May 24, almost 2 months ago, the House passed this version of this supplemental by a vote of 280 to 138. Two weeks later, the Senate passed its version of the bill. Over the past month and a half, we have worked diligently to address the differences in the House and Senate bills. The agreement being presented here to the House today is a fair bill that provides the funding that President Bush has requested as he leads our Nation against terrorism.

Mr. Speaker, this is a tremendously important bill, and I would again like to state that this is a wartime supplemental appropriations bill. It provides money for our troops, our intelligence community, our safety and security, the victims of New York, and to promote U.S. foreign policy.

The bill totals \$28.9 billion in discretionary spending; \$15 billion of that is

for the Defense Department, including additional funds for the call-up of the Guard and Reserves as they were called to active duty to respond to September 11; \$6.7 billion is for homeland security requirements; \$2.1 billion is for foreign assistance and embassy security programs; and \$5.5 billion is to further support recovery in New York.

The bill also includes \$1 billion in funds to avert the estimated shortfalls in the Pell Grant student aid program. It includes \$417 million for veterans' medical care, \$205 million for Amtrak, \$400 million for programs and activities to improve general election administration in our country, and \$100 million to begin to address the need to respond to floods and the tremendous fires that our Nation has experienced and is still experiencing.

The committee has identified \$3 billion in offsets to help pay for much of the new spending contained in the bill. These offsets are real, they are actual offsets; they are not smoke and mirrors.

It is a good bill, and I hope we can get it to the President's desk as soon as possible so that our soldiers, our diplomats, our law enforcement, and our intelligence officers can have the resources they need to protect our country from future attacks. At this point in the RECORD I will insert a table identifying the details of the conference report.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H.R. 4775 - SUPPLEMENTAL APPROPRIATIONS ACT, 2002

(Amounts in Thousands)						
Supplemental Request	House	Senate	Conference	Conference House	Conference Senate	Conference versus Senate
CHAPTER 1						
DEPARTMENT OF AGRICULTURE						
Office of the Secretary (contingent emergency).....	--	18,000	18,000	+18,000	--	--
Agricultural Research Service						
Salaries and expenses (contingent emergency).....	--	16,000	8,000	+8,000	--	-8,000
Buildings and facilities.....	--	50,000	25,000	+25,000	--	-25,000
Cooperative State Research, Education, and Extension Service						
Extension activities (contingent emergency).....	--	16,000	6,000	+6,000	--	-10,000
Animal and Plant Health Inspection Service						
Salaries and expenses (contingent emergency).....	10,000	60,000	33,000	+23,000	--	-27,000
Food Safety and Inspection Service						
Food Safety and Inspection Service (contingent emergency).....	2,000	15,000	13,000	+11,000	--	-2,000
Natural Resources Conservation Service						
Watershed Rehabilitation Program (rescission).....	-9,000	--	--	--	--	--
Watershed and Flood Prevention Operations.....	--	73,000	94,000	+94,000	--	+21,000
Contingent emergency.....	--	27,000	50,000	+50,000	--	+23,000
Rural community advancement program (contingent emergency).....	--	25,000	20,000	+20,000	--	-5,000
Rural Utilities Service						
Local Television Loan Guarantee program account.....	--	20,000	8,000	+8,000	--	-12,000
Rescission.....	--	-20,000	-20,000	-20,000	--	--
Food and Nutrition Service						
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).....	75,000	75,000	75,000	--	--	--
Food Stamp program (rescission).....	--	-33,000	-24,000	-24,000	--	+9,000

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(Amounts in Thousands)					
	Supplemental Request	House	Senate	Conference	Conference versus House Senate
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses (contingent emergency).....	---	18,000	---	17,000	-1,000 +17,000
General Provisions					
Export Enhancement Program (limitation) (sec. 101)....	---	-450,000	---	-445,000	+5,000 -445,000
Agriculture Assistance.....	---	---	---	10,000	+10,000 +10,000
Contingent emergency.....	---	---	10,000	---	-10,000 -10,000
Total, chapter 1.....	66,000	-345,000	352,000	-112,000	+233,000 -464,000
CHAPTER 2					
DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses.....	---	---	2,000	---	---
Emergency.....	5,750	5,750	---	5,750	---
Contingent emergency.....	---	---	184,550	1,000	+1,000 -183,550
Legal Activities					
United States Attorneys (contingent emergency).....	---	---	5,200	---	---
Rescission.....	---	---	-7,000	-7,000	-7,000 -5,200
United States Marshals Service:					
Salaries and expenses (contingent emergency).....	---	1,000	---	37,900	+36,900 +37,900
Rescission.....	---	---	-2,100	---	---
Federal prisoner detention (rescission).....	---	---	---	-30,000	-30,000 -30,000
Assets forfeiture fund (rescission).....	---	---	---	-5,000	-5,000 -5,000
Federal Bureau of Investigation					
Salaries and expenses (emergency).....	10,000	10,000	---	10,000	---
Contingent emergency.....	---	102,000	75,500	165,000	+63,000 +89,500
Immigration and Naturalization Service					
Enforcement and Border Affairs: Salaries and expenses (emergency).....	35,000	35,000	---	35,000	---
Contingent emergency.....	---	40,000	35,000	46,250	+6,250 +11,250
Construction (contingent emergency).....	---	---	84,000	32,100	+32,100 -51,900
Federal Prison System					
Buildings and facilities (rescission).....	---	---	-30,000	-5,000	-5,000 +25,000
Office of Justice Programs					
Election Reform Grant Program.....	---	---	450,000	---	---

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(Amounts in Thousands)						
	Supplemental Request	House	Senate	Conference	Conference House	Conference Senate
Justice assistance (emergency).....	---	175,000	---	---	-175,000	---
Contingent emergency.....	---	---	---	151,300	+151,300	+151,300
Rescission.....	---	---	-4,000	-600	-600	+3,400
COPS Interoperability (contingent emergency).....	---	---	85,000	50,000	+50,000	-35,000
DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
RELATED AGENCIES						
Office of the United States Trade Representative						
Salaries and expenses (contingent emergency).....	---	1,100	---	1,100	---	+1,100
European Communities Music Licensing Dispute.....	3,300	---	---	---	---	---
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration (contingent emergency)...	---	---	1,725	---	---	-1,725
Export Administration						
Operations and Administration (emergency).....	8,700	---	---	---	---	---
Contingent emergency.....	---	---	8,700	---	---	-8,700
Bureau of the Census						
Periodic Censuses and Programs (rescission).....	---	---	-20,900	-11,300	-11,300	+9,600
National Institute of Standards and Technology						
Scientific and Technical Research and Services						
(emergency).....	4,000	4,000	---	4,000	---	+4,000
Contingent emergency.....	---	---	84,600	33,100	+33,100	-51,500
National Oceanic and Atmospheric Administration						
Operations, research, and facilities.....	---	---	26,400	2,000	+2,000	-24,400
Contingent emergency.....	---	---	2,800	2,800	+2,800	---
Rescission.....	---	---	---	-8,100	-8,100	-8,100
Procurement, acquisition and construction:						
Contingent emergency.....	---	---	7,200	7,200	+7,200	---
Rescission.....	---	---	-8,100	---	---	+8,100
Fisheries Finance Program Account (limitation on direct loans).....	(24,000)	(24,000)	(24,000)	(24,000)	---	---
Negative subsidy.....	-3,000	-3,000	-3,000	-3,000	---	---
Departmental Management						
Salaries and expenses (emergency).....	400	400	---	400	---	+400
Contingent emergency.....	---	---	400	---	---	-400

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	(Amounts in Thousands)					Conference House	Conference Senate
	Supplemental Request	House	Senate	Conference			
THE JUDICIARY							
Supreme Court of the United States							
Care of the Buildings and Grounds (emergency).....	10,000	10,000	--	10,000	--	+10,000	
Contingent emergency.....	--	--	10,000	--	--	-10,000	
United States Courts of Appeals for the Federal Circuit							
Salaries and expenses (emergency).....	857	--	--	--	--	--	
Courts of Appeals, District Courts, and Other Judicial Services							
Salaries and expenses (emergency).....	3,143	3,143	--	3,143	--	+3,143	
Contingent emergency.....	--	3,115	9,684	3,972	+857	-5,712	
DEPARTMENT OF STATE AND RELATED AGENCY							
DEPARTMENT OF STATE							
Administration of Foreign Affairs							
Diplomatic and Consular Programs (emergency).....	51,050	51,050	--	47,450	-3,600	+47,450	
Contingent emergency.....	--	--	38,300	--	--	-38,300	
Capital Investment Fund (emergency).....	2,500	--	--	--	--	--	
Educational and Cultural Exchange Programs (emergency)	10,000	10,000	--	10,000	--	+10,000	
Contingent emergency.....	--	10,000	9,000	5,000	-5,000	-4,000	
Embassy Security, Construction, and Maintenance (emergency).....	200,516	200,516	--	200,516	--	+200,516	
Contingent emergency.....	--	--	210,516	10,000	+10,000	-200,516	
Emergencies in the Diplomatic and Consular Service (emergency).....	8,000	--	--	--	--	--	
International Organizations and Conferences							
Contributions to International Organizations							
(emergency).....	7,000	7,000	--	7,000	--	+7,000	
Contingent emergency.....	--	--	7,000	--	--	-7,000	
Contributions For International Peacekeeping							
Activities (emergency).....	43,000	43,000	--	23,034	-19,966	+23,034	
Rescission.....	--	--	-48,000	--	--	+48,000	

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(Amounts in Thousands)						
	Supplemental Request	House	Senate	Conference	Conference House	Conference Senate
RELATED AGENCY						
Broadcasting Board of Governors						
International Broadcasting Operations (emergency).....	7,400	7,400	---	7,400	---	+7,400
Contingent emergency.....	---	---	7,400	---	---	-7,400
Broadcasting capital improvements.....	---	---	---	7,700	+7,700	+7,700
Contingent emergency.....	---	7,700	---	---	-7,700	---
RELATED AGENCIES						
Department of Transportation						
Maritime Administration						
Maritime guaranteed loan (Title XI) program account rescission.....	---	---	---	-5,000	-5,000	-5,000
Securities and Exchange Commission						
Salaries and expenses.....	20,000	20,000	20,000	30,900	+10,900	+10,900
Contingent emergency.....	---	9,300	9,300	9,300	---	---
GENERAL PROVISIONS						
Industrial Technology Services (sec. 201).....	---	---	---	---	---	---
New England fishery (sec. 210).....	---	---	11,000	11,000	+11,000	---
Northeast fishery (sec. 211).....	---	---	5,000	5,000	+5,000	---
Total, chapter 2.....	427,616	753,474	1,267,175	901,315	+147,841	-365,860
CHAPTER 3						
DEPARTMENT OF DEFENSE - MILITARY						
Military Personnel						
Military Personnel, Air Force (emergency).....	206,000	206,000	206,000	206,000	---	---
Operation and Maintenance						
Operation and Maintenance, Army (emergency).....	107,000	107,000	107,000	107,000	---	---
Contingent emergency.....	---	119,000	---	102,000	-17,000	+102,000
Operation and Maintenance, Navy (emergency).....	36,500	36,500	36,500	36,500	---	---
Contingent emergency.....	---	17,250	---	12,250	-5,000	+12,250
Operation and Maintenance, Air Force (emergency).....	41,000	41,000	41,000	41,000	---	---
Contingent emergency.....	---	19,500	---	24,510	+5,010	+24,510
Operation and Maintenance, Defense-Wide (emergency)...	739,000	739,000	739,000	721,975	-17,025	-17,025
Contingent emergency.....	---	12,975	---	---	-12,975	---
Defense Emergency Response Fund (emergency).....	11,300,000	11,300,000	11,300,000	11,300,000	---	---
Contingent emergency.....	---	1,393,972	---	601,900	-792,072	+601,900
Total, Operation and maintenance.....	12,223,500	13,786,197	12,223,500	12,947,135	-839,062	+723,635

