

RECORD, as it is important to this conference report. I know that the Members wish to make plans so that they can get out of here before the last plane leaves, and I would hope that everybody who seeks time will speed it up so that the Members will be accommodated.

This conference report represents the first Department of Justice authorization that will be signed into law since 1979. The Department has gone for 23 years without an authorization. This legislation will help the Congress to do better oversight over the Department of Justice and will allow the Department of Justice to do better oversight over itself through improvements in the Inspector General's Office.

There are a number of additional judgeships that have been created, largely in the southwestern part of the country, to handle cases that arise from problems along the border. There is an improvement in how the Department administers its grant programs through the Office of Justice programs; and I think probably most importantly, the improvements in the juvenile justice system at the Federal level, jointly within the jurisdiction of the Committee on the Judiciary and the Committee on Education and the Workforce, at long last, will be finding its way into law.

All of the conferees signed this legislation. It has significant bipartisan support. I would commend it to the Members' favorable vote.

Mr. Speaker, over the last two decades, there have been several unsuccessful attempts by the Committees on the Judiciary of both Houses of Congress to authorize the Department of Justice. If enacted, H.R. 2215 represents the first such authorization of the Department in nearly a quarter century. It reflects the broad bipartisan support of both Houses, and was signed by all of those appointed to the Conference. While some might argue that congressional authorization of federal departments within its jurisdiction is a mere formality, the authorization of executive agencies fulfills Congress' fundamental constitutional obligation to maintain an active and continuing role in organizing the priorities and overseeing the operation of the executive branch. This process also ensures that the authorizing committees' institutional knowledge about the federal agencies they oversee can be imparted in the course of regulation reauthorization.

The Department of Justice is one of the most important agencies in the Federal Government and the world's premier law enforcement organization. With an annual budget exceeding 20 billion dollars and a workforce of over 100,000 employees, the Department of Justice is an institution whose mission and values reflect the American people's staunch commitment to fairness and justice.

The importance of the Department of Justice has only increased since the tragic events of September 11th, 2001. Last year, I was pleased to introduce and lead congressional passage of the PATRIOT Act, which has strengthened America's security by providing law enforcement with a range of tools to fight and win the war against terrorism.

As Chairman of the Judiciary Committee, I have continued to help provide the Depart-

ment with the legislative resources to carry out its crucial mandate. At the same time, I have worked to ensure that the Department's structure, management, and priorities are tailored to best promote the purposes for which it was established.

The 21st Century Department of Justice Appropriations Authorization Act advances this important goal. The title of this measure reflects its broad and ambitious sweep: to focus the priorities of the Department to tackle the challenges of the 21st century. At the same time, its title alone does not fully capture the several individual legislative initiatives contained in its text. Many of these initiatives were reported by the House Judiciary Committee and passed the House of Representatives, only to be diverted from the President's desk by the delay and inaction of the other body.

H.R. 2215 fully authorizes the appropriations requested by the President for fiscal years 2002 and 2003. It strengthens oversight of the Department of Justice by bolstering the authority of the Department's Inspector General. It also mandates that one senior official in the Inspector General's office be dedicated to the oversight of the FBI. It also requires the Inspector General to submit an FBI oversight plan to Congress within 30 days of enactment.

It also directs the Department to submit a report detailing the operation of the Office of Justice programs, requires the submission of information concerning litigation activities at the Department, and protects civil liberties by requiring the submission of a report on the Department's use of the electronic surveillance system formerly known as "Project Carnivore."

H.R. 2215 strengthens the statutory authority of the Attorney General to conduct his official responsibilities, enhances the administration of justice by incorporating long-needed judicial improvements and strengthens judicial disciplinary procedures. It also creates additional judgeships to address the chronic overburdening of America's federal courts, particularly in border states such as Texas, California, and New Mexico, as well as Florida, Nevada, and Alabama.

H.R. 2215 also ensures effective market competition by making important improvements to federal antitrust statutes, and establishes a Commission to review the adequacy of existing antitrust laws. It promotes America's economic competitiveness by strengthening protections for intellectual property, modernizing the application process at the Patent and Trademark Office, and ensuring that holders of U.S. trademarks are accorded the full protection of international law.

In addition, H.R. 2215 strengthens the integrity of the criminal justice system in several ways. It increases penalties for those who tamper with federal witnesses or harm federal judges and law enforcement personnel, authorizes danger pay for federal agents in harm's way overseas, and contains important provisions to reduce illegal drug use. The Report also makes important refinements to address INS administrative processing delays faced by legal immigrants.

Of critical importance, this legislation contains a sweeping and ambitious program to protect at-risk kids. It provides continued support for Boys and Girls Clubs, enhances juvenile criminal accountability, and provides states with block grants to curb youth crime. It represents comprehensive bipartisan legisla-

tion the House Committees on Judiciary and Education and Workforce have been working on for several years, and I am proud of its inclusion in the Conference Report. Finally, this bill promotes continued support for federal, state, and local coordination of preparedness against terrorist attacks.

Mr. Speaker, it is my hope that the American people will not have to wait another 23 years for this body to again reauthorize the Department of Justice. Rather, I hope that passage of H.R. 2215 will lead to a period of reinvigorated congressional oversight of the executive branch. Working in concert to identify solutions to the growing challenges faced by federal law enforcement, Congress and The Administration will better provide for the safety and security of American people. H.R. 2215 makes a critical, long-overdue step in this direction, and I urge your support.

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

Mr. SCOTT. Mr. Speaker, I rise in support of the conference report. I yield 2 minutes to the gentleman from California (Mr. SCHIFF), who has been very helpful in putting this bipartisan package together.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me this time, and I applaud the bipartisan leadership for their tireless work in bringing this bill to the floor today.

In particular, I am very appreciative that one of my bills, the Law Enforcement Tribute Act, has been included in the reauthorization conference report. The Law Enforcement Tribute Act authorizes funding for grants to States and localities to aid in honoring those men and women of the United States who were killed or disabled while serving as law enforcement or public safety officers.

To ensure this funding would allow for the development of many tributes around the country, there is a limit that no award may be greater than \$150,000; and the bill further requires a match by the State or locality requesting the funding. The bill authorizes \$3 million a year for 5 years to be administered through the Department of Justice and would provide enough funding for 20 projects each year.

Mr. Speaker, I would like to explain briefly why this bill is so important. In one of the communities I represent alone, Glendale, California, four police officers and one sheriff's deputy have been killed in the line of duty. Many others have suffered injuries and illnesses that have contributed to early deaths. The ultimate sacrifice they have made deserves this recognition.

One of those fallen heroes was Charles Lazzaretto, a Glendale police officer killed in the line of duty only 4 years ago. Another involves Janice Starnes of Martinsville, Indiana, whose husband, Dan, was killed in the line of duty in July of 2001, just months after they celebrated their 25th anniversary. Earlier this year, Janice wrote a check for \$100 to start a memorial for her husband and two other officers also killed in the line of duty. In a letter that we received from her, she writes:

“He was the best friend to our sons. Dan paid the ultimate sacrifice. He has always been my hero, and now others can be honored by this memorial. I want to live long enough to see this memorial completed.”