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(Amounts in Thousands)						
	Supplemental Request	House	Senate	Conference	Conference House	Conference versus Senate
Procurement						
Other Procurement, Army (emergency).....	79,200	79,200	79,200	79,200	---	---
Aircraft Procurement, Navy (emergency).....	22,800	22,800	22,800	22,800	---	---
Procurement of Ammunition, Navy and Marine Corps (emergency).....	262,000	262,000	262,000	262,000	---	---
Other Procurement, Navy (emergency).....	2,500	2,500	2,500	2,500	---	---
Procurement, Marine Corps (emergency).....	3,500	3,500	3,500	3,500	---	---
Aircraft Procurement, Air Force (emergency).....	93,000	93,000	93,000	93,000	---	---
Contingent emergency.....	---	36,500	---	25,000	-11,500	+25,000
Procurement of Ammunition, Air Force (emergency).....	115,000	115,000	115,000	115,000	---	---
Other Procurement, Air Force (emergency).....	752,300	735,340	752,300	747,840	+12,500	-4,460
Procurement, Defense-Wide (emergency).....	99,500	99,500	99,500	99,500	---	---
Non-emergency.....	---	4,925	---	---	-4,925	---
Contingent emergency.....	---	---	---	4,925	+4,925	+4,925
Total, Procurement.....	1,429,800	1,454,265	1,429,800	1,455,265	+1,000	+25,465
Research, Development, Test and Evaluation						
RDT&E, Army (emergency).....	8,200	8,200	8,200	8,200	---	---
RDT&E, Navy (emergency).....	19,000	9,000	19,000	9,000	---	-10,000
RDT&E, Air Force (emergency).....	60,800	60,800	60,800	60,800	---	---
Contingent emergency.....	---	39,000	---	137,600	+98,600	+137,600
RDT&E, Defense-Wide (emergency).....	74,700	52,000	74,700	67,000	+15,000	-7,700
Contingent emergency.....	---	20,000	---	---	-20,000	---
Total, Research, Development, Test & Evaluation.....	162,700	189,000	162,700	282,600	+93,600	+119,900
General Provisions						
General Transfer Authority..... (1,000,000)	---	---	---	---	---	---
MH-47 Helicopters (contingent emergency) (sec. 308)...	---	93,000	---	---	-93,000	---
Chemical Demil (contingent emergency) (sec. 306).....	---	100,000	---	75,000	-25,000	+75,000
Rescissions (sec. 307).....	---	-59,000	---	-163,100	-104,100	-163,100
Defense emergency response fund (rescission of emergency funds) (sec. 312).....	---	---	---	-224,000	-224,000	-224,000
Revised economic assumptions (rescission) (sec. 313)...	---	---	---	-226,000	-226,000	-226,000
Total, chapter 3.....	14,022,000	15,769,462	14,022,000	14,352,900	-1,416,562	+330,900

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Senate
CHAPTER 4						
DISTRICT OF COLUMBIA						
Federal payment to the Children's National Medical Center (contingent emergency).....	--	--	13,770	10,000	+10,000	-3,770
Federal payment to the District of Columbia (contingent emergency).....	--	--	24,730	23,000	+23,000	-1,730
Federal payment to the Washington Metropolitan Area Transit Authority (contingent emergency).....	--	--	25,000	8,000	+8,000	-17,000
Federal Payment to the Washington Metropolitan Area Council of Governments (contingent emergency)...	--	--	1,750	1,750	+1,750	--
Federal Payment to the Water and Sewer Authority of the District of Columbia (contingent emergency).....	--	--	3,000	1,250	+1,250	-1,750
Federal Payment for Family Court Act (rescission).....	--	--	--	-700	-700	-700
Federal Payment for Family Court Act.....	--	--	--	700	+700	+700
DISTRICT OF COLUMBIA FUNDS						
Public safety and justice (rescission).....	--	--	(-100)	(-100)	(-100)	--
Corrections Information Council.....	--	--	(100)	(100)	(+100)	--
Public education system (rescission).....	--	(-37,000)	(-37,000)	(-37,000)	--	--
Human Support Services:						
Child and Family Services Agency.....	--	(11,000)	(11,000)	(11,000)	--	--
Department of Mental Health.....	--	(26,000)	(26,000)	(26,000)	--	--
Repayment of loans and interest (rescission).....	--	(-7,950)	(-7,950)	(-7,950)	--	--
Certificates of participation.....	--	(7,950)	(7,950)	(7,950)	--	--
Total, chapter 4.....	--	--	68,250	44,000	+44,000	-24,250

H.R. 4775 - SUPPLEMENTAL APPROPRIATIONS ACT, 2002

(Amounts in Thousands)						
Supplemental Request	House	Senate	Conference	Conference House	Conference Senate	
CHAPTER 5						
DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
Flood control, Mississippi River and tributaries (by transfer/contingent emergency).....	--	(6,500)	--	--	(-6,500)	
Operation and Maintenance, General.....	--	10,000	32,000	+32,000	+22,000	
Contingent emergency.....	--	22,000	108,200	-20,200	+86,200	
DEPARTMENT OF THE INTERIOR						
Bureau of Reclamation						
Water and related resources (sec. 504).....	--	3,000	7,000	+7,000	+4,000	
DEPARTMENT OF ENERGY						
Energy Programs						
Science (contingent emergency).....	--	--	24,000	-5,000	+24,000	
National Nuclear Security Administration						
Weapons Activities (emergency).....	19,400	--	19,400	--	+19,400	
Rescission.....	--	--	-14,460	-14,460	-14,460	
Contingent emergency.....	--	181,650	138,650	+32,650	-43,000	
Defense Nuclear Nonproliferation.....	--	--	100,000	+100,000	+100,000	
Contingent emergency.....	--	100,000	--	-5,000	-100,000	
Office of the Administrator (contingent emergency)....	--	1,750	1,750	+1,750	--	
Environmental and Other Defense Activities						
Defense environmental restoration and waste management (contingent emergency).....	--	67,000	56,000	-11,000	+16,000	
Rescission.....	--	--	-15,540	-15,540	-15,540	
Defense facilities closure projects (contingent emergency).....	--	--	14,000	-2,600	+14,000	
Other Defense Activities (emergency).....	7,000	--	7,000	--	+7,000	
Contingent emergency.....	--	7,000	--	--	-7,000	
GENERAL PROVISIONS						
DEPARTMENT OF ENERGY						
Department-wide non-defense (rescission) (sec. 501)....	--	-30,000	--	--	+30,000	
Total, chapter 5.....	26,400	378,400	478,000	+99,600	+142,600	

H.R. 4775 - SUPPLEMENTAL APPROPRIATIONS ACT, 2002

(Amounts in Thousands)						
Supplemental Request	House	Senate	Conference	House	Senate	Conference versus House
CHAPTER 6						
BILATERAL ECONOMIC ASSISTANCE						
Funds Appropriated to the President						
United States Agency for International Development						
Child Survival and Health Programs Fund (contingent emergency).....	200,000	200,000	200,000	---	---	---
Transfer out (contingent emergency).....	---	---	(-6,000)	(-6,000)	(-6,000)	(-6,000)
International Disaster Assistance (emergency).....	40,000	---	40,000	40,000	40,000	40,000
Contingent emergency.....	190,000	150,000	144,000	-46,000	-6,000	-6,000
Operating Expenses of the United States Agency for International Development (emergency).....	7,000	---	7,000	---	---	+7,000
Contingent emergency.....	---	5,000	---	---	---	-5,000
By transfer (contingent emergency).....	---	---	(6,000)	(+6,000)	(+6,000)	(+6,000)
Other Bilateral Economic Assistance						
Economic Support Fund (emergency).....	460,000	---	465,000	+5,000	+465,000	+465,000
Contingent emergency.....	250,000	700,000	200,000	-50,000	-500,000	-500,000
Transfer out (contingent emergency).....	---	(-200,000)	(-200,000)	(-200,000)	(-200,000)	(-200,000)
Assistance for the Independent States of the Former Soviet Union (emergency).....	110,000	---	110,000	---	---	+110,000
Contingent emergency.....	---	110,000	---	---	-110,000	-110,000
Department of State						
International Narcotics Control and Law Enforcement (emergency).....	114,000	---	114,000	-6,000	+114,000	+114,000
Contingent emergency.....	---	104,000	3,000	+3,000	-101,000	-101,000
Migration and refugee assistance.....	---	50,000	---	---	-50,000	-50,000
Contingent emergency.....	10,000	---	40,000	+30,000	+40,000	+40,000
Nonproliferation, Anti-Terrorism, Demining and Related Programs (emergency).....	83,000	---	83,000	---	+83,000	+83,000
Contingent emergency.....	---	93,000	5,000	+5,000	-88,000	-88,000
By transfer (contingent emergency).....	---	(200,000)	(200,000)	(+200,000)	(+200,000)	(+200,000)
MILITARY ASSISTANCE						
Funds Appropriated to the President						
Foreign Military Financing Program (emergency).....	372,500	---	357,000	-9,500	+357,000	+357,000
Contingent emergency.....	---	347,500	30,000	+30,000	-317,500	-317,500
Peacekeeping Operations (emergency).....	28,000	---	20,000	---	+20,000	+20,000
Contingent emergency.....	---	20,000	---	---	-20,000	-20,000

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House	Senate
MULTILATERAL ECONOMIC ASSISTANCE						
Funds Appropriated to the President						
Special Payments to the International Financial						
Institutions (rescission).....	-157,000	-159,000	-159,000	-159,000	---	---
GENERAL PROVISIONS						
Rescission (sec. 602).....	---	-60,000	---	-60,000	---	-60,000
Rescission (sec. 604).....	---	---	-75,000	-50,000	-50,000	+25,000
Total, chapter 6.....	1,122,500	1,597,500	1,545,500	1,549,000	-48,500	+3,500
CHAPTER 7						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of Lands & Resources (contingent emergency)	---	658	---	658	---	+658
United States Fish and Wildlife Service						
Resource management (contingent emergency).....	---	1,443	412	1,038	-405	+626
Construction (contingent emergency).....	---	---	3,125	3,125	+3,125	---
National Park Service						
Operation of the National Park System (contingent emergency).....	---	1,173	---	1,173	---	+1,173
Construction (contingent emergency).....	---	19,300	17,651	17,651	-1,649	---
United States Geological Survey						
Surveys, investigations, and research (contingent emergency).....	---	25,700	26,776	26,000	+300	-776
Bureau of Indian Affairs						
Operation of Indian programs (contingent emergency)...	---	134	---	134	---	+134
Rescission.....	-10,000	-5,000	-10,000	-10,000	-5,000	---
Indian trust fund management litigation.....	---	---	---	---	---	---
Departmental Offices						
Departmental Management: Salaries and expenses (contingent emergency).....	---	905	7,030	905	---	-6,125

H.R. 4775 - SUPPLEMENTAL APPROPRIATIONS ACT, 2002

	Supplemental Request	House	Senate	Conference	Conference versus House Senate
(Amounts in Thousands)					
RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Wildland fire management (contingent emergency).....	--	--	--	50,000	+50,000
Capital improvement and maintenance (contingent emergency).....	--	--	3,500	3,500	+3,500
OTHER RELATED AGENCIES					
Smithsonian Institution					
Salaries and expenses (contingent emergency).....	--	11,000	--	10,000	-1,000
Construction (contingent emergency).....	--	2,000	2,000	2,000	--
Total, chapter 7.....	-10,000	57,313	50,494	106,184	+48,871
CHAPTER 8					
DEPARTMENT OF LABOR					
Employment and Training Administration					
Training & Employment Services (contingent emergency).....	750,000	300,000	400,000	--	-300,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Health Resources and Services Administration					
Health Resources and Services (rescission).....	-20,000	--	--	--	--
Centers for Disease Control and Prevention					
Disease Control, Research and Training (contingent emergency).....	--	1,000	315,000	1,000	-314,000
National Institutes of Health					
Buildings and facilities (contingent emergency).....	--	--	72,000	--	-72,000
Rescission.....	-30,000	-30,000	-30,000	-30,000	--
Administration for Children and Families					
Children and Families Services Programs (contingent emergency).....	--	500	--	500	+500
Office of the Secretary					
Public Health and Social Services Emergency fund					
Contingent emergency.....	--	--	90,000	90,000	+90,000
					--

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(Amounts in Thousands)						
	Supplemental Request	House	Senate	Conference	Conference House	Conference Senate
DEPARTMENT OF EDUCATION						
Student financial assistance.....	1,276,000	1,000,000	---	1,000,000	---	+1,000,000
Contingent emergency.....	---	---	1,000,000	---	---	-1,000,000
General Provisions						
Administrative costs (rescission).....	---	---	-45,000	-45,000	-45,000	---
Total, chapter 8.....	1,976,000	1,271,500	1,802,000	1,016,500	-255,000	-785,500
CHAPTER 9						
LEGISLATIVE BRANCH						
House of Representatives						
Committee Employees						
Standing Committees, Special and Select.....	---	1,600	---	1,600	---	+1,600
Library of Congress						
Copyright Office: Salaries and expenses.....	---	---	---	7,500	+7,500	+7,500
Emergency.....	7,500	7,500	---	---	-7,500	---
Contingent emergency.....	---	---	7,500	---	---	-7,500
Joint Items						
Capitol Police Board						
Capitol Police						
General expenses.....	---	---	---	16,100	+16,100	+16,100
Contingent emergency.....	---	16,100	3,600	---	-16,100	-3,600
Government Printing Office						
Congressional printing and binding.....	5,875	---	---	---	---	---
Government Printing Office revolving fund.....	2,000	---	---	---	---	---
Total, chapter 9.....	15,375	25,200	11,100	25,200	---	+14,100
CHAPTER 10						
DEPARTMENT OF DEFENSE						
Military construction, Air Force (contingent emergency).....	---	8,505	---	7,250	-1,255	+7,250
Military construction, Defense-wide (contingent emergency).....	---	21,500	---	21,500	---	+21,500
Total, chapter 10.....	---	30,005	---	28,750	-1,255	+28,750

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference House	Conference Senate
CHAPTER 11						
DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Transportation Administrative Service Center						
(obligation limitation).....	(128,123)	(128,123)	(128,123)	(128,123)	---	---
Transportation Security Administration						
Salaries and expenses (emergency).....	3,370,000	2,305,000	---	3,370,000	+1,065,000	+3,370,000
Contingent emergency.....	---	1,545,000	4,702,525	480,200	-1,064,800	-4,222,325
	3,370,000	3,850,000	4,702,525	3,850,200	+200	-852,325
U.S. Coast Guard						
Operating Expenses (emergency).....	189,000	189,000	---	189,000	---	+189,000
Contingent emergency.....	---	21,000	318,400	11,000	-10,000	-307,400
	189,000	210,000	318,400	200,000	-10,000	-118,400
Acquisition, Construction, & Improvements (emergency).						
Vessels (emergency).....	66,000	66,000	---	66,000	---	+66,000
Other equipment (emergency).....	---	---	---	(26,100)	(+26,100)	(+26,100)
Shore facilities (emergency).....	---	---	---	(27,729)	(+27,729)	(+27,729)
Contingent emergency.....	---	---	---	(12,171)	(+12,171)	(+12,171)
Vessels (contingent emergency).....	---	12,000	347,700	262,000	+250,000	-85,700
Aircraft (contingent emergency).....	---	---	---	(12,000)	(+12,000)	(+12,000)
Shore facilities (contingent emergency).....	---	---	---	(200,000)	(+200,000)	(+200,000)
	66,000	78,000	347,700	328,000	+250,000	-19,700
Federal Aviation Administration						
Operations:						
Contingent emergency.....	---	---	100,000	42,000	+42,000	-58,000
Transfer authority.....	(100,000)	(25,000)	---	(33,000)	(+8,000)	(+33,000)
Facilities and equipment (Airport and Airway trust fund) (contingent emergency).....	---	---	15,000	7,500	+7,500	-7,500
Grants-in-aid for airports (contingent emergency).....	---	200,000	---	---	-200,000	---
(Airport and Airway trust fund) (contingent emergency).....	---	---	100,000	150,000	+150,000	+50,000
	---	200,000	100,000	150,000	-50,000	+50,000

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	(Amounts in Thousands)				Conference versus	
	Supplemental Request	House	Senate	Conference	House	Senate
Federal Highway Administration						
Federal-Aid Highways, Emergency Relief Program (Highway Trust Fund):						
Non-emergency.....	---	---	120,000	---	---	-120,000
Emergency.....	167,000	167,000	---	167,000	---	+167,000
Contingent emergency.....	---	---	167,000	98,000	+98,000	-69,000
Federal-aid Highways(rescission of contract authority)	---	---	-320,000	-320,000	-320,000	---
Federal Motor Carrier Safety Administration						
Border Enforcement Program (emergency).....	19,300	19,300	---	19,300	---	+19,300
Contingent emergency.....	---	---	19,300	---	---	-19,300
Hazardous materials security (Highway trust fund) (contingent emergency).....	---	5,000	---	5,000	---	+5,000
Federal Railroad Administration						
Capital grants to the National Railroad Passenger Corporation.....	---	---	55,000	205,000	+205,000	+150,000
Federal Transit Administration						
Capital Investment Grants (emergency).....	1,800,000	1,800,000	---	1,800,000	---	+1,800,000
Contingent emergency.....	---	---	1,800,000	---	---	-1,800,000
Research and Special Projects Administration						
Research and Special Programs (emergency).....	3,500	---	---	---	---	---
Contingent emergency.....	---	---	3,500	---	---	-3,500
General Provisions						
Airline loan program limitation (sec. 1103).....	---	-1,254,000	---	---	+1,254,000	---
Total, chapter 11.....	5,614,800	5,075,300	7,428,425	6,552,000	+1,476,700	-876,425

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(Amounts in Thousands)					
	Supplemental Request	House	Senate	Conference	Conference versus House Senate
CHAPTER 12					
DEPARTMENT OF THE TREASURY					
Federal law Enforcement Training Center (contingent emergency).....	--	15,870	--	15,870	-- +15,870
Financial Management Service					
Salaries and expenses (sec. 1201) (rescission).....	--	-14,000	-14,000	-14,000	-- --
United States Customs Service					
Salaries and expenses (contingent emergency).....	--	--	59,000	39,000	+39,000 -20,000
Internal Revenue Service					
Information Systems (rescission).....	--	--	-10,000	-10,000	-- -10,000
Business Systems Modernization (sec. 1201).....	--	14,000	--	14,000	-- +14,000
United States Secret Service					
Salaries and expenses (contingent emergency).....	--	46,750	17,200	28,530	-18,220 +11,330
POSTAL SERVICE					
Payment to the Postal Service Fund (emergency).....	87,000	87,000	--	87,000	-- +87,000
Contingent emergency.....	--	--	87,000	--	-- -87,000
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
Office of Administration (emergency).....	5,000	--	--	3,800	+3,800
Contingent emergency.....	--	--	5,000	--	-5,000
Office of Management and Budget (rescission).....	--	-750	--	-100	+650 -100
Election Administration Reform and Related expenses...	--	450,000	--	--	-450,000
Contingent emergency.....	--	--	--	400,000	+400,000
INDEPENDENT AGENCIES					
Federal Election Commission.....	--	750	--	750	-- +750
GENERAL SERVICES ADMINISTRATION					
Real Property Activities					
Federal Buildings Fund (emergency).....	51,800	51,800	--	21,800	-30,000 +21,800
Contingent emergency.....	--	--	51,800	--	-- -51,800

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(Amounts in Thousands)						
	Supplemental Request	House	Senate	Conference	Conference House	Conference versus Senate
General Activities						
Policy and Operations (emergency).....	2,500	---	---	---	---	---
Contingent emergency.....	---	---	2,500	---	---	-2,500
Total, chapter 12.....	146,300	651,420	198,500	586,650	-64,770	+388,150
CHAPTER 13						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Health Administration						
Compensation and pensions.....	1,100,000	---	1,100,000	1,100,000	+1,100,000	---
Medical Care.....	142,000	417,000	142,000	142,000	-275,000	---
Contingent emergency.....	---	---	275,000	275,000	+275,000	---
Medical and Prosthetic Research (rescission).....	-5,000	---	---	---	---	---
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing certificate fund (rescission).....	---	-300,000	-300,000	-388,500	-88,500	-88,500
Community Planning and Development						
Community Development Fund (emergency).....	750,000	750,000	---	783,000	+33,000	+783,000
Contingent emergency.....	---	---	750,000	---	---	-750,000
Rural Housing and Economic Development (rescission)...	-20,000	---	---	---	---	---
HOME investment partnership program (rescission).....	---	---	-50,000	-50,000	-50,000	---
Housing Programs						
Rental Housing Assistance (rescission).....	---	-300,000	---	-300,000	---	-300,000
INDEPENDENT AGENCIES						
Department of Health and Human Services						
National Institutes of Health						
National Institute of Environmental Health Sciences (emergency).....	---	8,000	---	---	-8,000	---
Contingent emergency.....	---	---	---	8,000	+8,000	+8,000
Agency for Toxic Substances and Disease Registry						
Salaries and expenses (emergency).....	---	11,300	---	---	-11,300	---
Contingent emergency.....	---	---	---	11,300	+11,300	+11,300
Environmental Protection Agency						
Science and technology (contingent emergency).....	---	---	100,000	50,000	+50,000	-50,000
Hazardous Substance Superfund (emergency).....	12,500	---	---	---	---	---
Contingent emergency.....	---	---	12,500	---	---	-12,500

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(Amounts in Thousands)

	Supplemental Request	House	Senate	Conference	Conference versus House Senate
Federal Emergency Management Agency					
Disaster Relief (emergency).....	3,780,000	2,750,000	--	2,650,700	+2,650,700
Contingent emergency.....	--	--	2,660,000	--	-2,660,000
Disaster assistance for unmet needs (contingent emergency).....	--	23,320	--	23,200	+23,200
Emergency Management Planning & Assistance (emergency)	326,728	151,700	--	225,400	+225,400
Contingent emergency.....	--	--	745,000	221,800	-523,200
Cerro Grande fire claims (contingent emergency).....	--	--	80,000	61,000	-19,000
National Science Foundation					
Education and Human Resources (emergency).....	19,300	--	--	19,300	+19,300
Contingent emergency.....	--	--	19,300	--	-19,300
Total, chapter 13.....	6,105,528	3,511,320	5,533,800	4,832,200	+1,320,880
CHAPTER 14					
GENERAL PROVISIONS					
Federal admini & travel expenses (non-def rescission).	--	--	--	-154,000	-154,000
Federal admin & travel expenses (defense rescission)...	--	--	--	-196,000	-196,000
Total, chapter 14.....	--	--	--	-350,000	-350,000
Grand total (net).....					
Appropriations.....	29,512,519	28,775,894	32,614,644	30,010,699	-2,603,945
Emergency appropriations.....	(2,621,175)	(1,980,275)	(2,209,400)	(2,892,250)	(+682,850)
Contingent emergency appropriations.....	(26,392,344)	(24,091,099)	(14,022,000)	(24,971,208)	(+10,949,208)
Rescissions.....	(750,000)	(5,336,270)	(17,599,344)	(5,138,641)	(-12,460,703)
Rescission of contract authority.....	(-251,000)	(-927,750)	(-896,100)	(-2,002,400)	(-1,106,300)
Rescission of emergency funds.....	--	--	(-320,000)	(-320,000)	--
Offsets.....	--	--	--	(-224,000)	(-224,000)
(Transfer out-contingent emergency).....	--	(-1,704,000)	--	(-445,000)	(+1,259,000)
(By transfer-contingent emergency).....	--	--	(-200,000)	(-206,000)	(-6,000)
(By transfer emergency).....	--	--	(200,000)	(206,000)	(+6,000)
(Other).....	(1,252,123)	(177,123)	(6,500)	(513,123)	(+361,000)

Mr. YOUNG of Florida. Mr. Speaker, I would like to extend a statement of appreciation to the gentleman from Wisconsin (Mr. OBEY), who has worked along with us through these last several months in trying to bring this conference report to conclusion. There were differences, as anyone might expect. We did finally work out those differences. I expect we could find some controversy here in this bill; I think we could find areas that I do not agree with and areas that the gentleman from Wisconsin (Mr. OBEY) does not agree with. But, nevertheless, this is a good work product as we dealt with the many different institutions and principals who were involved in bringing this bill to conclusion.

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

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I think there are a number of items in this bill which Members ought to know about. This bill, for instance, has \$13 million in the conference report for safety of imported meat and poultry above the amount recommended by the President. We have \$17 million above the amount recommended by the President for bioterrorism responsibilities of the Food and Drug Administration. We have \$37 million above the President's request for the Marshals Service to safeguard U.S. Federal courts. We have \$165 million above the President's request for the FBI to provide, among other things, additional analysts to increase the FBI's ability to process and disseminate counterterrorism information. We have \$78 million more for the Immigration and Naturalization Service, including \$25 million for analysis to help find, arrest, and deport high-risk, undocumented immigrants in the United States. We doubled the President's request for the Securities and Exchange Commission, and we try to provide additional funds for staff and pay parity in information technology, improvements for that agency so that they can be more effective in dealing with some of the accusations of corporate fraud that are now flooding the country and ruining its markets.

We have a number of other items in the bill as well, which I would be happy to comment on if any Members have individual questions about it.

Let me simply say there is nothing in this bill that anyone is going to be very thrilled about, because it is the product of a long compromise process, but it is a reasonable package, and I think the most important thing we can say about it is that we simply need to get on with it and get this down to the President.

This bill also includes a fix of the problem that we faced with respect to a dip in highway funding and support to States because of the anomaly in the ISTEA highway distribution formula, and we provide sufficient money; unlike the White House, we provide sufficient monies so that we do not

have to, in fact, demobilize the Guard and Reserve forces until they can be replaced in sensitive areas by adequately trained personnel to deal with terrorist threats facing the country.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Transportation.

(Mr. ROGERS of Kentucky asked and was given permission to revise and extend his remarks.)

Mr. ROGERS of Kentucky. Mr. Speaker, this bill contains \$3.85 billion to continue operations and activities of the Transportation Security Administration for the remainder of fiscal year 2002. I am pleased to report that this is the same level as approved by the House in its version of the supplemental. The Senate wanted almost \$1 billion more for this start-up agency compared to the House level, with no limit on staffing, and we held the line against that proposal. Members should know that we have upheld the position of the House in this agreement, and it is adequate.

The Department of Transportation has raised objections to specific security items in this bill. What are they objecting to?

They are objecting to funds for airport modifications to ensure the timely installation of explosive detection systems, an additional \$225 million, for a total of \$738 million. This will lessen the likelihood of chaos later this year when bomb detection machines are delivered and installed in airports.