Well, so do all of us in the Congress of the United States.

I want to thank the original cosponsor, the gentleman from Virginia (Mr. DAVIS); our subcommittee chairman, the gentleman from Texas (Mr. SMITH); and the gentleman from Virginia (Mr. SCOTT), the ranking member of the subcommittee, for their work; and the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee; and the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee, for all of their assistance. To the many organizations of law enforcement who have supported it, I thank them; and I urge the support of my colleagues.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. COBLE).

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

This conference report contains intellectual property provisions which are very significant, such as PTO reauthorization; the patent reexamination reform proposal; intellectual property technical amendments; the TEACH Act, regarding the distance education program; and the Madrid protocol implementation concerning the international registration of trademarks.

Our subcommittee of the Committee on the Judiciary, Mr. Speaker, has worked a long time on these matters, and in the case of the Madrid protocol for 8 years. This is much-needed reform that will benefit the intellectual property owners of the intellectual property community, and the American public as well.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise in support of this conference report. I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), our chairman; and the gentleman from Michigan (Mr. CONYERS), our ranking member; and the gentleman from Virginia (Mr. SCOTT), the ranking member of the subcommittee, for their efforts to pass the first DOJ authorization bill in 2 decades. I have enjoyed working with them as a member of the Committee on the Judiciary and as a member of the conference committee to bring this legislation to the floor.

This is an excellent piece of legislation that deals with a large number of important issues. I would like to focus on two of them today.

I am very pleased that we were able to create a permanent Violence Against Women Office and make the director of that office a Senate-confirmed appointee. These provisions will strengthen the existing office, enhancing the Department of Justice's capacity to address the continuing problems

of domestic violence and sexual assault.

Domestic violence and sexual assault are still scourges on our Nation. The statistics are chilling. Nearly one in three women will experience either domestic violence or a sexual assault in her lifetime. These horrible crimes damage lives and tear families apart. The Violence Against Women Act is a proven part of the solution to these problems, and a permanent office with a strong director will help us continue to move forward to end this problem forever.

I want to thank the gentlewoman from New York (Ms. SLAUGHTER), my colleague, for introducing the original legislation; and I also want to appreciate the work of the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from Colorado (Ms. DEGETTE), and also appreciate the gentleman from Michigan (Mr. CONYERS), the ranking member, for their efforts to move this issue forward. I thank the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), for the work that he did to make sure that we found appropriate legislative language that meets the great need for a strong Violence Against Women Office.

Mr. Speaker, this bill also includes an important, although somewhat obscure, provision that will help promote education. The bill includes the Technology Education and Copyright Harmonization Act, also known as the TEACH Act. The TEACH Act extends the current exemption of educational use of copyrighted materials to distance learning. This will allow our schools, colleges, and universities to expand educational opportunities through new technology. Copyright holders and our educational institutions worked hard to develop this compromise language. I am pleased we were able to introduce it and include it in this bill, and I urge my colleagues to vote for this conference report.

Mr. SENSENBRENNER. Mr. Speaker, I yield a quick 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me this time.

This legislation contains several bills originated by the Subcommittee on Crime, Terrorism and Homeland Security. The Juvenile Offender Accountability Act, the Law Enforcement Tribute Act, and the Body Armor Act will help make America safer.

Additionally, this legislation increases penalties for threatening Federal judges and other Federal officials, and for threatening witnesses, victims and informants.

An immigration provision I sponsored benefits the high-tech sector. It allows high-tech workers with H-1B visas who apply for an extension beyond their normal 6 years to extend their stay in the U.S. while their application is pending.

This legislation provides for three additional judgeships in Texas, two permanent district judges in the western district and one temporary district judge in the eastern district.

Mr. Speaker, I urge my colleagues to support this conference report.

Mr. Speaker, Section 11030 A of the conference report will permit H-1B aliens who have labor certification applications caught in lengthy agency backlogs to extend their status beyond the 6th year limitation or, if they have already exceeded such limitation, to have a new H-1B petition approved so they can apply for an H-1B visa to return from abroad or otherwise re-obtain H-1B status.

Either a labor certification application or a petition must be filed at least 365 days prior to the end of the 6th year in order for the alien to be eligible under this section. The slight modification to existing law made by this section is necessary to avoid the disruption of important projects caused by the sudden loss of valued employees.

This corrects a problem created in the American Competitiveness in the 21st Century Act (Pub. L. 106-313)(AC21). The provision, as it was originally written, allowed for extensions of H-1B status beyond the usual 6 years, but required that a labor certification be filed more than 365 days before the end of the 6th year and that an immigrant petition, the next step in the long line to permanent residency, be filed before the end of the 6 year as well.

When it passed AC 21, Congress intended to protect foreign nationals and the companies who sponsor them from the inequities of government bureaucracy inefficiency. This specific provision was put in place to recognize the lengthy delays at INS in adjudicating petitions, rather than DOL. But since that time, DOL has slowed down its own processing, and the provision as it was originally written has become useless for many otherwise qualified applicants.

This correction allows for those in H-1B status to get extensions beyond the six years when a labor certification was filed before the end of the fifth year, without regard to the ability to file an immigrant petition within the next year. The conferees intend that those who are about to exceed their six years in H-1B status should not be subject to the additional requirement of having to file the immigrant petition by the end of the sixth year, which is simply impossible when DOL has not finished its part in the process.

This recognizes that these individuals are already well-valued by their companies, have significant ties to the U.S. and whose employers have to prove that they are not taking jobs from U.S. workers.

It also is meant to permit those who have exceeded their six year limitation to return to H-1B status. The conferees intend for this provision to allow those who already exceeded the 6-year limitation to have a new H-1B petition approved and obtain a visa to return from abroad or otherwise re-obtain H-1B status.

In addition, the compromise reached with the Senate on Title IV of Division B of this legislation relating to the Violence Against Women Office (VAWO) gives the Attorney General discretion about where to place the VAWO in the organizational structure and chain of command of the Department of Justice as did the version contained in the House passed bill.

This compromise does not contain language found in section 402(b)(1) of the Senate bill which stated that the VAWO "shall not be part of any division or component of the Department of Justice." The conference report permits the Attorney General the flexibility to manage the Department's responsibilities in the area of violence against women.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), who is the ranking member of the Committee on Education and the Workforce, which did a tremendous job on part of the juvenile justice provisions in the legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the conference report. I believe that it offers a balanced approach to reducing juvenile crime and promotes both prevention and accountability. States will have an obligation to protect children in the juvenile justice system. Runaways and truants cannot be contained in secured facilities; juveniles cannot be held in adult facilities. The States have to find a systematic method of addressing a disproportionate number of incarcerated minority youth.