They are objecting to grants to improve port security, an issue of great vulnerability, \$125 million.

They are objecting to systems for air marshals to communicate with the pilots and officials on the ground, \$15 million.

They are objecting to funds to address airport terminal security, a critical issue, since the attack on El Al in Los Angeles a few weeks ago, \$17 million.

And they are objecting to funds for immediate replacement of the outdated metal detectors at all commercial airports, \$23 million.

With additions like these, we have improved upon the administration's request in modest ways, and provided the means for TSA to work smarter. The bill also caps TSA's full-time permanent staffing to no more than 45,000 people. My subcommittee's review of the TSA plan points to well over 12,000 positions that should be reevaluated. In fact, in a recent hearing, the head of the agency gave me his commitment to eliminate many of these positions such as "ticket checkers" and "customer service representatives." TSA is building a huge bureaucracy, and this bill helps bring that process under control.

The Secretary of Transportation testified earlier today that TSA needs every penny of the amount they re-

quested. I respectfully disagree. The agency is so far behind in its own hiring goals, there should be little doubt that fewer resources are needed to get them through fiscal year 2002. OMB even offered up some of this money. Maybe they know the agency has not been the best steward of the monies we have already provided for this year, several billions of dollars, offering law enforcement personnel salaries that are higher than necessary, allowing excessive overhead charges on the existing screener contracts, and not monitoring those charges and refusing to move out quickly on new technology, such as metal detectors, which would reduce the staffing need dramatically at the check-out points at airports. Just this morning, the DOT Inspector General testified that "Controls over the existing security screener contracts were lacking, and that improvements were drastically needed."

Until they straighten out these problems, they do not need more money.

This bill provides adequate funding for TSA to get through the next 10 weeks. It deletes unnecessary funds and encourages them to look much more carefully at how they are spending our money. We will not give them money for salaries that are outside the norm for similar Federal activities. We will not give them money for wasteful overhead charges on Federal contracts, and we will not give them money to hire a standing army of almost 70,000 people to take off your shoes, check your briefcase three times, and perform intensive checks of white-haired grandmothers in wheelchairs and babes in arms. If the Department of Transportation does not understand this by now, this bill should help them get that message.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I want to congratulate the chairman and the ranking member for bringing us together on this supplemental. I support it.

Today's bill, Mr. Speaker, includes an additional \$150 million for the assistance to the Firefighters Grant Program. This is part of homeland security, defending the homeland. This brings the amount of money we will give to fire departments around the country up to \$510 million for fiscal year 2003.

This is personal for me, Mr. Speaker. On May 9 of last year, Alberto Birado, a firefighter for the City of Passaic, died in the line of duty during the primary search of a building on fire. He died because his Self-Contained Breathing Apparatus ran out of air.

Just last week, the Passaic Fire Department was awarded a grant to purchase more SCBAs and spare air cylinders. Features of these additional cylinders will hopefully prevent all other unnecessary deaths. This is what the Firefighters Grant Program is all about.

The attacks on September 11 taught us many lessons. One of those is the importance of firefighters to the public safety equation and, indeed, to homeland security. We had to scrape and beg to get \$100 million last year in the emergency spending bill.

The leadership told us they did not believe us when we said the fire services needed the money desperately. In one year, we have gone from \$100 million funding to half a billion dollars. We still have a long way to go. There are over 20,000 applications to FEMA in the second year of this program with requests totaling over \$2.2 billion.

Trust me. We will be hearing from all of these fire departments in Members' districts around this country. The odds are that all of us have a few fire departments at home that will not get a grant this year because there was not enough money to go around.

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I know our contribution to this worthy cause will continue to rise as each of us hears from our constituents.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I rise to engage in a colloquy with the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. YOUNG of Florida. Mr. Speaker, I am pleased that we were joined by the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, which is the committee of the House with legislative jurisdiction over the American Servicemembers' Protection Act. This legislation appears as title II of this conference report. I would like to ask the gentleman to explain the background of this legislation and describe how some of its provisions are intended to work.

Mr. HYDE. I thank the gentleman. The gentleman from Texas (Mr. DELAY) and I first introduced the American Servicemembers' Protection Act as H.R. 4654 on June 14, 2000, and reintroduced it in the 107th Congress as H.R. 1794. On May 10, 2001, the House of Representatives adopted the text of our legislation as a floor amendment to another bill, H.R. 1646. The gentleman from Texas (Mr. DELAY) and I thereafter entered into negotiations with representatives of the Bush administration in an effort to agree on a version of the American Servicemembers' Protection Act that the Bush administration could support. We were joined in these negotiations by Senator HELMS, the lead sponsor of the Senate companion bill.

After many months of detailed discussions, we reached an agreement on language last September, and Senator HELMS, the gentleman from Texas (Mr. DELAY) and I each received from the

administration letters dated September 25, 2001, promising the administration's full support for enactment of this agreed language. I am pleased that the conference report includes the language we agreed on last September with only one nonsubstantive addition that I will describe in a few minutes.

Mr. YOUNG of Florida. Mr. Speaker, I note that one provision of this agreed language, which appears as section 2011 of the conference report, is particularly complicated. And I would hope that the gentleman could draw on his background as the former chairman of our Committee on the Judiciary, as well as his current position as chairman of our Committee on International Relations, to explain to our colleagues the purpose of section 2011.

Mr. HYDE. I thank the chairman. I would be pleased to explain the purpose of section 2011.

Mr. YOUNG of Florida. Mr. Speaker, does the gentleman know if all other Members of Congress agree with the interpretation that he has provided of the language negotiated with the administration?

Mr. HYDE. Mr. Speaker, obviously I cannot read the minds of all of our colleagues, but I do know that the gentleman from Texas (Mr. DELAY), Senator HELMS and I were the only three members actively involved in negotiating the language of sections 2004, 2006 and 2011 with the administration. I have accurately described our understanding of how these sections would work together, what our intention was, and what we understood the administration's understanding and intention to be. I suppose that someone else could try to project onto these sections a different intention, but they would be doing precisely that, projecting onto them a new meaning that was never intended by those of us who were involved in drafting and refining them.

Mr. YOUNG of Florida. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. HYDE) for providing clarity to this rather complicated and important title of this conference report.

Mr. HYDE. Mr. Speaker, my statement on the American Servicemembers' Protection Act is as follows:

When Congressman DELAY, Senator HELMS, and I sat down with representatives of the Bush Administration to discuss the American Servicemembers' Protection Act, it quickly emerged that the Administration's principal concern with the legislation was the belief that a few of its restrictions on United States interaction with the International Criminal Court could, in certain improbable circumstances, interfere with the exercise of authorities vested in the President by the Constitution. The constitutional authorities that they saw as possibly conflicting with the legislation were the president's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the Constitution, and the President's constitutional authority with respect to the conduct of foreign policy, in particular his authority to exchange information with foreign governments and international organiza-

tions. Because there is no specific enumeration in the Constitution of the President's authority to conduct foreign policy, this authority is encompassed textually within the executive power vested in the President by article II, section 1 of the Constitution.

There are two sections of our legislation that restrict United States interaction with the International Criminal Court and which therefore, in the view of the Administration, could possibly come into conflict with the exercise of the President's constitutional authority as Commander in Chief and his authority to conduct foreign policy as chief executive. These sections appear as sections 2004 and 2006 of the conference report.

To ensure that sections 2004 and 2006 will never operate to prohibit the President from taking an action that he is empowered under the Constitution to take and that Congress is without power to prohibit, we developed the "exercise of constitutional authorities" exception set forth in section 2011 of the conference report.

The Committee on International Relations has approved a lot of legislation over the years containing presidential waiver provisions. The "exercise of constitutional authorities" exception contained in section 2011 is very different from these other waiver provisions.

The other waiver provisions give the President, or some other official of the Executive branch, the authority to "waive" an otherwise applicable prohibition or restriction. Typically, the President or other official must first determine that a particular standard set forth in the waiver provision is satisfied. Common examples are requirements that he find that exercising the waiver is "in the national interest," "important to the national interest," or "vital to the national interest." Whatever the waiver standard, the idea is that the President or other official is invited to sue his judgment, and if he judges that the facts permit him to determine that the waiver standard is satisfied, he can then exercise the waiver, which has the effect of rendering the prohibition or restriction inapplicable with respect to the action that he wishes to take or direct.

The "exercise of constitutional authorities" exception contained in section 2011 is very different. Section 2011 does not turn on factual judgments made by the President. Rather, it turns on the parameters of the President's authority under the Constitution. What it says, in effect, is that Congress has not prohibited anything under sections 2004 and 2006 that Congress is without constitutional authority to prohibit.

The intent of Congress in sections 2004 and 2006 could not be clearer. Congress wishes to prohibit any form of assistance to, or cooperation with, the International Criminal Court. We wish to impose such a prohibition to the fullest extent of our ability under the Constitution to do so. To the extent that certain forms of interaction with the International Criminal Court are subject to the shared responsibility of Congress and the President under the Constitution, Congress has the constitutional authority to forbid those forms of interaction, and in sections 2004 and 2006 we exercise that authority to forbid such interaction. However, we recognize that there may be forms of interaction that are the exclusive authority of the President under the Constitution, which Congress constitutionally is without authority to prohibit.

Accordingly, with respect to those forms of interaction, section 2011 provides a mechanism for ensuring that sections 2004 and 2006 do not constrain the President in ways that, as a matter of constitutional law, he may not be constrained by Congress.

To put the matter differently, it is the intention of Congress that the "exercise of constitutional authorities" exception in this legislation shall only be available in those instances where the President's lawyers could in good faith write a legal opinion concluding that application of the prohibitions of sections 2004 or 2006 to a proposed action by the President would be unconstitutional. It is not good enough that the prohibitions of sections 2004 or 2006 conflict with what the President judges to be in the national interest, or that they interfere with the foreign policy that he would like to conduct. The prohibitions must actually be unconstitutional if applied to the proposed action. This is the meaning of the term "action . . . taken or directed by the President . . . in the exercise of the President's authority as Commander in Chief of the Armed Forces . . . or in the exercise of the executive power . . ." The action by the President, in contravention of the prohibitions set forth in sections 2004 or 2006, must actually be an exercise by him of constitutional authority to take an action that Congress is without authority to prohibit.

We understand that many, if not most, actions by the President involve, to some degree or another, an exercise of some constitutional authority. But that is not the kind of constitutional authority to which section 2011 refers. Section 2011 refers to an exercise of the kind of constitutional authority necessary to overcome a statutory prohibition on the taking of a particular action. That kind of constitutional authority exists only with respect to statutory prohibitions that Congress is without constitutional authority to impose in the first place.

This means, as a practical matter, that most of the prohibitions in section 2004 are beyond the reach of the exception set forth in section 2011. This is because most of them do not restrict the exercise of any authority vested exclusively in the President by the Constitution.

A clear example is section 2004(d), which prohibits the extradition of any person from the United States to the International Criminal Court. The Supreme Court ruled in the case of *Valentine v. United States* in 1936 that the President has no inherent constitutional authority to extradite persons to foreign jurisdictions. To the contrary, the Supreme Court ruled that it is unconstitutional for the President to extradite persons in the absence of an extradition treaty or a statute authorizing extradition to the foreign jurisdiction in question. Because there is no treaty or statute authorizing the extradition of persons to the International Criminal Court, the President could not rely on section 2011 to extradite a person to the International Criminal Court in contravention of section 2004(d). This point is underscored by section 2011(c), which makes clear that section 2011 grants no statutory authority to the President to take any action.

Another category of prohibitions that cannot be overcome under section 2011 is those relating to the provision by the U.S. Government of funds, property, or services to the International Criminal Court. Congress has plenary authority under the Constitution with respect to the use of appropriated funds and the disposi-

tion of U.S. Government property. Subsections (e) and (f) of section 2004 represent an exercise of this plenary authority. The intention of Congress is to prohibit any direct or indirect provision by the U.S. Government to the International Criminal Court of appropriated funds, U.S. Government property, or services provided utilizing appropriated funds. There may be very limited circumstances in which the President may rely on section 2011 to direct the provision of services to the International Criminal Court notwithstanding the prohibitions of subsections (e) and (f) of section 2004, for example, services provided by the United States Armed Forces pursuant to an exercise of the President's authority as Commander in Chief. But in the absence of an exercise of a constitutional authority vested exclusively in the President—such as the Commander in Chief authority—the prohibitions of these subsections prohibit the provision of the kinds of support to which they apply, and the exception set forth in section 2011 is not available to permit an action by the President in contravention of these sections.