It also includes for the first time a measure aimed at preventing the abuse of juveniles in residential camps, many of whom are in federally funded, but State supervised, foster care. These camps have operated away from the public scrutiny for too long, and the result is that children have suffered serious injuries and, in several circumstances, children have died. This provision requires that residential camps be licensed in the State in which they are located and also meet the licensing standards of States which send juveniles for placements.

I also want to take time to thank so many people who participated in these components of this legislation. I want to thank Bob Sweet and Krisann Pearce of the majority staff on the committee; Judy Borger with the staff of the gentleman from Pennsylvania (Mr. GREENWOOD); and Ruth Friedman and Cheryl Johnson and Denise Forte of our staff on the minority side. On the Senate side I want to thank Tim Lynch and Beryl Howell with Senator LEAHY, and Jeff Miller with Senator KOHL, and Leah Belaire with Senator HATCH.

Mr. Speaker, I also would like to thank the gentleman from Virginia (Mr. SCOTT) for all the work that he did on behalf of this legislation to make it fair and equitable. It is a good piece of legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, let me congratulate our colleagues on the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the com-

mittee, and his colleagues for their very good work on this DOJ authorization bill.

I am very pleased that the chairman has included the provisions of juvenile justice that we have been trying to pass in this House for 6 years. We have had countless numbers of hearings, countless numbers of markups; we have been to the floor three times, and finally, this 6-year project is finished.

I just want to thank the two people most responsible on our committee, and that would be the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT), who have really worked hard to help pull this together. I also want to thank the chairman of the subcommittee, the gentleman from Michigan (Mr. HOEKSTRA), for his fine work; one of our committee staff, Bob Sweet, who just did incredible work, working with Members and staff on both sides of the aisle to bring about what I would describe as a very good agreement and something that has alluded us for a long time.

Lastly, let me thank two other people, my colleague, the gentleman from California (Mr. GEORGE MILLER), the ranking member of my committee. We have a very good relationship, and we have been able to work through many of these difficult issues. Lastly, let me thank again Chairman Sensenbrenner for his willingness to include this issue, this juvenile justice bill in this DOJ conference report.

Mr. SCOTT. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in support of H.R. 2215, the Department of Justice Authorization Conference Report.

I am pleased that the conferees included my bill H.R. 28, the Violence Against Women's Office Act, which was approved by the House last year and would make the Violence Against Women Office a permanent and independent force in the Department of Justice.

Created in 1995, this office has been absolutely critical in heightening awareness within the Federal Government and the entire Nation about domestic violence, sexual assault, and stalking. The office formulates policy and administers more than \$270 million annually in grants to State governments, as well as to local community organizations, police, prosecutors and courts to address violence against women. In addition, it assists these organizations with education and training to ensure the highest quality services to victims and the full administration of justice.

The importance of this office cannot be overestimated. In fact, in a survey conducted by the National Coalition Against Domestic Violence, reports of domestic violence have dropped 21 percent since the inception of this office. Much remains to be done, however, as

nearly 25 percent of women also reported they had been physically and/or sexually assaulted by a current or former intimate partner at home some time in their lifetime. These statistics illustrate the importance of the Violence Against Women Office to the health, safety, and the very survival of women all over America.

The conference report creates an independent Violence Against Women's Office within the Department of Justice, rather than making the office simply a subsidiary part of the Office of Justice programs. The policy independence of the Violence Against Women Office is critical in carrying out its unique mission with regard to both its policy and grant administration efforts to prevent violence against women.

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The office's work with grantees on very sensitive issues is vital and will be best addressed through a separate and independent office. This valuable resource has been specifically authorized by statute, and will be a permanent part of the government's anti-violence efforts.

Ending violence against women is an ongoing struggle, and one of the best tools is the Violence Against Women Office. I want to give my thanks to the gentleman from Virginia (Mr. SCOTT), the ranking member, and to the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this good bill to the floor today. I give it my support.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK), who contributed significantly to this legislation.

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

Mr. Speaker, I am pleased to rise in support of this conference report, which contains a bill that I have worked on for several years, the James Guelff and Chris McCurley Body Armor Act of 2002. I introduced this bill with Asa Hutchinson and the gentleman from Virginia (Mr. SCOTT), and thanks to their strong support of this issue and the hard work of the gentleman from Wisconsin (Chairman SENSENBRENNER), the ranking member, the gentleman from Michigan (Mr. CONYERS), and Senator FEINSTEIN, this bill will finally be enacted into law.

We are providing invaluable assistance to our Nation's law enforcement at a time when their mission is even more important. Violent felons will be prohibited from owning body armor, and serious crimes committed while wearing body armor will be punished more severely.

Criminals wear body armor in the commission of crimes so they can outgun our law enforcement officers and facilitate their criminal intent. This must be stopped. We cannot allow criminals to have an advantage over the men and women that put their lives on the line every day to protect society. The days of the Wild West are

over, and gunfights have no place in our society.

I want to thank the Nation's law enforcement that has rallied behind our bill. The Fraternal Order of Police, the National Association of Police Organizations, the National Troopers Coalition, and the International Union of Police Associations have provided invaluable support to the bill, as have numerous police departments across the Nation, including Los Angeles and New York.

But I think the greatest thanks goes to Lee Guelff, who has worked tirelessly on this cause in the name of his brother. Lee has done much and sacrificed more, and today's action serves as a tribute to his efforts. Lee's advocacy has resulted in the passage of similar provisions in numerous State legislatures, including my own State of Michigan.

James Guelff, Chris McCurley, and many other law enforcement officers have been tragically killed by criminals wearing body armor. After the events of September 11, our law enforcement officials have been called upon to go even further in protecting this great Nation, so I am pleased that by passing the James Guelff and Chris McCurley Body Armor Act of 2002, we are standing up for them as they rise every day to protect us.

Mr. Speaker, I thank all the people associated with this committee for including our bill.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act. I want to commend my colleagues, the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), particularly for their leadership in ensuring that we have worked in a bipartisan, cooperative method in developing this conference report.

It is because of that kind of leadership that we have for the first time in over 20 years a bill to authorize the programs and funding in the Department of Justice.

Mr. Speaker, this bill is based on the provisions that both sides of the aisle in both Chambers can agree on, rather than provisions which divide us based on the disagreements. This is especially true in the juvenile justice provisions in the bill.

For years, juvenile justice programs and funding have been characterized in both Chambers by contention and differences. In this bill are two juvenile justice provisions, one developed in the Committee on the Judiciary and one developed in the Committee on Education and the Workforce. Both bills were developed through bipartisan cooperation and agreement, in stark contrast to the contention and rancor which has deadlocked both Chambers on the issue of juvenile justice in recent years.

I want to give special credit for the hard work on this bill to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime, Terrorism, and Homeland Security, and the gentleman from Pennsylvania (Mr. GREENWOOD), who has worked for years on juvenile justice issues.

Juvenile justice bills in the past have been based on the advice of political pollsters and consultants. These bills, however, were developed based on advice of juvenile justice researchers, administrators, judges, psychologists, educators, and other experts in the field.

The Committee on the Judiciary bill provides for accountability of the juvenile to the law, as well as accountability of the juvenile justice system to the juvenile and the public through a program of graduated sanctions and services.

States and localities are provided with resources to ensure that offenses by juveniles are responded to with an appropriate degree of punishment and/or services, as the individual case requires, graduated and increasing in the level of punishment or services with any subsequent offenses until the problems bringing about such offenses are resolved.

The education bill authorizes the Juvenile Justice and Delinquency Prevention Act for the first time in almost 6 years. We have maintained the core requirements of the act that serve to protect juveniles from abuse and that direct resources towards reducing overrepresentation of minorities in the system.

This reauthorization also provides resources through a delinquency prevention block grant designed to identify at-risk children and to address difficulties which may lead to juvenile offenses before such offenses occur through proven juvenile delinquency prevention programs.

The juvenile justice provision of the report also contains a provision to ensure that the Office of Juvenile Justice and Delinquency Prevention has continued responsibility for the oversight and planning for the research, evaluation, and statistical functions of the office, in addition to grant and contracting authority for these functions.

The research and evaluation arm of that office has been critical to the development of effective juvenile delinquency prevention programs, and this reauthorization reaffirms its important role within the office.

In sum, Mr. Speaker, the juvenile justice provisions of this bill will provide the necessary resources to effectively reduce juvenile delinquency and hold juveniles accountable for any offenses they commit.

I am also pleased to see several other items in the bill which are the result of bipartisan cooperation. We converted a temporary judgeship in the Eastern District of Virginia to a permanent one, which is of critical importance to the area that I represent.

I am also pleased to have worked to include in the bill the bill introduced by the gentleman from Michigan (Mr. STUPAK), providing our brave law enforcement officers with bulletproof vests, and another bill introduced by the gentleman from California (Mr. SCHIFF) to provide suitable tributes to those who have paid the ultimate sacrifice protecting the public from criminals.

Mr. Speaker, there are provisions in the bill which some would prefer would not be there, and other provisions were left out which some would have preferred were in the bill, but the bill represents a well-reasoned, bipartisan effort to fund important programs in the Department of Justice.

I would like to commend the Members on both sides of the aisle, and our respective staffs in both Chambers, for their hard work and accomplishments, as well. I urge my colleagues to support the bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS).

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

Mr. Speaker, I support this measure because, parochially speaking, it does a great deal for some of the projects in which we are so interested in Pennsylvania.

For instance, at Fort Indiantown Gap, this calls for full funding of an anti-drug/antiterrorist school and training program that is extant in that institution, that military base. That alone would justify my vote for this.

But then we include, on top of that, the fact that there is language that will help the State Borough Association implement a plan of Pennsylvania-wide security measures and infrastructure protection that is vital to our State, as it is to every other State in similar circumstances.

Thirdly, under the INS, there is strong language to help us implement the CIVAS program through the designated school officials' training program that will make the visa applications of students better monitored.

Mr. HYDE. Mr. Speaker, as a member of the Committee of Conference on H.R. 2215, the Department of Justice Authorization Act for Fiscal Years 2002 and 2003, I strongly support adoption of the conference report.

I am particularly pleased that the conference report authorizes \$10,732,000 and an additional six full-time employees in fiscal year 2003 for the Community Relations Service (CRS) of the Department of Justice. CRS is an extraordinarily important office whose many accomplishments have been too little noticed. It has the statutory responsibility to assist communities around the United States, and particularly minority communities, in preventing violence and resolving conflicts arising from racial and ethnic tensions and to develop the capacity of such communities to address these conflicts without external assistance. They do a wonderful job and we are fortunate to have them. The increased authorization

provided by this section and the additional full-time employees will support the expansion of the Community Relations Service's efforts to address heightened tension and potential for conflict in many communities in the wake of the September 11, 2001 attacks on the United States.

I am also pleased that the conference report creates a Violence Against Women Office with the Department of Justice. The Office will be headed by a Director who reports directly to the Attorney General and has final authority over all grants, cooperative agreements and contracts awarded by the Office.

Finally, Mr. Speaker, the conference committee wisely decided not to include a Senate provision would have exempted federal government lawyers from the responsibility to follow the same ethical rules that bind other lawyers. The Senate provision was not only unnecessary, but would have been counterproductive to the goal of truly professional law enforcement.

Mr. Speaker, I strongly support this important legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to speak to Section 312 of the Conference Report accompanying H.R. 2215, as well as to support passage of this important legislation.

On the 21st of May this year, I wrote to Congressman SENSENBRENNER and Ranking Member CONYERS to express my concern for the dire shortages of federal judges in the State of New Mexico, and to request that the Committee authorize an additional judgeship for the District of New Mexico in the 21st Century Department of Justice Appropriations Authorization Act.

Today, I want to thank Chairman SENSENBRENNER, Ranking Member CONYERS and the members of the Conference Committee for including appropriations for an additional temporary judgeship for the State of New Mexico in Section 312 of the Report.

New Mexico is the 3rd busiest judicial district in the nation behind southern California and western Texas. In 1996, the Judiciary Council recommended that New Mexico receive one new permanent judgeship and one temporary judgeship. Two years later, the council reiterated that recommendation. Then, in 2000, the Judicial Conference recommended that New Mexico receive two permanent judgeships and one temporary judgeship.

Since the Conference's first recommendation six years ago, the caseload in the federal courts in New York has been on the rise, seemingly growing exponentially each year. Accordingly, the judgeship appropriated in Section 312 will help alleviate the pressure felt within this increasingly overloaded judiciary system, and provide the people of New Mexico more efficient accessibly to federal courts.

Once again, I think my colleagues for considering my request.

Mr. NADLER. Mr. Speaker, I rise in support of the DOJ authorization bill because it does enhance the Violence Against Women Office and increase assistance to our law enforcement officers.

I also applaud the provision of the bill that directs the Attorney General to conduct a study to assess the number of untested rape examination kits that currently exist nationwide.

However, I know we could have done more.

It would be nice to know how many rape kits are outstanding. But it is much more important that we fund the DNA analysis of the kits and solve crimes, rather than simply counting how many kits remain on the shelf.

We know there are outstanding kits, anywhere from 150,000 to 500,000 of them, and we need money to test them. Asking for a study doesn't put any rapists behind bars.

Now, you may ask, what else could we possibly do about this?

Well, we could have put money for testing into the DOJ authorization bill. In fact, I asked the distinguished Chairman to do just that. He told me the study was the best he could do.

Well, I know we can do better. In fact, the Senate already has. The Senate already had hearings, already had a markup, and already passed a bill under unanimous consent. Now, the House has the opportunity to take up S. 2513, the DNA Sexual Assault Justice Act. We could have put this bipartisan bill into the conference report, but we didn't.

The Senate bill included \$500,000 for a study, but it didn't stop there. The Senate bill also includes \$15 million a year for DNA testing for convicted felons, \$75 million a year to test rape kits, and \$150 million over five years to train nurses how to better collect evidence. That is a lot better and would make much more of an impact than an unfunded study.