A third category of prohibitions that cannot be overcome under section 2011 is those relating to the exercise of functions not vested in the Executive branch of the United States Government. The President has no inherent constitutional authority to direct or control the operations of state and local governments. Nor does he have any inherent constitutional authority to direct or control the operations of the judicial branch of the federal government, much less the judicial functions of state and local governments. Accordingly, the President may not rely on section 2011 to direct state and local governments to take actions prohibited under subsections (b), (d) and (e) of section 2004, or to authorize such governments to take such actions notwithstanding the prohibitions of these subsections. Similarly, the President may not rely on section 2011 to direct federal, state, or local courts to take actions prohibited under subsections (b), (d), (e) and (f) of section 2004, or to authorize such courts to take such actions notwithstanding the prohibitions of these subsections. The explanation is very simply. Because the exercise of functions by state and local governments and by federal, state, and local courts is by design beyond the inherent constitutional authority of the President, there is no constitutional authority that the President can exercise under section 2011 to overcome prohibitions that this legislation applies to such governments and courts.

This does not mean that section 2011 is of no practical use to the President. In our negotiations with the Administration we discussed a number of circumstances where the President would be able to rely on section 2011 to direct actions plainly prohibited in the first instance by the language of sections 2004 or 2006.

I have already mentioned one such circumstance, and that is actions by the United States Armed Forces directed by the President in the exercise of his constitutional authority as Commander in Chief. An example we discussed in our negotiations was a decision by the President to facilitate the transfer to the International Criminal Court of a foreign national wanted by that Court. Section 2004(e) prohibits the United States Government from facilitating the transfer of persons to the Inter-

national Criminal Court, including by the United States Armed Forces. But we recognize that at a certain level this prohibition may come into conflict with the President's authority to command our Armed Forces, and in such a case, section 2011 would ensure that the President is not unconstitutionally constrained.

Another circumstance where the President may be able to rely on section 2011 concerns the provision of information controlled by the President to foreign governments and to international organizations, including the International Criminal Court. To the degree the President has inherent constitutional authority to provide such information to foreign governments and international organizations, conflicts could arise between this authority and the prohibitions of section 2004(e) and section 2006. In the case of such a conflict, the President could rely on section 2011 to provide information in the exercise of his constitutional authority without violating the letter of the statute.

I am not aware of other circumstances where the President could rely on section 2011 to take or direct actions otherwise prohibited under section 2004 and 2006, and we pressed the Administration very hard on this point in our negotiations. These were only examples they gave us of situations where the prohibitions of sections 2004 and 2006 could come into conflict with the President's constitutional prerogatives. In order to address this concern, we developed the mechanism contained in section 2011. Section 2011 is narrowly tailored to be available only in cases where there is such a conflict exists. In other cases where the prohibitions of the legislation are merely inconvenient, or in conflict with the President's preferred foreign policy, section 2011 is not available to permit the President to take or direct actions prohibited by section 2004 or 2006.

Another feature of section 2011 is that, by its terms, it can be invoked by the President only on a "case-by-case basis". In using this term, we were mindful of the way that the existing United Nations war crimes tribunals for Yugoslavia and Rwanda have gone about their work. Those tribunals have developed separate cases against suspected war criminals. Usually these cases involve a single defendant, though sometimes a case will have multiple defendants who were involved in the same specific incident. We intend the term "case" in section 2011 to have the same meaning that it has in current usage at the Yugoslavia and Rwanda tribunals. Yugoslavia and Rwanda are not "cases" before those tribunals. Rather, the prosecutions of individual named persons are the "cases" pending before these tribunals. This can be verified by simply looking at the web sites of these two tribunals.

Before closing, I wish to comment on the effect of the addition by the Senate to this legislation of the language appearing as section 2015. That section was not part of language we negotiated with the Administration. But it does not in any way vitiate the restrictions on cooperation with the International Criminal Court set forth in sections 2004 and 2006. Section 2015 simply reiterates that this legislation does not apply to international efforts besides the International Criminal Court to bring to justice foreign national accused of genocide, war crimes, or crimes against humanity. Regarding application of this section to the

International Criminal Court, however, ordinary cannons of statutory construction apply. The specific controls the general unless otherwise provided, and in the case of this legislation it is quite obvious that the legislation is very specific about what is to be allowed and what is to be forbidden when it comes to assisting the International Criminal Court. Had the Senate wanted to vitiate the restrictions of sections 2004 and 2006, it would have had to amend them, strike them, or expressly notwithstanding them.

The Senate debate during which the language of section 2015 was agreed to makes clear that this language was understood at the time to make no substantive change to the other provisions of the American Servicemembers' Protection Act. The full text of sections 2004, 2006 and 2011, along with other provisions of the American Servicemembers' Protection Act, was adopted by the Senate as an amendment to another bill on December 7, 2001, by a vote of 78–21. When Senator WARNER offered these same provisions as an amendment to this supplemental appropriations bill, the Senate had essentially the same debate it had on December 7th of last year. Neither the supporters nor the opponents of the language that became section 2015 suggested that this language made any change to the legislation that had previously passed the Senate, and the final vote in favor of the amendment, 75–19, was essentially the same as the vote last year. For these reasons, Mr. DELAY and I agreed with the House conferees that there was no reason not to accept the Senate language.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I did not want to insert myself in the colloquy that has just preceded, but I would simply say that while there may have been negotiations going on outside of the room with the administration, the negotiations that count were the negotiations between the four parties that produced this language. And I think that the understandings discussed here are not necessarily those that were reached between the gentleman from Florida (Mr. YOUNG), myself, Mr. BYRD and Mr. STEVENS.

I think the language speaks for itself without being maneuvered one way or another by any after-the-fact colloquies that may or may not relate to the language involved.

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

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

Mr. Speaker, I rise in support of the conference report. Mr. Speaker, no one can forget the shock and horror of September 11 when terrorists attacked the United States, murdering nearly 3,000 people, destroying the World Trade Center, damaging the Pentagon and threatening sites in Washington, D.C.

New Yorkers in particular relive that every time we see the gap in our skyline or mourn the missing in our families and neighborhoods. But within days of the vicious attacks, the President met with Members of the New York delegation and pledged to support

our recovery with at least \$20 billion in Federal funds. He has kept that promise and no part of our government has wavered, not the House nor the Senate nor the conferees.

This bill contains an additional \$5.5 billion which brings the total funding available for New York's recovery to more than \$21 billion.

As a member of the committee of conference, and as a New Yorker, I rise simply to thank President Bush, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) and my colleagues in this Congress for all the support provided to my city so far. The September 11 attacks were truly attacks on America and America has responded with grace and generosity.

Mr. Speaker, we are a grateful city and we thank Congress for this support. I urge my colleagues to support this conference report.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Arizona (Mr. KOLBE), chairman of the Committee on Appropriations Subcommittee on Foreign Operations.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time, and I want to pay special tribute to the gentleman from Florida (Mr. YOUNG) as well as the gentleman from Wisconsin (Mr. OBEY) for the leadership that they have provided in crafting this bill and bringing it at long last to the floor for much-needed supplemental appropriations to continue the war against terrorism, the enduring freedom fight.

I want to address my remarks to that part that addresses foreign operations that are in this conference report. First, the numbers, the figures themselves. The funding in this chapter includes a spending level of \$1,818,000,000. But there are rescissions in there of \$269 million, meaning there is a net spending level in foreign operations of \$1,549,000,000. That is \$48.5 million below where we were when we passed this bill in the House, \$3.5 million above where it was in the Senate. So much for the overall numbers.

A few of the specific things that are in there. We have \$200 million in here for the fight against HIV/AIDS, tuberculosis, and malaria around the world, particularly in Africa and Eurasia. This has been in both the House and Senate bills. While this number was not in the initial request to the President, as I think everybody knows, the President has endorsed this and spoken specifically about the programs that he will use this money for. And I believe, as he does, that it is vitally important that we continue to make progress in combating the worldwide scourge against AIDS.

In addition, there is another figure in there that was not in the President's original request and that is \$200 million for antiterrorism assistance for the state of Israel and \$50 million for humanitarian assistance for the Palestinian people. Not to the PLA, the Au-

thority, the Palestine Authority, but rather \$50 million for humanitarian assistance to Palestinians themselves. We believe this also is very important, given the fight that has been going on over there. We need to express our support for Israel's fight against terrorism. We need to say to the Palestinian people, we are there to support you when you are trying to rebuild your country, when you are trying to provide for the well-being of your people. We will not support the government that you have in place now.

I think the President has made clear that we have need to see a new government, a new direction of that government before we can have serious negotiations with them. But I think this is the right approach to it.

The negotiations with the Senate on the assistance for Colombia were very tough, but in the end the House language prevailed. It allows the administration to expand its assistance to the government of Colombia for the war against terrorism and narco-traffickers. It includes some of the provisions that the Senate wanted to make sure that we are not going to be involved in combat operations.

Regarding Afghanistan, we have added funding to both the House and the Senate bills to provide humanitarian and reconstruction assistance for Afghanistan. There is up to 384 million that could be available under this conference report to help rebuild in Afghanistan.

Let me end on two final points here. Regarding the United Nations' Population Funds, or UNPF, as it is called, the conference work does not address this issue. I am disappointed with the administration's decision that has come down since this conference report was adopted, and I expect that in our 2003 appropriations bill we are going to address this issue and try to ensure that funding for this very important organization is included.

Most of the funding in the chapter is dedicated to assisting our allies in the war on terrorism. At this last minute the Office of Management and Budget proposed removal of hundreds of millions of dollars requested by the President for assistance to our allies. I am puzzled, I am disappointed that OMB made such a proposal, and I do not think they reflected what either the President or the Secretary of the State or the Secretary of Defense had in this regard. But I am pleased overall with the bill that we have now, I think it is a good bill and, Mr. Speaker, I urge its adoption.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. BOSWELL) who has been very much focused on several aspects of this bill.

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

Mr. BOSWELL. Mr. Speaker, I thank the gentleman for yielding me time and I thank the gentleman from Florida (Mr. YOUNG) for his hard work.

Today I can support this bill with enthusiasm. I was very sorry the last time we discussed it I could not, and I want to thank the conference committee for their hard work. It kind of signals a win to me for a concern that I have had for my State of Iowa in the area of Medicare reimbursements rates.

In May the Committee on Rules made an exception and put into this supplemental bill what I thought was an unfair fix for rates for a selected few and leave out many. I appreciate this. It has actually drawn attention to this ploy and helped to shed additional light on the discriminatory formulas and the adverse consequences for seniors, hospitals and health care professionals across Iowa and other similarly situated areas.

Although our health care professionals are doing a great job with less, the fact remains, as we see here, and I will show you a chart one more time in a moment, that there are places in the country where Medicare patients are getting eyeglasses and they are getting prescriptions. In fact, it is a double of what we were getting in Iowa, the amount. It is a whole lot more than what the gentleman from Wisconsin (Mr. OBEY) was getting as well. They are below the average as well, and I know the gentleman knows that. This is something we have been working on. Let us do something about this. I think that perhaps we are making some progress, and I hope so.

On the Medicare reimbursement relief of last month, a few days ago there was attention given and an additional \$120 million for Iowa over 3 years, and that is a big help, but we have a ways to go. So I want you to again look at this chart, and it will show you very clearly that there is a great disparity across this country, and the citizens pay the same taxes for the same service. They pay the same.

Look here. There are some States, mine, but others are receiving less than half of what the top is. Is that fair for Americans? I do not think so. I do not think there is one of you here that would feel this way. So I do support this bill today and I appreciate it for the whole country. I hope that our seniors are considered of equal importance, and I think they are. I thank the gentleman again for this time, and I do support the bill, and I support the fact that we have been talking about there now. Let us talk about it some more.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations.

Mr. WOLF. Mr. Speaker, I want to commend the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) for the great job of this conference report, and I rise in strong support.

The bill includes \$175 million to improve the ability of the FBI to syn-

thesize and interpret data and intelligence collections from investigations. The funding will support technology upgrades and allow the FBI to hire additional cybercrime counterterrorism and counterintelligence analysts. The bill also provides \$81.3 million for the INS, including upgrades for the border patrol agents and immigration inspections who are also on the frontline, and \$25 million for an Absconder Initiative, to find and remove more aliens who have been ordered deported and who have not followed those orders.

□ 1430

I want to thank the gentleman from Arizona (Mr. KOLBE) for his good efforts with this action and with regard to this issue.

As we all saw in the tragic events of September 11, we depend on our State and local police, fire, EMS and HAZMAT people to respond to acts of terrorism. Their heroism and preparedness has saved many lives and will likely save many more. The bill provides \$2.1 million for State and local first responder equipment, exercise and training, and including \$50 million to provide communities across the country with interoperable emergency communications equipment.

The SEC, the Securities and Exchange Commission, requires an infusion of resources to strengthen oversight and enforcement and preserve the integrity of the financial markets. This bill provides \$40.2 million for the SEC, \$20.2 million above the request, including funds for the immediate addition of 125 staff positions in enforcement and corporate oversight and key information technology upgrades. This will begin to provide the SEC with the resources they need to combat corporate fraud and to protect the savings and retirement investments of millions of American families.