Now, some may say, we just didn't have time to address this problem. Well, I introduced a bill to solve this problem back in March of this year. It has never had a hearing. It has never been considered by the Judiciary Committee. It has been ignored, just like all the untested rape kits across America. So, we had plenty of time to address this issue, the Republican leadership simply chose not to.

This is a serious effort to combat crime, locate and apprehend rapists, and use powerful evidence to put them behind bars. We all know that DNA evidence is essential to solving crimes. It can lead to punishment of the guilty and the freeing of the innocent. The Department of Justice released a statement yesterday that mentioned the "unprecedented success in linking serial violent crimes by registering more than 80 matches against the FBI's National DNA Index System (NDIS) last month." The Department also states that "two of these matches resulted in the arrest in Pennsylvania of the perpetrator of two rapes." The DOJ reports that the DNA evidence solved 24 previously unsolved cases, and that nine matches involved connecting together previously unrelated crime scenes.

We must commit the necessary resources now to empower law enforcement to analyze all of the DNA evidence they collect, so that they can solve cases and bring justice to American families.

We already have a non-controversial bill that we could make law very quickly (we could even do it today), and it would be an immediate benefit to people all across America, especially victims of rape and sexual assault.

It is time for Congress to lend a hand to our law enforcement officers and provide them with the funds needed to solve these crimes and put rapists behind bars.

Since some Members were unwilling to include the Senate rape kit bill in this authorization bill, I now urge the leadership to bring the Senate bill up for a vote as soon as possible. I have a letter here signed by more than a dozen Members of Congress urging Majority

Leader ARMEY to take up the Senate bill, and I ask unanimous consent that this letter be included as part of the RECORD. I also ask unanimous consent to include the Statement by the U.S. Department of Justice that I mentioned earlier.

STATEMENT OF U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

The FBI Laboratory today lauded state and local laboratories unprecedented success in linking serial violent crimes by registering more than 80 matches against the FBI's National DNA Index System (NDIS) last month. Additionally, the FBI's federal convicted offender program recorded its first NDIS match during the final week in August. The federal match was between the federal convicted offender database and a DNA profile from a case involving a sexual assault of a juvenile in Tampa, Florida contributed by the Florida Department of Law Enforcement. Two weeks later, as a result of this match, an arrest was made in this case.

The final week of August was one of the most successful weeks ever in the four years that NDIS has been operational. During that week, 33 matches were made, 17 by Oklahoma in that state's upload of DNA profiles into NDIS. To illustrate the power and reach of NDIS, Oklahoma's DNA matches were made with cases in the FBI Laboratory, Kansas, Colorado, Missouri, Texas, California, Arizona, and Maine. Examples of other matches included the FBI Laboratory matching a profile from New York; and Virginia posting matches with Washington state and Oregon.

Of the 33 matches made in the last week of August, 24 matched convicted offender DNA profiles already contained in the national database with DNA profiles from unknown individuals obtained at crime scenes or from rape kits, thus solving these previously unsolved cases. Two of these matches resulted in the arrest in Pennsylvania of the perpetrator of two rapes. The other nine matches involved connecting together previously unrelated crime scenes.

The FBI implemented NDIS in October, 1998 to allow state laboratories the ability to electronically compare and exchange DNA profiles with one another in an effort to link serial violent offenses. Today 44 states, the FBI and U.S. Army Lab participate in the NDIS program NDIS contains nearly 1.4 million offender DNA samples and 47,000 DNA profiles developed from crime scenes and rape kills. In the four years of NDIS, there have been approximately 5,000 DNA profile matches across 36 states and the District of Columbia. In December, 2000 legislation was passed which authorized collection and inclusion of DNA samples of certain federal offenders into NDIS. Full implementation of the federal convicted offender program began in July, 2002. In only the second upload of federal data, the first federal match was made.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 26, 2002.

Hon. DICK ARMEY,
Majority Leader, House of Representatives, the
Capitol, Washington, DC.

DEAR LEADER ARMEY: We are writing to urge you to bring up the Senate passed bill, S. 2513, the DNA Sexual Assault Justice Act, without delay.

This bill passed the Senate by unanimous consent on September 12th. Similar legislation has been introduced in the House and has gathered the support of a substantial number of supporters. We believe this bill could be passed into law quickly and would be an immediate benefit to people all across America, especially victims of rape and sexual assault.

ABC's 20/20 reports that hundreds of thousands of rape kits sit unprocessed in police storage units across the country. There could be anywhere from 150,000 to 500,000 kits that remain untested. That means that DNA evidence from rape kits is going untested and crimes are going unsolved. This is totally unacceptable. It is time for Congress to lend a hand to our law enforcement officers and provide them with the funds needed to solve these crimes and to put rapists behind bars.

This is a serious effort to combat crime, locate and apprehend rapists, and use powerful evidence to put them behind bars. We all know that DNA evidence is essential to solving crimes. It can lead to punishment of the guilty and the freeing of the innocent. We must commit the necessary resources now to empower law enforcement to analyze all of the DNA evidence they collect, so that they can solve cases and bring justice to American families.

As the number of bills on this issue as well as the number of supporters indicate, there is strong public interest in this issue. We hope that you will schedule S. 2513 for House floor consideration as soon as possible.

Sincerely,

Jerrold Nadler, John Conyers, Jr., Bernard Sanders, Gary Ackerman, Rod Blagojevich, Danny Davis, Carolyn Maloney, Robert Andrews, Lane Evans, Rush Holt, Corrine Brown, Maurice Hinchey, Tammy Baldwin, Brad Carson, James Langevin, Sam Farr, Juanita Millender-McDonald, Ron Kind, Eleanor Holmes Norton, Julia Carson.

Mr. TERRY. Mr. Speaker, this Conference Report does not include a permanent Judgeship for the State of Nebraska. Since 1998 Nebraska has exceeded the weighted standard of 430 filings per judge, and in 2001, that number grew to 482 filings. Without this permanent Judgeship, over the next year filings are expected to rise to over 600 per Judge. Currently, the caseload in Nebraska is the 9th heaviest in the Nation, and is only expected to increase. Nebraska has a higher drug prosecution rate than any other federal court in the 7th and 8th circuit; 65 percent of our drug cases are methamphetamine prosecutions, compared to a national average of 14.5 percent. The continued absence of this Judgeship hurts the citizens of Nebraska and brings an already over-worked court system to near standstill.

This permanent Judgeship was included in the House-passed Department of Justice Authorization bill, and I would like to thank Chairman SENSENBRENNER and Ranking Member CONYERS for their assistance in this effort. However, I learned last night that the Nebraska's permanent judgeship designation had been stripped from the conference report. I have no idea why this language was stripped out, and it upsets me that I've been unable to obtain a definitive answer. I'm left to believe that this designation was eliminated due to political concerns, and it was not a decision based upon merit or need.

Nebraska has had a temporary Judgeship since 1990 and will expire in November 2003. What occurred in conference is unfair to the State of Nebraska, and will negatively impact an already strained court system.

NEBRASKA TEMPORARY/PERMANENT
JUDGESHIP ISSUE, APRIL 8, 2002

(Currently three permanent and one temporary judgeship)

1. Need for permanent judgeship in Nebraska is critical:

A. Temporary judgeship created in 1990.

B. Expires first judge to leave after November 20, 2003.

C. Based on 430 weighted standard, Nebraska eligible for even a fifth judge, but not asking for that.

D. Since 1998, District of Nebraska exceeded 430 weighted filing per judge.

E. 2001—weighted case load was 482 per judge, with a 95 percent confidence level of 525–440 cases.

F. 2001 busiest year in last 6 years with 1500 new filings and 1242 pending cases.

G. Weighted filings in 2001—482, highest in last six years, compared to 377 in 1996.

H. Without this judgeship, weighted filings expected to exceed 600 per judge.

2. Criminal filings very heavy:

A. Very heavy for last 12 years and continues to increase.

B. 17th heaviest in nation in 1998, 12th in nation in 1999, and 9th in nation in 2001 (ranks 9th out of 94 districts).

C. Caseload per judge is double that of 1996: 118 per judge vs. 58 per judge.

D. Average caseload is 50 percent greater in criminal cases than average federal judge.

E. Heavier criminal case load than judges in New York City, Chicago, or Los Angeles.

F. Highest drug prosecutions than any other federal court in the 7th and 8th Circuits.

G. Nebraska's drug docket is 66 percent, while national average is less than 40 percent.

H. 64 percent of drug cases is methamphetamine, compared to national average of 14.5 percent.

I. Nebraska ranked 2nd in the number of high level drug trafficking defendants indicated and convicted in the Central Region (includes 12 states).

J. Criminal caseload is expanding; crack cocaine defendants doubled over last year, and meth defendants increased 88 percent.

3. Senior judges:

A. Two senior judges, and each carry about 100 cases.

B. Will not be able to continue to carry a caseload that heavy.

C. Both judges are over 75, and one has indicated he wishes to cut his caseload by 50 percent in 2002.

D. No additional help from senior judges available.

E. Note that one active judge has serious cancer, but no senior judges available in future to help with that caseload.

4. Magistrate judges:

A. Three magistrate judges, two in Omaha and one in Lincoln.

B. All three are fully utilized in criminal cases, preliminary civil dispositions, ADR management, and consent trials.

5. Visiting Judges:

A. Forced to request assistance of visiting judges in 2001 to handle the heavy volume of criminal/civil cases.

B. Will not address severe problem.

6. Current legislation:

A. H.R. 2215 does not include a recommendation that Nebraska temporary judgeship be converted into a permanent one, although recommendations for other states (Central District of Illinois, Southern District of Illinois, and Northern District of Ohio) are addressed.

B. Nebraska must be included in that legislation.

Mr. BEREUTER. Mr. Speaker, today the House is considering the conference report on H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act which includes provisions that make several existing temporary Federal judgeships permanent. Unfortunately, Nebraska was not included on the list.

This Member greatly appreciates the attempts by the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER) to make this critically important improvement for the people of Nebraska. Despite the gentleman's best efforts, the conferees from the other body would not agree to include Nebraska on this list. As such, this Member is very concerned and disappointed that the Nebraska judgeship was not included in the final conference report.

The Nebraska temporary judgeship was created in 1990, and will expire with the first vacancy after November 2003. The caseload for the Federal District Court in Nebraska has steadily increased since that time, rising well above the Judicial Conference weighted standard of 430. In fact, in 2001, there were 1500 new filings and 1242 pending cases, with a weighted filing of 482. Without this judgeship, the weighted filings are expected to exceed 600 per judge. In addition, Nebraska currently has two District Court judges who have taken senior status and are expected to retire in the near future, further increasing the caseload on Nebraska judges.

Mr. Speaker, clearly, this is an important issue to this Member and to the state of Nebraska. It is impossible for this Member to understand the reason this important change was not included in this conference report. The opportunity was available and yet inexplicably not taken by the conferees from the other body. However, because of the many important provisions in this bill, this Member will vote "aye" even while expressing his extraordinary disappointment and regret that the permanent Nebraska judgeship was not included in the conference report. If there was a problem on another issue or judgeship in the House offer, Nebraskans did not deserve to lose this opportunity for the much-needed permanent judgeship designation.

Mr. GALLEGLY. Mr. Speaker, today, along with my fellow conferees, I'm pleased to deliver a comprehensive conference report and ask for other members' support. We have worked diligently to address a wide variety of issues. From crime prevention programs, to drug education and treatment, a fix in the H1-B visa system and the inclusion of the Judicial Improvements Act, this conference report is a complete package. I'd like to take the opportunity to highlight these provisions and thank several individuals who made the inclusion in this conference report possible.

First, the conference report includes a provision that permits consumers who visit wineries to ship a limited quantity of wine back to their homes. This language is needed because post-September 11, as the Federal Aviation Administration and Congress supported strong airline security measures, it became difficult, if not impossible, to carry-on bottles of wine after a visit to a winery. This provision is not only pro-consumer, but it is also very important to California's \$12 billion wine industry. I would like to thank Chairman SENSENBRENNER for his support on this provision.

In addition to the direct shipment of wine, we are also including legislative language that will allow motor vehicle dealers, who sign franchise contracts with manufacturers, to have the opportunity to either accept or reject mandatory binding arbitration after a legal dispute arises. Currently, the mandatory arbitration requirements are either "take it or leave it" provisions in the contracts, forcing auto dealers to

waive important legal safeguards. I would personally like to thank Chairman SENSENBRENNER and Congressman GEKAS for their support on this issue.

Finally, I am very pleased that this conference report includes five additional federal judgeships for the Southern District of California, as well as one temporary judgeship for the Central District of California. The numbers speak for themselves; the Southern California District is the most overwhelmed in the country and greatly needs these additional judgeships. In the year 2000, the weighted caseload for the Southern District of California was 978 cases per judge. That was more than double the national average of 430. Most alarming is the number of felony cases, which tripled between 1994 and 1999 without additional judgeships. These additional judgeships will ensure that the very integrity of our judicial process will be protected. For that, I'd like to thank all of the conferees for their support.

Mr. CONYERS. Mr. Speaker, we all know by now that this is an historic moment—Congress has not reauthorized the Department of Justice in over 20 years; instead, we have left the responsibility to the appropriators to decide which Department programs should be authorized and their maximum funding level.

This conference report, arrived at after months of bipartisan, bicameral negotiations, expresses the views of the authorizing committees about how these programs should operate. I'd like to thank Conference and Senate Judiciary Chairman LEAH, House Judiciary Chairman SENSENBRENNER, and Senate Judiciary Ranking Member HATCH for working with us on this legislation.