The conference report also includes \$318.1 million for embassy security and public diplomacy. The diplomatic staff is hard at work right now under very difficult and dangerous conditions in south Asia and elsewhere. This bill will provide for an expedited construction of fully secured replacement embassy facilities in Afghanistan and Tajikistan.

Recently, a lot of attention has been focused on improving our public diplomacy's efforts, including the gentleman from Illinois' (Mr. HYDE) legislation H.R. 3969, which passed the House yesterday. We are not doing an adequate job of telling America's story, and it is a great story to the world. To improve this effort, the bill includes \$40.1 million for information and exchange programs of the State Department, Radio Free Afghanistan and the Middle East Broadcasting Initiative.

In addition, the bill includes \$55 million for the enhanced security of the Federal judiciary in response to terrorist and other high threat trials, including \$10 million for the Supreme Court building and \$37.9 million for the U.S. Marshals Service.

The bill also includes authorization and funding for the closed circuit transmission of the Moussaoui trial to victims of the September 11 attacks.

Finally, the bill includes \$37 million for the National Institute of Standards and Technology to develop an information technology security framework for the Federal Government.

Lastly, these additional funds for fiscal year 2002 are vital for carrying out our continued homeland security, international and corporate oversight responsibilities, and I urge my colleagues to support it.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me the time, and I want to congratulate our chairman, the gentleman from Florida (Mr. YOUNG) who everybody knows I feel very highly, about one of the fairest chairman I have ever served under, and the gentleman from Wisconsin (Mr. OBEY), one of the most able Members I have served with.

Mr. Speaker, I rise in support of the conference report and want to highlight funding in two critical areas. First, this supplemental appropriations bill gives us \$400 million reasons to complete our work on election reform as soon as possible. The gentleman from Florida (Mr. YOUNG), the gentleman from Illinois (Speaker HASTERT), and the gentleman from Wisconsin (Mr. OBEY) were critically important in making sure this money stayed in this bill.

Appropriators from both sides of the aisle on both sides of the Capitol have done their job. They recognize that we must upgrade our election systems. They recognize that the disenfranchisement of an estimated 6 million voters in November 2000 offends our democratic values, and they recognize that real reform costs money.

Now we must finish the job and pass the election reform conference report that authorizes the expenditure of the funding. Election reform conferees are making progress in resolving the differences between the House and the Senate bills, and I hope this supplemental appropriation bill and the \$400 million it provides for election reform adds urgency to our negotiations. We must not delay.

Secondly, I want to note the \$150 million that is provided for the Fire Grant Program through FEMA, bringing the fiscal year 2002 total to \$510 million. I note that some \$3 billion-plus had been requested by local fire services and emergency responders throughout the Nation, but this is a significant step forward. Every day we ask our firefighters to risk their lives to protect our homes, our businesses and our children. With this additional funding, Mr. Speaker, we say to them we recognize and appreciate their sacrifice and want to ensure they can do their jobs as safely and effectively as possible.

Mr. YOUNG of Florida. Mr. Speaker, I would like to inquire as to the time remaining on both sides.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Florida has 12 minutes remaining. The gentleman from Wisconsin has 19 minutes remaining.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a distinguished member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, I thank the chairman of the Committee on Appropriations for yielding me the time.

This bill is critical to winning the war on terrorism, New York City repayment and recovery efforts, homeland security, replenishment munitions in which the gentleman from California's (Mr. HUNTER) been trying to do for years, and support ongoing intelligence.

While I support this emergency spending, a bill to fight the war on terrorism and aid continued recovery efforts, I must point out a section of this legislation that does not belong in this bill. It is legislation on an appropriations bill, and that is section 3002 regarding mail service to Alaska.

Section 3002, the Rural Service Improvement Act of 2002, was never subject to any congressional hearings or other fact-finding events. We have got two opposing sides claiming problems on either side, and yet the chairman, a Republican, from the other body, refuses to even have a hearing on this issue.

These provisions specifically target carriers that successfully and profitably transported mail for the Postal Service within the State of Alaska for many years. The Act's stated goal is to reduce costs which then actually it will increase costs from the Postal Service. Congressional approval of this legislation, without any hearings, that eliminates a single competitor from business and protects incumbent carriers from competition is wrong. Matter of fact, in my opinion, it is an abuse of power from a single Senator from the other body that is abusing his office by legislating someone out of business.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the Members to temper their remarks to avoid improper references to Members of the other body.

Mr. CUNNINGHAM. Mr. Speaker, I do not know how to temper an event when someone legislates someone out of office and denies them going to court. To me that is unconstitutional, and the legislative business that we perform every day should not take up legislation like this on such an important bill.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentleman for yielding me the

time, and I thank the gentleman from Florida (Mr. YOUNG) for all the excellent work they have done on this bill. It is an excellent bill. It contains aid for New York City, contains aid for our allies, but perhaps troubling, it also contains aid for our enemies.

Quietly and without any floor debate, \$50 million is included in this bill for aid to the West Bank in Gaza. This is on top of more than \$100 million that has gone to the Palestinians since 1999. In that same time period, 577 Israelis and dozens of American citizens have died in over 50 homicide attacks in Israel.

I support foreign aid. Foreign aid exports are values. It buys cooperation overseas. It makes tense areas of our world more peaceful, but on every level, Palestinian aid has failed in those fundamental values. Rather than promoting our values, the people of Nablus were cheering on September 11 when captured by TV cameras. Rather than buying cooperation, money that we have provided has found its way to be producing suicide belts, according to some of the documents seized at the Ramallah compound. Rather than making the world more peaceful, the Palestinians have used the money to import arms from Iran.

I believe that we should vote yes on this bill. I believe we should vote yes on future foreign aid bills, but I also think it is time we had a debate on the floor of this House with an up or down vote on whether or not we should continue to provide aid for the West Bank and Gaza.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in support of the bill H.R. 4775, the Defense and Homeland Security Supplemental Appropriations Act Conference Report. I would like to thank the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, for including the restoration of highway funds that was agreed to by the Authorization Committee and 410 Members of this House. It was the right thing to do, and it will benefit all the States for transportation needs.

Although unfortunately, the Committee on Appropriations also rescinded \$320 million in highway contract authority that was created in TEA-21 and has already been appropriated to every State, such a rescission is unprecedented, and it is absolutely unacceptable to the Committee on Transportation and Infrastructure. This \$320 million will be taken from the balance of the contract authority that exceeded the obligation limitations that has been placed on the highway program. So it is sometimes called excess contract authority, but there will still be programmatic impacts resulting from this rescission.

State Departments of Transportation utilize their full amount of contract authority when they plan ahead for projects in every Members' district.

It has an immediate effect, too. States have been given the flexibility to move funds across programs. This flexibility will be lessened in 2003 by this rescission. Therefore, some of the transportation projects that were coming off the shelf in 2003 will be put back on the shelf.

The rescission of the contract's authority should not be used now or in the future to balance the spending of the Congress. I will submit for the RECORD a State-by-State table showing the cuts to each state.

STATE-BY-STATE IMPACT OF \$310 M RE-SCISSION OF HIGHWAY CONTRACT AUTHORITY IN FY 2002 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 4775)

State	Contract Authority Lost
Alabama	-\$6,055,699
Alaska	-1,531,493
Arizona	-5,103,144
Arkansas	-4,186,819
California	-31,502,078
Colorado	-4,605,662
Connecticut	-3,984,645
Delaware	-1,205,967
Dist. of Col.	-1,102,821
Florida	-12,154,625
Georgia	-9,771,545
Hawaii	-1,218,691
Idaho	-2,123,194
Illinois	-11,964,461
Indiana	-6,779,800
Iowa	-4,608,642
Kansas	-4,570,334
Kentucky	-5,375,294
Louisiana	-5,497,393
Maine	-1,831,982
Maryland	-5,589,406
Massachusetts	-6,436,734
Michigan	-9,894,776
Minnesota	-5,204,170
Mississippi	-4,349,567
Missouri	-8,309,367
Montana	-2,647,739
Nebraska	-3,123,825
Nevada	-2,183,077
New Hampshire	-1,496,695
New Jersey	-9,229,067
New Mexico	-3,117,390
New York	-16,823,836
North Carolina	-8,003,803
North Dakota	-2,344,956
Ohio	-11,486,595
Oklahoma	-5,892,937
Oregon	-4,346,259
Pennsylvania	-15,576,784
Rhode Island	-1,702,512
South Carolina	-4,979,995
South Dakota	-2,372,588
Tennessee	-6,974,601
Texas	-22,757,525
Utah	-2,889,990
Vermont	-1,420,695
Virginia	-7,934,231
Washington	-6,528,778
West Virginia	-2,886,042
Wisconsin	-5,736,023
Wyoming	-2,585,746
Total	-320,000,000

I again, though, thank the appropriators and realize they have to deal with the other side of the aisle, but I would also suggest respectfully in the future, be very careful about fooling around with the Committee on Transportation and Infrastructure's jurisdiction.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of this bill, and I want to thank the chairman and the ranking member and the conferees for working so hard to develop a bill that I think a majority on both side of the aisle can support.

I would like, however, to speak about the provisions on Colombia that remain in the bill. I believe the Colombia provisions in the conference report are a slight improvement from those in the House-passed bill. At least now Congress is asking for written commitments from the newly elected Uribe administration on how he will pursue the war in Colombia.

Still, I have gave reservations regarding the wisdom and the consequences of expanding U.S. involvement in Colombia's grinding violence and deepening civil war, a civil war that has plagued Colombia for nearly four decades.

Mr. Speaker, I have little trust in conditions. They are easily waived or distorted when viewed as getting in the way of policy, and I believe that the House will return to debate this matter again in September.

The House of Representatives should think long and hard before it gives a green light to any policy that commits more of America's precious resources to a hideously complex civil war in Colombia.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me the time, and I congratulate the chairman for a job well done.

I want to thank the leadership, also, for sticking with their commitment to require printing and dyeing and finishing of textiles to remain in the United States. I am speaking today in support of the Supplemental Appropriations Act Conference Report, because it is a victory for the textile industry and at no cost to the Government.

In the 1970s and 1980s, 13 small towns in Western North Carolina attracted printing, dyeing and finishing jobs to their communities. These towns sold bonds to pay for the necessary water and sewer infrastructure, while textile companies built plants whose taxes would pay for those bonds. Since this manufacturing method had a low labor content and high value added content, these firms expected to remain competitive.

All was well until the textile industry started leaving because of lower labor costs around the world. The printing and dyeing and finishing jobs also started leaving, resulting in what we call stranded bonds investment without a manufacturing base to pay

for the bonds. Local water-sewer rates have exploded to cover the costs.

With the new commitment requiring that printing, dyeing and finishing remain in the United States, these small towns will have available attractive facilities for economic development and taxable investment to pay for the bond expense while enhancing employment opportunities.

I urge my colleagues to join me in voting for the conference report on H.R. 4775. The small towns of North Carolina thank my colleagues.

□ 1445

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in support of this very important piece of legislation. A supplemental appropriation is absolutely necessary to take care of the very important needs of this country and this world. It is absolutely important that we fight this war on terrorism and that we have the resources to do so, and to establish homeland security.

Beyond that, Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) and others for the \$200 million that they have appropriated for AIDS in Africa. This is extremely important. I know that it is very difficult to satisfy everybody with a bill like this, but I think we have done some good things with this bill: money for Israel, money for Afghanistan, money for the Palestinians, and money for Africa.

If there is one request that I could have had in addition to all of this, it would have been to appropriate more money for the famine in southern Africa. We have about 13 million people who are at risk of starvation. Unfortunately, there has been a drought. Unfortunately, the grain silos are empty; and there are people in villages who are going to die. Even with the food resources that we are trying to get there, it will not reach there and the rains are going to set in in September or October. These people, whole families, babies, children who are now eating dirt and bugs, are going to die.

So if there was anything else I would have done with this supplemental appropriation, it would have been to try and avert that famine that is taking place in six nations of southern Africa.

Having said that, I appreciate the work of this committee, and I appreciate the manner in which they tried to take care of all of these very difficult problems. I am hopeful that that which we were not able to do relative to southern Africa, perhaps we can do it in the agricultural appropriations bill. Perhaps there will be some room there that we can find a way to get more money to those who are going to die of starvation unless we attend to it.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the ranking member for yielding me this time and also thank him for his hard work and the chairman's hard work in bringing this bipartisan bill to the floor.

However, I want to really express today my disappointment and frustration, quite frankly, with the level of AIDS funding that is in this bill. We have heard time and time again how AIDS is killing millions of people in poor countries throughout the world. We know that AIDS is a complex disease that requires a comprehensive strategy.

I want to thank the gentleman from Minnesota (Mr. OBEY), our minority leader, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Iowa (Mr. LEACH), the gentleman from California (Ms. PELOSI), the gentleman from New York (Mrs. LOWEY), the Congressional Black Caucus, and all of those who have worked very hard to raise the level of funding for global AIDS programs in this bill. Last month, however, our efforts to do even more to increase global AIDS funding was derailed by the President. This was a total outrage, given the administration's stated commitment to lead in fighting this scourge.