Aside from the authorizing language and technical corrections to the antitrust, criminal, and intellectual property laws, important compromises were reached between the House and Senate on other non-controversial provisions so they could be included in this report. Included are:

A provision supported by Representative MARY BONO and myself to ensure that parties to motor vehicle franchise contracts cannot be subject to mandatory arbitration without their consent;

A provision supported by Representative TAMMY BALDWIN, Representative LOUISE SLAUGHTER, and myself to establish an independent Violence Against Women Office within the Department of Justice. This provision raises the profile of the Office by having its Director report directly to the Attorney General instead of through other subordinates. This demonstrates our commitment to rooting out, deterring, and preventing violence against women;

A provision that expands vocational and remedial opportunities to smooth the reentry of inmates post-incarceration;

A provision offered by Representative BARNEY FRANK that allows grandparents to apply for citizenship for a child in the event that the parents are deceased;

A provision offered by Representative ADAM SCHIFF to create a fund that disburses Federal grants for states and localities to construct memorials to officers killed or disabled while protecting the public;

A provision drafted by Representative LAMAR SMITH and Representative BOBBY SCOTT that authorizes grants for states and local governments to improve their juvenile justice programs; and

The Madrid Protocol Implementation Act, which will allow one-stop shopping for international trademark registration. This bill has passed the House on several occasions and finally will be enacted into law.

At the same time, the Republicans were not able to accept a permanent extension of chapter 12 (family farmer bankruptcy) or higher compensation for workers who are laid-off as a result of a corporate bankruptcy. I hope we can address these issues before adjourning this session.

I urge my colleagues to vote "yes" on this conference report.

Mr. OSBORNE. Mr. Speaker, today the House is considering the conference report for H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act. While this conference report authorizes appropriations for the Justice Department, it also establishes federal judgeships. Despite the efforts of Chairman SENSENBRENNER, this legislation fails to make permanent Nebraska's temporary judgeship, which is set to expire November 20, 2003.

Caseloads for U.S. district judges in Nebraska have climbed steadily largely because of an increasing number of criminal cases, particularly those related to drug trafficking. In fact, criminal cases have more than doubled since 1995. Like many other states in the Midwest, Nebraska has been plagued in recent years by an influx of methamphetamine (meth), and criminal cases involving meth represent 66 percent of Nebraska's drug docket, compared to the national average of 14.5 percent.

The influx of meth in Nebraska will continue to cause the criminal caseload to increase. In the last year alone, the number of meth defendants increased by 88 percent. Interstate 80, which runs the length of the state of Nebraska, is one of the primary transit routes used for drug trafficking across the central United States. This has contributed to Nebraska being ranked second in the number of high-level drug trafficking defendants indicted and convicted in the Central Region, which includes 12 states.

This substantial increase in Nebraska's criminal trials leaves Nebraska's federal judges with extremely heavy caseloads. In fact, Nebraska's judges carry a heavier criminal caseload than judges in New York City, Chicago, and Los Angeles. This fourth judgeship is critically important to Nebraska, and without it, criminal cases will move more slowly and handling civil cases will become increasingly burdensome.

Mr. Speaker, while I am grateful for the efforts of Chairman SENSENBRENNER on this issue, I am very disappointed this conference report does not address Nebraska's serious need for a permanent judgeship. Without this fourth judgeship, Nebraska's criminal justice system will be in real trouble.

Mr. ISSA. Mr. Speaker, I rise in support of the Conference Report for H.R. 2215, "The 21st Century Department of Justice Appropriations Authorization Act." I thank Chairman JAMES SENSENBRENNER, the House and Senate Conferees and the Judiciary Committee staff for their leadership on this bill.

Within this Conference Report, in section 312, the Southern District of California will receive five judgeships. This authorization will bring immense relief to this district. As you may know, Southern California has the dubi-

ous distinction of having the highest judge to caseload ratio in the nation. I have met with four of the sitting judges in this district and have seen first hand the problems they face on a daily basis. In 1998, the Southern District, which has 8 judgeships, had a weighted caseload of 1,006 cases per judge, annually.

I want to give you a comparison of the caseload to judges from different regions of the United States to show you how overloaded the judges in the Southern District of California are:

New York has 28 judgeships and each one handles 468 cases annually, LA has 27 judgeships/481 caseload, Chicago—22 judgeships/381 caseload, Houston—18 judgeships/588 caseload, Philadelphia—22 judgeship/381 caseload.

Congress has not authorized any new judgeships for the Southern District since 1990, and with this district being a border corridor, I do not expect the level of criminal activity to diminish in the near future. Passing this bill is necessary to ease the burden on the sitting judges of the Southern District.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the conference report.

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

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 400, nays 4, not voting 28, as follows:

[Roll No. 422]

YEAS—400

Abercrombie	Bono	Combest
Ackerman	Boozman	Cooksey
Aderholt	Borski	Costello
Akin	Boswell	Cox
Allen	Boucher	Coyne
Andrews	Boyd	Cramer
Armey	Brady (PA)	Crane
Baca	Brady (TX)	Crenshaw
Baird	Brown (FL)	Crowley
Baker	Brown (OH)	Cubin
Baldacci	Brown (SC)	Culberson
Baldwin	Bryant	Cummings
Ballenger	Burr	Cunningham
Barr	Burton	Davis (CA)
Barrett	Buyer	Davis (FL)
Bartlett	Camp	Davis (IL)
Barton	Cannon	Davis, Jo Ann
Bass	Cantor	Davis, Tom
Becerra	Capito	Deal
Bentsen	Capps	DeFazio
Bereuter	Capuano	DeGette
Berkley	Cardin	Delahunt
Berman	Carson (IN)	DeLauro
Berry	Carson (OK)	DeLay
Biggert	Castle	DeMint
Bilirakis	Chabot	Deutsch
Bishop	Chambliss	Diaz-Balart
Blagojevich	Clay	Dicks
Blunt	Clement	Dingell
Boehrlert	Clyburn	Doggett
Boehner	Coble	Doolittle
Bonilla	Collins	Doyle