I attended the 14th International Conference on AIDS in Barcelona and heard from AIDS experts, activists, and people living with AIDS who demanded treatment now. There are 28 million people in Africa living with HIV and AIDS, but only 30,000, 30,000, who receive treatment, in comparison to nearly 100 percent of the people in the United States who need treatment and receive it.

At the conference, alarming statistics and forecasts indicated that HIV infections are not decreasing, nor are they leveling off. They are growing. This crisis will only continue to worsen. Today, there are over 40 million people living with AIDS. By 2010, we will see more than 100 million new AIDS cases unless we step up to the plate. China, Russia, and India are ticking time bombs. We must put at least \$1 billion into the trust fund, Mr. Speaker.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Mr. Speaker, I rise to support this conference report. This conference report funds the war on terrorism, but it also helps to make as whole as possible my district in New York where the World Trade Center stood before the attack last year. This conference report fulfills the congressional part of the President's pledge to appropriate \$20 billion to help New York recover from the attack.

We still have some problems with FEMA doling out the money; but I want to commend the chairman of the

committee, the gentleman from Florida (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBEY), and especially the New York members of the Committee on Appropriations who worked so hard to ensure that New York would not be forgotten and that we now have this \$21.4 billion appropriated.

I want to also express my support for the \$200 million in aid to Israel included in this legislation. Israel is our only true ally in the Middle East, and our only true friend in the fight against terrorism. It is only right that we support Israel in its fight against terrorism.

I also want to say that the \$200 million appropriated for fighting AIDS in Africa is a good first step, but we must increase it because it does not meet the scale of the catastrophe in Africa, and the United States should step up to the plate more. But this is a very good first step.

So I want to congratulate the members of the Committee on Appropriations and the leadership of the Committee on Appropriations, and I support this bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I want to thank the gentleman from New York for the comment that he just made. The conferees have worked really hard with the delegation from New York, including the Senate and House Members; and we have all worked together very well.

This conference report continues to recognize the tremendous human losses suffered by those businesses located in the World Trade Center during the September 11 attacks, and we have included this emergency appropriation for the purpose of assisting these businesses. As stated in the joint explanatory statement of the Committee of the Conference, the conferees added \$33 million to the amount provided over the initial request, and we did so expecting that that additional money would be made available specifically for helping to assist those firms located in New York City who, at the time of the terrorist attacks, suffered a disproportionate loss of their workforce and who intend to reestablish their operations in New York City.

I have discussed this issue on numerous occasions with Mr. Gargano, who serves as Governor Pataki's Chairman and CEO of New York's Empire State Development Corporation. It is our understanding that in cooperation with New York City and the Lower Manhattan Development Corporation, the State of New York will ensure that these funds will be available for the intended purposes.

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

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes to filibuster, in hopes that the gentlewoman who wishes to speak on this gets here.

Let me say that, given the fact that I am trying to stall until another Mem-

ber gets here, there are several items that I think the membership ought to know about that we have provided in this bill above the administration request.

We have provided \$225 million for modification of airports. Those modifications are needed in order to create an actual place to install the explosive detection systems which are supposed to be placed in those airports. It would be pretty difficult to meet the deadline without that additional funding, which the administration did not request.

We also now have the situation in which air marshals at this point cannot communicate with the ground except through the pilot. We think that is fairly unfortunate and risky, and so we provided \$15 million to fix that problem.

We have also provided additional funding for port security grants, and I think that is probably among the most important money in the bill.

We have taken a number of other actions which I think will enhance overall security, even while we have not provided all of the funding that the Transportation Security Administration asked for for other activities, in large part because the Congress, on a bipartisan basis, has so little confidence in the way that agency has approached its job to date.

With that, Mr. Speaker, I will end my filibuster.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me this time. I was not going to get into this, but I want to thank the chairman of the committee.

As the chairman knows, I have great concern about LaPlata, Maryland, that was struck by a tornado some months ago, and literally two-thirds of the town was obliterated, knocked down, along with almost a thousand homes destroyed.

I was hopeful that there would be some additional funds in this bill. That was not possible. But I want to thank the chairman and the ranking member, with whom I talked during the course of the conference, for their assurances that during the course of the next weeks that we will address this problem. I want to be able to assure the folks of LaPlata that we have not forgotten them and we are going to assist them as soon as we possibly can; and I thank the chairman for his assurance on that and working with me to accomplish that objective, and I thank the gentleman from Minnesota (Mr. OBEY) as well.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to use this time as we consider the supplemental to raise an issue that I think has tremendous emergency potential, but it has great implications for us as a Nation as

we respond internationally and as we are trying to bring stability in regions of the country that we want to have stable commerce with.

And that is to recognize that in southern parts of Africa there are countries where people are literally starving today and that we could intervene and make a difference. A little money could be provided for food, and those who are starving need not die from starvation and the starvation numbers need not increase.

Just yesterday, the World Food Program revised their numbers up that they expect will be affected if we did nothing, from 13 million to 14 million. It is so easy for us in our luxury, or in our secure areas not to see this as immediate, because it is over there. Well, their problems over there become our problems in terms of security.

As we are now trying to bring stability to all regions, in particular developing countries, I would hope we would see it in the Nation's interest, our security interests, even if we do not see it in the humanitarian interest, of doing the right thing. So I want to bring this to the attention of the appropriators. And I know it is not in this bill. I offered amendments when it came to the House before, and we were not given an opportunity; but I just want to use every moment and every breath I have to raise the consciousness and awareness that we can make a difference.

Now, let me say parenthetically, Americans are making some difference now. But because we are a very affluent country, we cannot afford not to do what is necessary. We need to have that opportunity to make a difference. Mr. Speaker, 13 million could possibly die if we fail to act. We need those resources, and if not through this bill, through some future bill.

□ 1500

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, Article I of the Constitution indicates that it is Congress which is given the power to determine the expenditure of taxpayer's money. Nowhere in the Constitution, in Article I or any other article, do we have a mention of the Office of Management and Budget. And yet I think as has been often the case, or has often been made obvious, the present director of the Office of Management and Budget seems to believe that the only role of Congress in the appropriations process is to salute whatever whim seems to occupy OMB that day. It is not the first time in our Nation's history OMB has had that attitude; but it is the most recent and, therefore, the most annoying.

Let me simply say OMB and the White House itself has on numerous occasions chastised this Congress for the decisions we have made on the supplemental, and they have also chastised the Congress for being somewhat tardy in getting this bill to the White House.

Let me point out that the White House did not send this bill to Congress until late March. They could have sent it up in January. They did not. They could have sent it up when they sent up their budget in February, but they did not. They delayed until late March, and then on three separate occasions after the conferees reached agreement on the content of this bill, OMB saw fit to blow up that agreement and ask for a different cut of the cards.

Because of that history, it has taken the Congress more time than it otherwise would have taken. Nonetheless, we now have a product which does not suit everyone exactly, but it is a reasonable product; and I believe it deserves the support of the House. I do not support every item in it; no Member does. But it is a reasonable effort to reach a conclusion on this matter, and I personally intend to support it because of that fact.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I express my great admiration for the job that the gentleman from Wisconsin (Mr. OBEY) and the chairman of the Committee on Appropriations have done together, but the conference report has some extraneous provisions which the Committee on Transportation and Infrastructure has objected to on a bipartisan basis, including one provision that has nothing to do with fighting the war on terrorism: a rescission of \$320 million of highway contract authority.

That means if this stands, and apparently it will, that every State's highway program will lose interstate maintenance, national highway system funding, surface transportation program, bridge, congestion mitigation, and air quality improvement funds. California loses \$31 million; Pennsylvania, \$15 million; Illinois, \$11 million; and Minnesota, \$5.2 million.

For the first time in the history of the highway programs, these States will have to return budget authority which has been apportioned to them. These cuts are over the express objections of both the House and the Senate authorizing committees. Some will argue this has no effect because the obligational authority is not reduced in fiscal year 2002, but I disagree. These rescissions will limit the States' flexibility to use their different categories of funds. When we passed TEA-21, we expected that contract authority would be greater than the annual obligation limitation. This excess contract authority has played a critical role in funding the States' need to set their own priorities for highway investments, and they have done exceedingly well with it.

States will have to go through the process now of returning these funds from each of the highway categories to the Federal Highway Administration,

and put more pressure on each State's highway next year if reauthorization of TEA-21 is delayed.

Mr. Speaker, for those reasons I must oppose the conference report.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I thank the members of the conference committee and the staff who worked very diligently for a number of weeks to get us to the point where we are today to have this supplemental on the floor.

Our counterparts in the other body worked with us very diligently. I suggest that they raised a number of very challenging issues. This is one of the more difficult conferences that I have been involved with in a good many years; but with the leadership of Senator BYRD and Senator STEVENS, we came to a good conclusion on a good supplemental conference report.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Appropriations, since this is primarily a national defense emergency supplemental bill.

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

Mr. LEWIS of California. Mr. Speaker, I rise to express my deep appreciation to the gentleman from Florida (Chairman YOUNG) and to the gentleman from Wisconsin (Mr. OBEY) for the very fine work they have done on this supplemental bill. This is, after all, the supplemental to provide additional funds for the war on terrorism.

It was not quite a year ago that we met downstairs in this building to mark up the fiscal year 2002 appropriations bill for national security. As we were meeting that very morning, all of us had the experience of seeing those planes fly into those buildings in New York, shortly thereafter learning about a plane flying into the Pentagon and the President brought us all together to discuss for the first time the war on terrorism.

One of the most significant moments of my time in public affairs was to share with Members in this House when the President came to the House, bringing us all together, both bodies of the Congress, the Supreme Court, all of the members of the cabinet, in order to talk about this new challenge that America was faced with. I will never quite forget that scene when the leader of the other body, who was in the well of the House, came across the well of the House and we saw the President of the United States and that leader in friendship and leadership and otherwise hug each other expressing the public's view that we ought to be together as we go about fighting this war.

Indeed, the gentleman from Wisconsin (Mr. OBEY) has indicated that this bill might have moved more quickly. There are any number of interests that have come forward since the fiscal

year 2002 bills were marked up, and indeed the best effort has been made to reflect those additional interests in this fiscal year 2002 supplemental. But most of it, approximately half of it, is money to fight the war on terrorism; and we are coming together to further express our commitment on both sides of the aisle to make certain that we do whatever is necessary to see that we win this war.

America is not backing off from the challenge that is before us. Indeed, the people of the United States continue to insist that we work together intently to make sure that America remains the strongest Nation in the world carrying forward that battle to be successful in the war on terrorism.

Mr. BLUMENAUER. Mr. Speaker, I will support this legislation.

Its provision to provide funding for Amtrak is especially critical to avoiding a shutdown of our national passenger railroad system later this year. Congress has a special obligation to fund Amtrak as part of the Amtrak Reform and Accountability Act of 1997. The fiscal problems facing Amtrak are not the responsibility of the railroad alone, but also reflect the unrealistic and unattainable goals that we impose on Amtrak under that legislation and our failure in Congress to provide necessary capital funding. The \$205 million provided in this bill is a stop gap measure to keep the railroad functioning as we look at opportunities next year during the Amtrak reauthorization to address larger fiscal and structural issues.

This conference report contains funding for homeland security that is much needed in my district. It is essential that we provide our local governments and first responders with the resources to provide training and acquire the equipment necessary to be prepared for potential terrorist attacks.

Our military has responded with great professionalism to the unforeseen tragedies of September 11, but we need to utilize tools beyond those of the military in reducing global risks. I am disappointed that we had to add military spending to this bill. The FY02 military budget we adopted last fall was \$351 billion, a figure already exceeding the military spending of the next 25 nations combined.

Finally, the conference report appropriates \$134 million for reconstruction activities in Afghanistan. I am pleased that this total includes funding to repair houses damaged during military operations. The conference report appropriates some \$3000 million for assistance to Afghanistan from various accounts.

Afghanistan is believed to have one of the worst landmine and unexploded ordnance problems in the world, with 5–7 million still littered about the country. In addition to Afghan citizens, U.S. service personnel have also been killed by these explosive remnants of war. \$4 million is included in this conference report for humanitarian demining and cleanup of other unexploded ordnance.

Representative LEACH and I led a request to the Foreign Operations Appropriations Subcommittee for assistance to unintended victims of the Afghan war in its FY03 bill. A bipartisan group of 38 Members joined us. This is an important gesture for us to make to the Afghan people to show them that our military campaign is not against them; it is against Al-Qaeda. I hope we can build on the assistance

for housing repair that is in this conference report in the appropriation for FY03 funding when the House Foreign Operations Subcommittee marks up its bill following the August recess.

Mr. LANTOS. Mr. Speaker, today the House is voting on H.R. 4775, the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States. This legislation provides key support to our military to conduct the ongoing struggle against the barbaric forces of international terrorism, additional support for some key friends and allies in the war against terrorism, and supports other critical programs. I fully support the conference report and urge all my colleagues to support this critical legislation.

Mr. Speaker, I rise today to address a very important provision that is contained in this legislation, section 603 of the Supplemental Appropriations Act, relating to the dangerous security situation on Afghanistan, which is jeopardizing U.S. efforts to stabilize and democratize that war-torn nation. On May 21, 2002, I offered an amendment to H.R. 3969, the Afghanistan Freedom Support Act of 2002, which is substantially similar to section 603 and was adopted by vote of 407–4. My amendment and section 603 require the Administration to submit a strategy for addressing this critical problem. Under section 603, the Administration is required to submit a report on the strategy for meeting the immediate security needs, and a further report within 90 days on the long term strategy for meeting long term security needs in Afghanistan.

Mr. Speaker, the United States and its coalition partners have freed Afghanistan from the choke-hold of the al-Qaeda terrorists and the repressive regime of the Taliban. With the support of the international community, a new, interim authority is in place and the country is, uncertainly, on a path to peace and stability. But that very peace and stability is being threatened, and the new government of Afghanistan, led by Chairman Hamid Karzai, is being undermined by lawlessness and insecurity. Afghanistan is in grave danger of relapsing to the very conditions of violence and warlordism that created the Taliban and attracted al-Qaeda to operate in Afghanistan.

This is not the vision we had for Afghanistan as we sought to help liberate it from the grasp of the terrorists and the Taliban. President Bush has pledged to help restore security and rebuild Afghanistan, and Secretary Rumsfeld has himself noted on many occasions that security is fundamental to all other issues and objectives in Afghanistan. Mr. Speaker, if this was not clear on May 21, when I first raised this issue, it certainly is now. A key member of the Karzai Government, Vice President Haji Abdul Qadir, was assassinated on July 6, 2002. The assassination of this key Pashtun leader highlighted the instability in Afghanistan that threatens the U.S. mission there. And just this week, Secretary of Defense Rumsfeld announced that U.S. soldiers, including U.S. special forces, will protect President Karzai, perhaps for several months, in order to protect the nascent political process that is taking place. I could not agree with him more when he said that it is important that the political process in that country “not be negated by violence.”

Mr. Speaker, the Bush Administration decision to protect President Karzai speaks vol-

ume about the threats facing Afghanistan today. Just as President Karzai is threatened by continuing insecurity, so is the entire Afghani population. The bill before us today, and the Afghanistan Freedom and Reconstruction Act passed earlier this year, provides funding to help transform Afghanistan from a land of repression and chaos into a safe and secure environment where freedom, human rights and democracy can grow, and terrorism and opium production will wither. However, none of this can be accomplished without security. The United States is providing critical assistance to create a new professional, multi-ethnic Afghan Army that can address Afghanistan's long-term security needs. But something must be done now, whether it is the expansion of a multinational force or through some other mechanism, to stabilize the countryside. Neither we nor our Afghan friend have the luxury to wait until a future Afghan security force is fully trained and deployed.

Section 603 requires the Administration to address this issue in a constructive way. It requires the Administration to formulate a strategy to increase security in the country during the transaction to a fully functioning national army and police force. I fear that a failure to do address the security situation may lead to a failed Afghanistan, reduced instead of increased international assistance, delays in the accomplishment of U.S. military objectives and a far longer engagement for our military in the region.

Mr. LEVIN. Mr. Speaker, I will support the conference report on the supplemental appropriations bill when it comes to a vote this afternoon because of the funds provided for the war on terrorism, homeland security, and assistance to the city and state of New York.

That said, there are provisions in this bill that have nothing to do with these important objectives. One provision will undo a past trade commitment that the U.S. made in good faith to the countries of the Caribbean Basin region. That commitment relates to the rules of origin for apparel products under the CBI program. This bill includes changes to those rules of origin that make the program much more restrictive.

We all know why these provisions are being included—it is to make good on a deal made by House Republican leadership with a few Republican Members from textile states in order to secure those Members' votes for a fundamentally flawed fast track bill.

The CBI bill was crafted carefully on a bipartisan basis and it was an opportunistic, serious mistake to undo the provisions in that bill. The irony is that it is most likely that the promises in this bill will prove to be a pyrrhic victory.

Provisions in the House bills on fast track and Andean Trade Preferences would significantly expand imports of textiles and apparel products from various countries—to a much larger degree than the trade at issue in this dyeing and finishing provision. The House Republican leadership therefore has been giving with one hand and taking away with the other.

In a way, this dyeing and finishing amendment encapsulates the trade policy of the current Administration. It is going back and forth, with no direction.

It is a reflection of the basic flaw of the House Republican leadership to approach trade policy as a purely political issue and thumb its nose at bipartisanship from the very outset.

A trade policy on such a narrow partisan basis is not viable as it is built on shifting sands of political expediency, instead of a strong, broad foundation.

Mr. JEFF MILLER of Florida. Mr. Speaker, today I rise with reserved support for the FY 02 supplemental Conference Report. This legislation, billed as a wartime supplemental, has egregious spending proposals I cannot wholly support. However, with more than \$14 billion going to support our men and women in uniform, I am unable to oppose the measure.

In my opinion, Mr. Speaker, this bill is the embodiment of resentment our constituents express in regular helpings. This process, of using strong and vital proposals to shield what is essentially pork, afford the hard working taxpayers in this country a valid complaint against their government.

I have read and reread the bill, Mr. Speaker. I shook my head with disgust and held my breath when casting my aye vote. My vote supports our efforts to defend this great country and to protect our interests in other lands. However, I know that this supplemental could have been better and I know for a fact that our constituents deserve better.

Mr. PETRI. Mr. Speaker, first the good news. I am pleased that this conference report includes language that provides that adjustments in obligation authority for the federal highway program due to the Revenue Aligned Budget Authority (RABA) calculation will be zero for fiscal year 2003. This will ensure that the obligation levels behind the budget firewall for fiscal year 2003 will be at TEA 21 estimated levels for the year (\$27.7 billion) and about \$4.4 billion over what was included in the President's budget. The lower budget number in the President's budget was a result of adjustments made to correct previous overestimates for 2001 revenues and lower estimates for future revenues.

However, it is important to note that there is no reason why Congress cannot provide funding in addition to this “minimum” guaranteed level of funding and, indeed, the Highway Trust Fund can support additional funding. This provision is identical to what was approved by the House earlier this year when H.R. 3694, the Highway Funding Restoration Act, was passed by a vote of 410–5 and will provide for more stable highway funding for the states.

Now, the bad news. In an unprecedented move, the conferees have included a Senate provision that rescinds \$320 million in contract authority from the Highway Trust Fund that has already been distributed to the states. In my more than 20 years here in the House, I cannot remember a time when states have had to give back federal highway apportionments.

Mr. Speaker, this move is objectionable on many levels.

Contract authority from the Highway Trust Fund is under the exclusive jurisdiction of the Transportation and Infrastructure Committee. It is not the place of the Appropriations Committee to rescind contract authority. Under the Rules of the House, this is a violation and would be considered legislating on an appropriations bill. It should be of grave concern to all those Members who are not on the Appropriations Committee—which is about 85 percent of us—to see the continued usurpation of authorizer's authority and the long arm of the appropriators reaching beyond their legitimate powers and authorities.

In addition, this is a terrible precedent. For decades, the Public Works and Transportation Committee, as our Committee was known back then, worked diligently in support of efforts to take the Aviation and Highway Trust Funds off-budget. And it was just because of budget games such as this that were played with Trust Funds that spurred that effort. We made real progress in TEA 21 where, for the first time, highway spending levels are linked to revenues coming into the Trust Fund. If the Appropriators are able to use the Trust Fund for budget gimmicks today, what is to stop them from doing so again in the future. Perhaps we should be thankful that the rescission in this bill is "only" \$320 million, when, I understand, it could have been a lot more. But we must stop manipulating the Trust Fund and the highway program for illusory budget reasons.

But perhaps most important is the impact on state transportation plans and programs. States receive contract authority each year in accordance with TEA 21 in the various highway program categories. They are able to target obligation authority (which is typically less than contract authority) received each year among the various programs to meet specific transportation priorities and needs. This flexibility is needed by the states to properly manage and plan to ensure the most efficient and effective highway program. If suddenly a state must give back contract authority (and I understand DOT will require an across the board return of contract authority from among the various funding categories), states lose this vital flexibility. And some states may have large amounts of contract authority in only a few categories, so that impact would be felt more deeply in other programs.

I understand this rescission has been justified on the basis of budget authority "savings" that were necessary to meet target spending levels. It is distressing that the Transportation Committee offered up over \$1 billion in savings from the loan guarantee program under the Air Transportation Safety and System Stabilization Act of reducing the outstanding loan authority down to the value of all pending loan applications. However, conferees did not avail themselves of this option and instead chose to focus on the highway program.

The proper course of action to take would be to restore this contract authority as we continue the appropriations process for fiscal year 2003. I trust the appropriators and leadership will work with us to ensure this correction is made.

Mr. Speaker, we simply cannot begin to play with the highway contract authority given to the states. We have never required them to "give back" contract authority already distributed. This is a very dangerous precedent and I trust we will go no further down this road in the future.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of this very important legislation.

I want to express my sincere thanks and happiness that the funding for New York's recovery has been included in this bill.

I would like to also note that this legislation includes \$90 million for a longterm study that will be conducted by Mt. Sinai hospital to track the health impact of 9/11 on the dedicated and courageous response-and-recovery workers at the World Trade Center.

However, while I am pleased that this study was included and that we are taking care of

the utilities, I must say that I am very troubled that this bill does not contain any funding to aid the New York City Board of Education with its costs because of the September 11th terrorist attack.

I, along with many members of the New York Congressional Delegation, and especially my friend and colleague Representative JOHN SWEENEY, who tried to include the aid in Committee, have been working on this important issue since the Board came to us with their concerns. Because of the attack, the Board has incurred costs such as making up for lost instructional time, clean up and repair of impacted buildings, transportation for relocated students, and the loss of perishable food and lunch revenues. Our goal simply has been to obtain for the New York City schoolchildren the same kind of aid that was made available to the Northridge schools following the 1994 earthquake. FEMA indicated that it wanted to help, but lacked the necessary authority.

After months of correspondence with FEMA, we believed that to provide the Board with this funding, language needed to be included in the Supplemental Appropriations bill directing FEMA to reimburse the Board. However, even after the inclusion of such language by our colleagues in the other body, FEMA and OMB have indicated that this language is not sufficient, and the FEMA still lacks the authority to reimburse the Board. I am very disappointed with FEMA's inability to come to the aid of New York City's schoolchildren, who have done nothing wrong and deserve to have the best possible educational experience.

Mr. Speaker, the events of September 11th are unprecedented in our nation's history. As a result, President Bush pledged that his administration would do whatever it takes to rebuild New York City. While we appreciate his support and much of the good work that has already occurred, the red tape that seems to be tying up the aid for the New York City schools must be cut as soon as possible. I am hopeful that we will be able to come to some resolution with FEMA so that the Board can continue its preparations for the upcoming school year.

Mr. STARK. Mr. Speaker, I rise today in opposition to the Supplemental Appropriations bill for Fiscal Year 2002.

The Republicans have created a bill that throws important priorities in with a laundry list of poor choices. I can't in good conscience vote for a bill that in one breath provides billions in new funding for defense while cutting a reasonable investment in America's infrastructure and public housing.

I can't support a bill that authorizes spending—to the tune of \$29.8 billion—that the President already said he would veto. It is critical that we make funding for transportation safety available as quickly as possible. But we can't be effective if we don't provide the funding the Transportation Safety Administration says it needs. The Secretary of Transportation says passage of this bill will delay the installation of screening and detection systems needed to keep weapons and explosives off our airlines.

This bill opens the door for U.S. military involvement in Colombia, moving us one step closer to being mired in a civil war there. I cannot support this, just as I have always opposed the United States giving funding to other nations to purchase weapons that might be used to wage war or harm innocent civilians.

This bill also withholds funding for critical UN family planning efforts that are vital in combating poverty and hunger throughout the world.

I do support a great deal of what is funded in this bill. We must crack down on corporate fraud. We should make college more affordable for all Americans by boosting Pell Grant funding. We need to do more to help the victims of domestic violence and assist poor mothers and their children. We should assist local communities and first responders in their emergency preparedness efforts. We ought to boost the security of our transportation systems and at our ports.

America should also be a responsible force abroad as well by helping Afghanistan rebuild, giving needed humanitarian aid to refugees, and providing support to vital global health care initiatives like the fight against HIV/AIDS.

I support all of these important endeavors. But, unfortunately, this bill is far too flawed to gain my vote. I urge my Republican colleagues to think about what our priorities should be and consider the consequences this bill imposes on our nation's and the world's future.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5120, and that I may include tabular and extraneous material.

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

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2003

The SPEAKER pro tempore (Mr. LEWIS of California). Pursuant to House Resolution 488 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5120.

□ 1510

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 consideration of the bill (H.R. 5120) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of