Dreier	Kingston	Quinn	Whitfield	Wilson (SC)	Wu
Dunn	Kirk	Radanovich	Wicker	Wolf	Wynn
Edwards	Kleczka	Rahall	Wilson (NM)	Woolsey	Young (FL)
Ehlers	Knollenberg	Ramstad			
Emerson	Kolbe	Rangel		NAYS—4	
Engel	Kucinich	Regula	Duncan	Kerns	
English	LaFalce	Rehberg	Flake	Paul	
Eshoo	LaHood	Reyes			
Etheridge	Lampson	Reynolds		NOT VOTING—28	
Evans	Langevin	Riley	Bachus	Ehrlich	Shadegg
Everett	Lantos	Rivers	Barcia	Gilchrest	Simpson
Farr	Larsen (WA)	Rodriguez	Blumenauer	Israel	Smith (MI)
Fattah	Larson (CT)	Roemer	Bonior	Maloney (NY)	Stump
Ferguson	Latham	Rogers (KY)	Callahan	McDermott	Thompson (CA)
Filner	LaTourette	Rogers (MI)	Calvert	McKinney	Thurman
Fletcher	Leach	Rohrabacher	Clayton	Meek (FL)	Waxman
Foley	Lee	Ross	Condit	Mink	Young (AK)
Forbes	Levin	Rothman	Conyers	Ros-Lehtinen	
Ford	Lewis (CA)	Roybal-Allard	Dooley	Roukema	
Fossella	Lewis (GA)	Royce			
Frank	Lewis (KY)	Rush			
Frelinghuysen	Linder	Ryan (WI)			
Frost	Lipinski	Ryun (KS)			
Galleghy	LoBiondo	Sabo			
Ganske	Lofgren	Sanchez			
Gekas	Lowey	Sanders			
Gephardt	Lucas (KY)	Sandlin			
Gibbons	Lucas (OK)	Sawyer			
Gillmor	Luther	Saxton			
Gilman	Lynch	Schaffer			
Gonzalez	Maloney (CT)	Schakowsky			
Goode	Manzullo	Schiff			
Goodlatte	Markey	Schrook			
Gordon	Mascara	Scott			
Goss	Matheson	Sensenbrenner			
Graham	Matsui	Serrano			
Granger	McCarthy (MO)	Sessions			
Graves	McCarthy (NY)	Shaw			
Green (TX)	McCollum	Shays			
Green (WI)	McCrery	Sherman			
Greenwood	McGovern	Sherwood			
Grucci	McHugh	Shimkus			
Gutierrez	McInnis	Shows			
Gutknecht	McIntyre	Shuster			
Hall (TX)	McKeon	Simmons			
Hansen	McNulty	Skeen			
Harman	Meehan	Skelton			
Hart	Meeks (NY)	Slaughter			
Hastings (FL)	Menendez	Smith (NJ)			
Hastings (WA)	Mica	Smith (TX)			
Hayes	Millender-	Smith (WA)			
Hayworth	McDonald	Snyder			
Hefley	Miller, Dan	Solis			
Herger	Miller, Gary	Souder			
Hill	Miller, George	Spratt			
Hilleary	Miller, Jeff	Stark			
Hilliard	Mollohan	Stearns			
Hinchey	Moore	Stenholm			
Hinojosa	Moran (KS)	Strickland			
Hobson	Moran (VA)	Stupak			
Hoeffel	Morella	Sullivan			
Hoekstra	Murtha	Sununu			
Holden	Myrick	Sweeney			
Holt	Nadler	Tancred			
Honda	Napolitano	Tanner			
Hooley	Neal	Tauscher			
Horn	Nethercutt	Tauzin			
Hostettler	Ney	Taylor (MS)			
Houghton	Northup	Taylor (NC)			
Hoyer	Norwood	Terry			
Hulshof	Nussle	Thomas			
Hunter	Oberstar	Thompson (MS)			
Hyde	Obey	Thornberry			
Inslee	Olver	Thune			
Isakson	Ortiz	Tiahrt			
Issa	Osborne	Tiberi			
Istook	Ose	Tierney			
Jackson (IL)	Otter	Toomey			
Jackson-Lee	Owens	Towns			
(TX)	Oxley	Turner			
Jefferson	Pallone	Udall (CO)			
Jenkins	Pascarell	Udall (NM)			
John	Pastor	Upton			
Johnson (CT)	Payne	Velazquez			
Johnson (IL)	Pelosi	Visclosky			
Johnson, E. B.	Pence	Vitter			
Johnson, Sam	Peterson (MN)	Walden			
Jones (NC)	Peterson (PA)	Walsh			
Jones (OH)	Petri	Wamp			
Kanjorski	Phelps	Waters			
Kaptur	Pickering	Watkins (OK)			
Keller	Pitts	Watson (CA)			
Kelly	Platts	Watt (NC)			
Kennedy (MN)	Pombo	Watts (OK)			
Kennedy (RI)	Pomeroy	Weiner			
Kildee	Portman	Weldon (FL)			
Kilpatrick	Price (NC)	Weldon (PA)			
Kind (WI)	Pryce (OH)	Weller			
King (NY)	Putnam	Wexler			

ferred to as "a rate not to exceed the current rate" for fiscal year 2002. Is it the gentleman's understanding that this would effectively carry forward appropriations from last year's supplementals that were designated as emergencies?

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

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

Mr. YOUNG of Florida. The gentleman is correct. The bill carries forward all amounts that were appropriated in fiscal year 2002, including amounts that were designated as an emergency. However, as in all previous continuing resolutions, the Office of Management and Budget has the flexibility under this CR to not extend funding for one-time items.

Mr. NUSSLE. Will the very distinguished gentleman work with me on the next continuing resolution that we understand will be necessary to ensure that one-time, nonrecurring emergency designated expenditures are not included in the base used to calculate the current rate of operations?

Mr. YOUNG of Florida. If the gentleman will yield further, it is not my intention that any true one-time nonrecurring expenditures from last year's supplementals be included in the base of any continuing resolution. It is my understanding that under any short-term CR, the Office of Management and Budget can avoid funding one-time items.

Mr. NUSSLE. This short-term CR would, if it were to last for an entire year, provide, according to the Congressional Budget Office, \$744.3 billion in budget authority which in fact would not exceed the appropriate level in the budget resolution because defense is assumed to continue at last year's level. However, if it were annualized and the defense and military construction bills were enacted at even the House-passed levels, it would exceed the budget level by \$8.2 billion. Of course, that assumes that these emergencies would continue. Will the gentleman assure the House and work with me in assuring the House that any further future continuing resolutions will come in under, on an annualized basis, the \$749 billion in new budget authority assuming the enactment of the defense and MILCON bills at the levels requested by the President?

Mr. YOUNG of Florida. If the gentleman will yield further, the gentleman's estimate is correct only if you assume that one-time spending continues. No one else has included such items in their estimates, including OMB. So it is my intent that any CR provide the most limited funding possible under a current rate. If the defense and military construction bills are enacted and the 11 remaining bills are funded at a current rate and OMB exercises its authority as it has in the past to not extend one-time funding, the total annualized funding under a CR would be below \$749 billion. I would

NOT VOTING—28

□ 1649

Mr. HASTINGS of Florida changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GILCHREST. Mr. Speaker, on rollcall No. 422 I was inadvertently detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ENGLISH. Mr. Speaker, on the morning of September 26, 2002, due to an official meeting at the White House, I was unable to place votes on three items:

If I had been present, I would have voted "yea" on H.R. 2215, "no" on the Journal, and "yea" on the motion to instruct conferees on H.R. 3295.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.J. RES. 111, CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 111) making continuing appropriations for the fiscal year 2003, and for other purposes; the joint resolution shall be considered as read for amendment; the joint resolution shall be debatable for 2 hours, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from California?

Mr. NUSSLE. Mr. Speaker, I reserve the right to object so that I may enter into a colloquy with the very distinguished chairman of the Committee on Appropriations.

The resolution that we have before us that the very distinguished chairman of the Committee on Rules is bringing up under this unanimous-consent request is based on what might be re-